

# Academic Freedom and Tenure: Bennington College<sup>1</sup>

## I. Introduction

Bennington College is a four-year liberal arts college in southwestern Vermont on 550 acres of land in a beautiful setting at the foot of the Green Mountains. Founded in 1932 as a women's college, Bennington became coeducational in 1970. It offers undergraduate studies leading to the bachelor of arts degree in the humanities (29 percent), sciences (6 percent), social sciences (16 percent), and visual and performing arts (49 percent)—the numbers in parentheses are the rough percentage of graduates in each area during 1990 to 1992—to an undergraduate student body that in 1993 had approximately 450 students. In addition, Bennington offers several master's and postbaccalaureate certificate programs that together enroll some 80 additional students. Its tuition and fees are among the highest of any college in the United States, and its budget is dependent to a substantial degree on tuition revenue and secondarily on annual giving by alumni and friends. Since its inception Bennington has been noted for its flexible and experiential approach to education, and students are given great flexibility in the design of their programs. Relations between faculty and students and among faculty are close, intensive, and informal.

Until recently Bennington had a part- and full-time faculty of about 65, who served without academic ranks. Newly appointed faculty members generally received two three-year contracts before being reviewed in the fifth year for the acquisition of "presumptive tenure" and a five-year appointment. Their conditions of employment are spelled out in exceptional detail (including a set of guidelines for salary increases as percentage amounts over increases in the cost of living) in a *Faculty Handbook*, which the faculty regard as a description of their contractual relationship with the college. Of particular relevance to this report is the concept of presumptive tenure set forth in Section 9.43 of the handbook, which is quoted in full later in the report.

<sup>1</sup> The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was then edited by the Association's staff and, as revised, with the concurrence of the investigating committee, was submitted to Committee A on Academic Freedom and Tenure. With the approval of Committee A, the report was subsequently sent to pertinent faculty members at Bennington College, to the administration of the college, to the chair of the board of trustees, and to other persons concerned in the report. In light of the responses received and with the editorial assistance of the Association's staff, this final report has been prepared for publication.

The college faculty and curriculum had been organized by divisions, of which the Division of Literature and Languages was the largest. Divisions had the autonomy and responsibility that are exercised by departments in many institutions.

The *Faculty Handbook* provided for full and active participation of the faculty in the governance of the college. Faculty control of appointments, reappointments, and curriculum had been the rule. The expectation of the faculty members had been that their determinations on virtually all academic matters would be given decisive weight by the administration and the board of trustees.

The college is governed by a self-perpetuating 34-member board of trustees (hereafter, the board), chaired by Mr. John Barr, an investment banker (and poet) who resides in New York City. Its Educational Policy Committee is chaired by Ms. Susan P. Borden, a long-time and influential member of the board. Prior to her appointment in 1987, the president of the college, Dr. Elizabeth Coleman, served as an administrative officer and faculty member at the New School for Social Research. The investigating committee has seen nothing to suggest that during the period covered by this report there was any lack of consensus and common purpose within the board, or between the president and the trustees.

The dean of faculty during the years 1992–94 was Ms. Susan Sgorbati, a member of the faculty since 1987. In July 1994, this deanship position was replaced by a dean of the college and was filled without prior notice or search by a physics teacher, Dr. Norman F. Derby. Ms. Sgorbati continues on the faculty as a teacher of dance.

## II. Events

In a cataclysmic upheaval in June and early July 1994, the board and/or president of Bennington College:

1. revealed that the board had "determined" in January 1994 that a condition of financial exigency existed and had to be addressed through changes in educational policy embodied by a significant reorganization of instructional resources and priorities;

2. announced that a Plan had been adopted by the board in April 1994, which the president had been instructed to implement;

3. sent notices to 27 faculty members, of whom roughly two-thirds had presumptive tenure, that their services were being terminated for one of three reasons: (a) their positions were being eliminated because the subjects they taught were being eliminated

in the reorganization; (b) they did not meet newly defined professional requirements defined in the Plan for positions in their subject at Bennington College; or (c) for those in the midst of normal reappointment procedures, their reappointments as recommended by the appropriate faculty committee were not approved by the president on substantive grounds. In the next weeks one of the presumptively tenured faculty members who initially had been judged not to have met the new professional standards and had been issued notice of termination was reinstated by the president after an appeal, and another faculty member whose position had been eliminated by the programmatic changes was placed in a different position. The other affected faculty members either have been released with a year's severance salary or are serving on terminal appointments as of this writing;

4. suspended all existing governance practices and procedures of the faculty;

5. announced a structural reorganization of the faculty, eliminating all divisions and designating a core faculty in place of a divisional structure;

6. eliminated presumptive tenure for all subsequent appointments; and

7. announced a series of new and replacement appointments to the faculty, at least some of which had been under negotiation before the termination letters had been sent.

These events were the culmination of a two-year period of extraordinary turmoil and tension on the campus and of increasingly evident hostility between, on one side, the board and the president, and large portions of the faculty—including most of those actively involved in faculty governance and most members of the Division of Literature and Languages—on the other. Events of this two-year period are the focus of this report and will be discussed in some detail below.

Several members of the Bennington faculty had sought the Association's advice and assistance between 1992 and 1994, but their numbers swelled after the notices of termination were issued in June 1994. On June 23, the AAUP staff wrote to President Coleman, conveying AAUP's concerns. The administration declined to provide a substantive response, whereupon the general secretary authorized an investigation. The undersigned investigating committee visited Bennington on October 31 and November 1.

The president and board declined the request made by the Association to designate persons with whom the investigating committee might meet to discuss questions it might have.<sup>2</sup> A personal request from the chair of the investigating committee to the president was likewise rejected. The committee did meet with fifteen members of the faculty, about half terminees and half retained,

including some who sought to explain and justify the actions taken by the board and the president. The committee regrets having to rely solely on these conversations and on documentary evidence for the board and administration positions on the many matters covered in this report. That documentary material is, however, extensive, and, despite the regrettable lack of cooperation from the administration, the committee believes that it has obtained sufficient information to assess the issues of concern and to make findings and reach conclusions.

### A. The Prehistory

The severe financial problems of Bennington College that have played a role in the recent events appear to have had their origins in two decisions made in the 1970s: first, the decision to open the college to male students and thus to increase Bennington's overall enrollment and size; and second, the decision to undertake major new construction of facilities using commercially borrowed funds. Additional operating expenses, particularly owing to the costs of debt financing in a period of high interest rates and rising energy costs, evidently outran tuition revenues and created operating deficits for which there were inadequate reserves. The college's endowment is very small in comparison to that of peer institutions, and efforts to increase it by a capital campaign have been hampered by the need to use funds contributed for that purpose to meet operating deficits.

In January 1975 the board appointed an *ad hoc* subcommittee called the Committee on Future Directions to address the emerging financial crisis. That committee's report, issued in November 1975, recommended changes that are similar to, though less sweeping than, those that the board mandated in 1994. For example, the report recommended abolishing presumptive tenure, discontinuing foreign language instruction, reorganizing the divisions, increasing the student-faculty ratio, and permanently eliminating twelve faculty positions.

The faculty's reaction to the 1975 report was concerted and hostile. Nearly unanimously, and led by members of the Division of Literature and Languages, the faculty expelled the board committee from a faculty meeting called to receive its report, rejected the recommendations, and voted no confidence in the president, Dr. Gail Thain Parker. After several contentious weeks, the faculty succeeded in having the committee's recommendations withdrawn. In due course, notwithstanding an affirmation of support by the board, President Parker submitted her resignation, and it was accepted. The faculty had won a striking victory and demonstrated its power and control. It has been suggested by some of the faculty members with whom the undersigned investigating com-

<sup>2</sup> Writing to the staff on October 17, counsel for the college responded to the decision to investigate as follows:

The American Association of University Professors possesses no authority to undertake an investigation of Bennington College and the College is under no obligation to take part in any such in-

vestigation. The College therefore declines to participate in any way in an investigation or in the preparation of any report by the AAUP, including but not limited to consulting with an investigative committee and reviewing or commenting upon (whether with respect to factual accuracy or otherwise) any draft report which may be provided to the College.

mittee spoke that from this date some influential members of the board became committed to challenging faculty power (and, as they saw it, arrogance). The hostility of the board toward the Division of Literature and Languages, too, is said to have its origins in the events of 1975.

Refinancing of the debt, higher enrollments, and rising tuition revenues, along with restraint in faculty and staff salary increases, seem to have temporarily alleviated the fiscal crisis, but by the mid-1980s a shortfall of tuition revenue and rising operating costs again led to the perception of an imminent budgetary crisis. The board appointed a committee that included faculty members and was chaired by the then-president, Dr. Michael Hooker. This committee was charged with eliminating eighteen of the roughly sixty-five full-time-equivalent faculty positions. The committee instead persuaded the faculty to agree to a series of salary freezes and other concessions that averted the need for the faculty reductions, at least for the short run.

Faculty salaries at Bennington College never have been especially high as judged by AAUP's annual survey on the economic status of the profession. But, as a result of the concessions made by the faculty during this period, the levels of faculty compensation at Bennington appear to have lagged not only behind the formula for salary increases outlined in the *Faculty Handbook*, but also behind cost-of-living increases and behind those of comparable colleges. By 1994 compensation levels were far below those at peer institutions. Many faculty members who have the opportunity to do so engage in remunerative extracurricular activities, in part to make up for the loss of faculty compensation, but also to meet the expectations of professional involvement that are held for them.<sup>3</sup>

Starting in the mid-1980s, the tenuous financial balance was upset by a downward trend in tuition revenue as the number of undergraduate students declined from 600, a level consistent with budgetary balance, to 500 by 1991-92, and to 485 by 1992-93. The decline in enrollment was exacerbated by the increasing amounts of financial aid needed to help students meet the high and rising tuition and fee requirements. For a tuition-dependent institution, the crisis had re-emerged, though it had never been far beneath the surface. When Elizabeth Coleman was appointed president in 1987, despite mounting budgetary pressures she made several additional appointments and sought new programs that might enhance enrollments. These, as well as an expansion of administrative appointments, appear to have added to the operating deficits.

<sup>3</sup> Such activities typically involve spending substantial amounts of time off campus and create a dilemma in the expectations of the board and administration, not only to have such activities, but also to encourage the faculty to be on campus full-time and available for student consultation. One distinguished writer of fiction told the investigating committee that he simply cannot afford to spend more than one term a year at Bennington if he is to have any time for his writing.

## B. The Events of 1992

In March 1992 President Coleman received a cautionary letter from the regional accrediting institution, the New England Association of Schools and Colleges (NEASC), expressing concern about the college's declining enrollment, its deficits, and its diversion of funds intended to build endowment to meet those deficits. In April 1992 the board asserted the need to reach a steady-state enrollment of 550 undergraduates—enrollment was 485 at the time—and to make a permanent reduction of eight full-time-equivalent faculty positions. It pledged capital campaign proceeds in substantial amounts (\$3.275 million) to be used over the next four or five years to facilitate a transition. To effect the faculty reduction, the board appointed a Steering Committee and issued a statement, dated April 7, 1992, which said in relevant part:

[T]he Board looks to recommendations as to the particulars through a process that involves maximum collaboration between the duly constituted bodies of the Faculty, the Academic Council, the Academic Deans, the Student Educational Policies Committee, and Administration....

The Board will act on Faculty Personnel Committee recommendations involving the renewal of contractual commitments subsequent to acting on recommendations concerning the particulars of the adjustment in faculty size.

The Steering Committee effected the required position cuts without terminating the services of any faculty members involuntarily. In a resolution adopted on June 13, 1992, the board expressed its "profound appreciation" to the Steering Committee and adopted the committee's recommendations. But, foreshadowing things to come, the board went on to say:

[A] number of complex issues emerged. What, for instance, is the meaning of the "presumptive" part of presumptive tenure? Equally important: Do members of the faculty have a common understanding about professional responsibilities inside and outside the classroom? What are the Board's oversight obligations with respect to the faculty's efforts to sustain and enhance the quality of Bennington's educational life?

Over the summer, the Board will be considering ways in which it will participate with the faculty in a deeper discussion of these issues, leading to more explicit understandings and expectations.

Although these questions aroused unease, they at least suggested consultation with the faculty. From this point on, however, the situation deteriorated rapidly. A student protest—called a strike—about the proposed reductions in faculty positions included occupation of the president's office. Some members of the faculty, particularly Ms. Maura Spiegel of the Literature and Languages Division, actively supported—some have suggested she actively encouraged—the student protest. As is usually the case in time of such protests, the campus was in a state of high agitation.

The board, just two weeks after its previous announcement, held a special meeting in New York City and engaged in what its chair, Mr. Barr, described as “a rare exercise of the board’s authority.” Expressing serious concerns about how the faculty governed and policed itself, the board:

1. asked the deans to review faculty appointment practices and responsibilities;
2. ordered a self-study by the Division of Literature and Languages, about which the board said it had “specific misgivings”;
3. questioned the quality of the faculty members recommended to the board for reappointment and wondered pointedly about the rigor and integrity of the faculty review process;
4. rejected two of the eleven recommendations for reappointment made to it by the college’s Faculty Personnel Committee (FPC)—all of which had been forwarded to the board with at least nominal positive recommendations from the president—on the substantive grounds that the faculty members involved did not meet threshold standards for reappointment. One of the two, Ms. Spiegel, had been reviewed and recommended by the FPC for appointment to a five-year term with presumptive tenure.

These actions, particularly the third and fourth, created a sense of outrage among the faculty and shattered whatever sense of cooperation and accommodation had seemed possible two weeks earlier. Mr. Neil Rappaport, a *de facto* leader of the faculty who had been corresponding civilly with Mr. Barr, now wrote him a long and angry letter questioning the board’s “ethical right and professional capacity to judge academic merit.” The promised participation of the board with the faculty in a “deeper discussion of the issues” was never to occur.

### C. Events from June 1992 to April 1994

On July 16, 1992, Dean Sgorbati wrote informally to the president and the board, noting an “environment of fear, confusion, and anger” on campus. This seems to be an accurate characterization of the mood of the next two years. It was clear that a confrontation was looming between the faculty and the board and president.

In the fall of 1992 the Literature and Languages Division submitted a report in response to the instruction from the board that the division prepare a self-study. A subcommittee of the board prepared a response for the whole board that sharply criticized the division’s report as being sloppy, self-serving, and arrogant.

In April 1993 the board announced that it was initiating a Symposium to generate ideas about the future of the college, and it invited participation by all constituencies. While the Symposium was to have an open-ended agenda, the board made it explicit that the process, while unequivocally inclusive, would not be consensual. The board asserted that it had, and intended to retain, the sole authority to determine policy.

In the fall of 1993 the Deans’ Study was issued; it made detailed recommendations about (among other issues) changes in appointment and related procedures. If adopted, the changes

would have retained most of the existing structures of faculty participation, but the changes would have substantially reduced the faculty’s role by increasing at every stage the amount of decanal and presidential participation. With respect to appointments, the recommendations would have diminished the faculty’s role as outlined in the *Faculty Handbook*. The faculty considered the report and adopted a resolution opposing it. The board received the report and the faculty’s resolution without, so far as the investigating committee is aware, responding to the faculty. The recommendations of the report would be rendered moot by the subsequent events.

Numerous Symposium meetings were held on and off campus, with faculty becoming increasingly cynical about the sessions. Attendance at the first meeting was about 200; by the third or fourth it had dropped to fifteen. The fifth was canceled for lack of interest. The view the investigating committee heard from several faculty members was that they came to see the whole Symposium process as pretextual; that the board had determined the directions it intended to follow independent of the Symposium but was seeking legitimacy by apparently wide consultation.

Also in the fall of 1993, the faculty, hoping to increase its participation in the board’s considerations of matters of central faculty concern, asked that the faculty be allowed to elect two members to the board. This proposal was promptly rejected by the board on the grounds that its membership was not constituency based.

In January 1994 the board “determined” that a state of financial exigency existed. By not sharing this determination with the faculty until June, the board effectively foreclosed discussion or debate as to whether such a determination was justified and about alternate ways of addressing the college’s genuine financial problems.

On March 29, 1994, responding perhaps to insistent faculty demands for some information in a rumor-rampant atmosphere, Mr. Barr wrote a memorandum to the faculty indicating “three kinds of directions [that] could benefit now from exploration and work by others.” They were, first, “several programmatic initiatives”; second, infrastructure priorities; and third, possible organizational changes “that the board is contemplating.”

Eleven days later, on April 9, the board adopted the *Bennington College Plan for Changes in Educational Policy and Reorganization of Instructional Resources and Priorities* (the Plan) and instructed President Coleman to implement it. Here, as with the determination of financial exigency, the board did not make its actions known until June, when the academic year had ended and after a number of events had occurred, including a NEASC accreditation visit and the registration of continuing students for fall-term courses.

In June 1994 the board published and widely distributed the Symposium report, which sought to provide the rationale behind the Plan and its implementation, revealed the trustees’ determination of financial exigency, and made public the Plan and the

board's instruction to the president to implement it, which she promptly did.

#### D. The Plan

To understand the actions that followed its publication, the Plan needs to be read in its entirety. The text follows, excepting only Part I, which is repetitious of matters already covered in this report.

### II. PREAMBLE

In order to re-establish the College on a viable financial footing consistent with meeting its educational responsibilities, the productivity of the College and its capacity to compete competitively in today's market must be transformed. The revenue stream of the College has declined precipitously because of an insufficient number of qualified applicants and a dramatic rise in the financial needs of those students who do enroll. If the College is to be fiscally viable, it must enroll a student body of approximately 600 students, which will require doubling its current applicant pool.

In order to increase productivity and attract applicants in these numbers, the College must pursue a plan that combines downsizing, alteration, redirection and enhancement of its programs. Downsizing alone will only make the College less competitive; it must add new programs as it reduces and transforms existing ones. In addition to attracting significantly larger numbers of students, this design must be sufficiently timely and compelling to generate philanthropic support (individual, corporate and foundation) adequate to carry it through the period of transition.

Time has shown that a continuous capacity for innovation is the lifeline of Bennington. Bennington has neither the marketplace benefits of ancient tradition (it is a very young institution in the genre of distinguished private liberal arts colleges) nor the market appeal of more vocationally defined institutions such as the community college. It is in fact precisely through its special blend of tradition and innovation that Bennington has provided a genuinely distinctive and distinguished education. If Bennington is to continue it must recover its capacity for the innovative and the distinctive; it is prudent to build that capacity into the structures that define it.

#### *The Size and Character of the Faculty*

The faculty will be reduced in overall size. There will be no academic divisions, in order to maximize the strength and importance of the faculty as a whole and to stress the necessity of collaboration across the entire spectrum rather than within sections of the faculty. With the exceptions indicated below, all of the disciplines currently offered at the College will continue to be available, with the addition of film/video and multimedia technology. Special emphasis will be given to those curricular ideas which provide an opportunity for

extending beyond the confines of the disciplines as currently constituted and which are most responsive to the educational needs of our students.

The diminished size of the faculty also increases the need that it be qualitatively distinctive and increases the importance of each individual member of the faculty. Faculty members will need to be practitioner-teachers of whatever discipline or craft they teach, whose work is addressed to a wider audience than their professional colleagues. Credentials absent practice will not suffice; and such practice must take place in a public arena beyond the confines of the College, where it is subject to the evaluation of peers other than immediate colleagues. These criteria will be applied immediately in circumstances where programmatic changes dictate. Otherwise, they will be applied at times of reviews for reappointment.

Presumptively tenured faculty not affected by faculty reductions will retain presumptive tenure, but the standards for future reviews will conform to the changes in educational policy set forth in this Plan. No new presumptive tenure contracts will be offered.

#### *Changes in Existing Programs*

In order simultaneously to increase the number of languages taught and decrease the cost of such instruction, all language instruction will take place in a regional context involving the collaboration of the elementary and high schools in the area, the College, the business community, and the adult learning community. There will no longer be any faculty positions in the College for the teaching of foreign languages and literatures as such.

College faculty appointments in music will be limited to active composers whose creative work is ongoing and whose work is being currently performed for the public at large. Composition will be at the center of the curriculum. There will no longer be any faculty positions for the teaching of instruments. In order to diminish costs, increase options, and provide a basis for greater curricular coherence, the study of instruments will use resources from the community at large in the form of lessons.

Literature has always been a field of particular importance to the success of Bennington College, and it must attract significantly larger numbers of capable students interested in both the reading and the writing of literature than is currently the case. If the College is to meet its enrollment needs, re-establishment of the College's distinction in this area is critical. The teaching of literature by faculty involved primarily in academic research and scholarship will be abandoned and replaced by teachers who are themselves active and published writers of fiction, nonfiction, poetry and drama addressed to the public at large beyond professional colleagues. This will allow Bennington to reclaim a unique position in the teaching of literature that it has gradually lost.

Few if any colleges in the country can offer students the opportunity to study both reading and writing with a faculty composed exclusively of published writers of the kinds of books they themselves will be studying.

The College will cease to offer the array of disciplines currently provided by the Division of Social Sciences in order to diminish costs and simultaneously to focus resources in ways that connect them more productively. Politics, economics, and sociology will be eliminated as separate disciplines and will be taught in the context of history, philosophy, anthropology, and psychology. Faculty, in addition to being active practitioners in their respective fields, will be expected to bring a breadth of perspective that connects their disciplines to diverse areas of human inquiry.

The relationship between the sciences and other areas of human inquiry will become a paramount issue. Bennington is particularly well positioned to exploit the rich educational potential of the sciences and of mathematics (and its special relation to technology) by breaking through the divides that have kept it so isolated from other intellectual enterprises. To do this, the teaching of mathematics will require particular attention, and faculty teaching mathematics will have a special interest in its pedagogy and be capable of teaching effectively at both the introductory and advanced levels.

Bennington has recently been selected as a flagship site for the New Multi-Media Program of a consortium of institutions. To strengthen the College's competitiveness, Bennington will develop an associated program that focuses on the making of film, video, and other multi-media work.

Dance faculty will be professionally active choreographers whose creative work is ongoing and whose work is currently being performed professionally.

The faculty position in art history will be eliminated, and the subject will be integrated throughout appropriate curricula. Architecture will be treated as a complex of disciplines with as many connections outside the visual arts as within them, and its relation to technology will be expanded.

Directing will remain a priority; playwriting will be given greater importance and deeper collaborations forged with faculty whose primary focus is the teaching of literature.

### III. FACULTY REDUCTIONS

Financial exigency and changes in educational policy require the following faculty reductions and consolidations to effect savings and efficiencies and to permit restructuring and enhancement of programs in order to increase competitiveness.

The faculty reduction decision is not equivalent to a termination or nonrenewal for cause and does not and should not reflect adversely on the faculty members whose positions must be eliminated.

The effective date of the elimination of all positions shall be

June 30, 1994. Faculty members whose positions are eliminated shall receive either one year's notice, or one year's pay and benefits in lieu of notice, as provided below in Section IV.

1. All positions for the teaching of foreign languages/literatures will be eliminated.
2. All faculty positions for the teaching of musical instruments will be eliminated.

All remaining music faculty will be professionally active composers whose creative work is ongoing and whose work is being professionally performed. The positions of all other music faculty will be eliminated.

3. There will be no teaching positions in politics, economics, or sociology. Currently presumptively tenured faculty in politics, economics, or sociology may apply for positions in history, philosophy, anthropology, or psychology.
4. All faculty teaching dance will be professionally active choreographers whose creative work is ongoing and whose work is being professionally performed. The positions of all other faculty teaching dance will be eliminated.
5. There will be no teaching position in art history.

All remaining visual arts faculty will be professionally active visual artists whose creative work is ongoing and whose work is being professionally exhibited or commissioned. The positions of all other visual arts faculty will be eliminated.

6. All literature faculty will be professionally active writers of fiction, nonfiction, poetry, or drama whose creative work is ongoing, whose work is published and reviewed, and whose work is addressed to the public at large beyond professional colleagues. The positions of all other literature faculty will be eliminated.

### IV. PROCEDURES

1. The President shall determine which faculty members' positions shall be eliminated pursuant to Section III.
2. Notices to those faculty members whose positions will be eliminated will be mailed prior to June 30, 1994.
3. (a) Each presumptively tenured faculty member whose position has been eliminated shall receive pay and benefits in lieu of notice for the period of July 1, 1994 to June 30, 1995.  
(b) Each non-presumptively tenured faculty member whose position has been eliminated shall receive one year's notice (a terminal appointment from July 1, 1994 to June 30, 1995).  
(c) A presumptively tenured faculty member whose position has been eliminated may request a terminal appointment from July 1, 1994 to June 30, 1995 instead of pay and benefits in lieu of notice for that

period. Such a request must be made by the affected faculty member to the President in writing within 15 calendar days of the date of the notice to the faculty member of the elimination of the position, or, if a request for review is filed pursuant to Section V below, within 15 calendar days of the date of the President's final decision after review by the Faculty Review Committee [FRC].

#### V. REVIEW PROCESS FOR FACULTY WHOSE POSITIONS ARE ELIMINATED

1. The President shall appoint a Faculty Review Committee [FRC] to hear requests for review as described below. The Committee shall consist of three members of the faculty whose positions are not affected by the faculty reductions.
2. A request for review of the elimination of a faculty member's position may be filed by the affected faculty member. The request must be in writing and must be received by the FRC within 15 calendar days of the date of the notice to the faculty member of the elimination of the position.
3. Review shall be limited to whether the criteria stated in Part III above were properly applied in the individual case. The existence of a state of financial exigency, and the change of educational policy under which the position will be eliminated, are not subject to review.
4. Within 21 calendar days of the filing of the request for review, the FRC shall hear the faculty member. All proceedings shall be informal and conducted with dispatch. The affected faculty member shall have the burden of producing evidence for review by the FRC. The FRC shall keep a record of its proceedings.
5. Within 14 calendar days of the proceeding, the FRC shall issue its written report to the President. The report shall state the FRC's findings on the reviewable issues raised by the faculty member. A copy of the report shall be transmitted to the faculty member.
6. Within 7 calendar days of the receipt of the written report of the FRC, the President shall review the FRC's report and make a final decision on the elimination of the position. There shall be no further review or appeal and no other body, board, or committee shall have jurisdiction in these cases.
7. Under no circumstances shall the dates specified in paragraphs 1-6 above be extended.

#### E. Faculty Termination Notices, June 1994, and New Appointments

The termination letters issued in mid-June 1994, to be effective June 30, 1994, were meticulously geared to the provisions of the Plan. In many cases the announced termination date would fall

before the expiration of the affected faculty member's current contract. Individual letters differed only as the Plan's provisions were differently applicable. Here is one, in its entirety (save for the name of the addressee), received by a long-time, presumptively tenured member of the music faculty:

June 17, 1994

Dear [First Name]:

I regret to inform you that, pursuant to the Bennington College Plan for Changes in Educational Policy and Reorganization of Instructional Resources and Priorities, adopted by the Board of Trustees, your position is being eliminated effective June 30, 1994. A copy of the Plan is enclosed.

Pursuant to the Plan, Section III. 2., all faculty positions for the teaching of musical instruments are being eliminated.

Section IV of the Plan provides that you will be entitled to pay and benefits in lieu of notice for the period July 1, 1994 to June 30, 1995. As an alternative to this provision, you may request a terminal teaching appointment for the same period. If you do wish to make such a request, you must direct it to me in writing within fifteen calendar days of the date of this letter, or, if you request a review of this decision as provided below, within fifteen calendar days of my final decision after review.

You are entitled to make a request for review of the decision to eliminate your position pursuant to the procedures set out in Section V of the Plan. Such a request must be made in writing and received by the Faculty Review Committee described in Section V within fifteen calendar days of the date of this letter. The request shall be filed with my office for forwarding to the Review Committee, and it will be deemed received by the Committee when it has been received in my office. Pursuant to the Plan, I will be appointing three members of the faculty to serve as the Faculty Review Committee. Please carefully consult Section V of the Plan for information concerning the scope of the review and the deadlines applicable to the review process.

As stated in the Plan, elimination of faculty positions is part of a reorganization of the College directed by the Board for reasons of financial exigency and changes in educational policy. As these are not terminations or nonrenewals for cause, they do not and should not reflect adversely on the faculty members whose positions are eliminated. Faculty members whose positions are eliminated are eligible to apply for any applicable open positions at the College.

The College wishes to offer its assistance to each faculty member whose position has been eliminated in making the transition to other employment. Accordingly, I have appointed a Transition Team made up of Dave Marcell, Trudy Carter, and Gale Haas Keraga to be available to individual faculty members upon request to discuss any assistance the College might be able to provide to faculty who are in the process of obtaining new employment. If you would like to

Speak with the transition team, please contact Dave Marcell at Extension 269.

Sincerely,  
Elizabeth Coleman  
President

Other members of the music faculty who were being released received similar letters, as did faculty members holding appointments in foreign languages, economics, politics, and art history—all areas where entire programs were being eliminated—with appropriate minor modifications to the second paragraph.

Faculty members in literature, dance, and visual arts received a different second paragraph—emphasizing newly defined performance criteria—of which the following is representative:

Pursuant to the Plan, Section III. 6., all literature faculty will be professionally active writers of fiction, nonfiction, poetry, or drama whose creative work is ongoing, whose work is published and reviewed, and whose work is addressed to the public at large beyond professional colleagues. Based upon my review of the materials that you have on file in the Office of the Dean of Faculty, I have determined that you are not a professionally active writer of fiction, poetry, drama, or nonfiction, whose work is ongoing, is published and reviewed, and is addressed to the public at large beyond professional colleagues. Accordingly, your position is being eliminated.

Finally, some faculty members received a different letter terminating their services. Here is the first paragraph of one to a presumptively tenured mathematics instructor with nearly three decades of full-time service at the college. The letter was dated June 27. (The second paragraph is not included since it discusses alleged shortcomings of the faculty member.):

I regret to inform you that I have decided not to recommend you to the Board of Trustees for a fifth five-year presumptive tenure appointment. Your appointment will, therefore, terminate as of June 30, 1995.

Most of those receiving termination letters sought to utilize the review (appeal) procedures specified in those letters. Since the review committee appointed by the president was permitted to consider only “whether the criteria stated in Part III [of the Plan] were properly applied in the individual case,” the appeals were brief and perfunctory in cases where positions were eliminated. In two cases, however, the review committee did recommend reinstatement, and in one, that of Neil Rappaport, the president did reinstate. In the other, the president did not.

The invitation to released faculty to apply for “any applicable

open position” seems to have been largely empty, since no open positions were announced or advertised, except in the case of a teacher of politics who was immediately reappointed in history.<sup>4</sup> Over the summer, by memorandum of July 14, 1994, President Coleman announced new appointments she had made to the faculty in literature. Language teachers who indicated to the president that they wished to be considered for the newly created position of language coordinator did not even have the opportunity to apply before learning that an appointment had been made from the outside. Some released music teachers were invited to apply for the opportunity to give music lessons with remuneration on an hourly basis.

In October 1994 an advertisement in *The Chronicle of Higher Education* invited applications for a new administrative position, Associate Dean of the College. The investigating committee does not know if any of the released faculty have been considered for this position; none were informed that the position was being created.

### III. Issues

#### A. Tenure at Bennington College

The 1940 *Statement of Principles on Academic Freedom and Tenure* calls for a maximum period of probation not to exceed seven years, with service beyond that period constituting continuous appointment or tenure, with requisite procedural safeguards against involuntary termination.

Until 1994 tenure at Bennington was governed by Section 9.43 of the *Faculty Handbook*, which provides as follows:

##### 9.43 Presumptive Tenure

When a faculty member is offered a first five-year presumptive tenure contract, or any subsequent five-year contract, the College thereby commits itself to offer another five-year contract at the termination of the one then being served unless it can be demonstrated by the College that the contribution to College life of the faculty member concerned has markedly deteriorated or that he/she has substantially failed to perform the terms of the contract, or unless financial exigency or a change in educational policy requires the elimination of that teaching position. A second or subsequent five-year contract will only be denied after an appropriate hearing has been held before the FPC (faculty personnel committee), at which hearing the faculty member concerned is given the opportunity to hear and challenge the arguments against reappointment.

Requiring a review every five years after the faculty member has achieved presumptive tenure status does not conform to the concept of tenure as provided under the 1940 *Statement of Principles*. Until 1992, however, presumptive tenure was *de facto* tenure at Bennington College. No presumptively tenured faculty member

<sup>4</sup> Several faculty members with whom the investigating committee talked believe the provisions of the Plan in III. 3. were in fact designed to cover this individual.

had ever been issued notice of termination or even recommended for termination of appointment following a five-year review, and neither faculty nor administration believed the five-year review was a serious threat to reappointment. Instead, they considered the process as providing an opportunity for constructive feedback to the faculty member. As far as the investigating committee is aware, every such five-year review led to a positive recommendation from the FPC to the president, was forwarded by the president with a positive recommendation to the trustees, and was accepted by them.

Reading Section 9.43 of the *Faculty Handbook* in light of the events of 1994 suggests how tenuous its protections were compared to those called for in the 1940 *Statement*, and how easily its provisions could be used to justify the termination of a presumptively tenured faculty member's appointment if the board should choose, unilaterally, to declare "financial exigency or a change in educational policy." But if these worries existed within the faculty prior to the 1993-94 academic year, the investigating committee is not aware of them, and there are instances where the word "tenure" is used in documents by members of the administration instead of the phrase "presumptive tenure."

Some faculty members believe the first challenge to the system of presumptive tenure at Bennington was the board's adverse action in the case of Maura Spiegel, in June 1992, since she had been recommended for a five-year presumptively tenured contract by the FPC and that recommendation had been forwarded with at least nominal support by the president to the board. While the action of the board in substituting its judgment for that of the faculty, and providing no faculty review, is troubling,<sup>5</sup> that action does not seem to have been a breach of tenure because tenure, "presumptive" or otherwise, had not previously been granted.

But the board's action, accompanied by its sharp criticism of the activities of the FPC, evidently sent a message to the committee and led it subsequently, in two cases, to recommend new contracts shorter than five years to faculty members with presumptive tenure, and in a third case to recommend nonretention. In one of the two cases involving recommendations for shorter contracts, the faculty member resigned rather than pursue an appeal. In the second case, upon review by the Faculty Personnel Review Committee (FPRC) and a rehearing, the FPC recommended a regular five-year renewal. In the third case, the FPRC found procedural flaws in the previous FPC termination hearing, and, upon rehearing, the FPC reversed its termination recommendation. The president, however, ultimately rejected the FPC recommendations and terminated the services of both long-time faculty members.

In June 1994 President Coleman, following the board's mandate as expressed in the Plan, terminated the services of fifteen presumptively tenured faculty members who were found wanting

in her assessment of their relative usefulness in the context of a newly defined institutional mission. Under the standards of the 1940 *Statement*, these faculty members were entitled to the safeguards of academic due process that accrue with tenure in any action to terminate their services involuntarily. These terminations occurred under the board's declaration of financial exigency and changes in educational policy that it announced at that time. Faculty members without presumptive tenure also were issued notices of termination in June 1994. Released faculty members with and without presumptive tenure were treated differently only in that the former were given the option of taking one year's salary as terminal pay in lieu of the one-year terminal appointment offered to those without the presumption of tenure. Not surprisingly, all but one of the affected faculty with presumptive tenure rejected the chance to teach at Bennington for a terminal year with no appreciable additional compensation.<sup>6</sup>

While retained faculty who had achieved presumptive tenure are nominally grandfathered in that status, it can hardly be regarded as meaningful after the events of 1994. The termination of appointments of presumptively tenured faculty and the concurrent announcement that no new presumptive tenure contracts would be offered compel the investigating committee's conclusion that tenure no longer exists at Bennington College either as it is understood in the profession or as it was understood at Bennington.

### **B. The *Bona Fides* of Financial Exigency as Justification for Terminating the Appointments of Presumptively Tenured Faculty**

That Bennington College was, and is, in a dire budgetary dilemma is beyond doubt, and the continuing fall in enrollment, now under 400, is ominous. Present tuition revenue does not come close to covering operating expenses. The investigating committee cannot, however, definitely determine whether this situation conforms to the standard promulgated in Regulation 4(c) of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*, of an "imminent financial crisis which threatens the survival of the institution as a whole and cannot be alleviated by less drastic means," since the board provided no documentation for its declaration. There are reasons to doubt that it does conform. First, the board and the administration in the same month when they announced the termination of the appointments of twenty-six existing faculty members, announced plans to establish new academic programs, to add administrative positions, to purchase new administrative computing equipment, and to appoint new and replacement faculty. Second, the college announced that it was prepared to direct \$10 million of funds

<sup>5</sup> See the section of the *Statement on Government of Colleges and Universities* dealing with the role of the governing board, and its admonition to the board to exercise "appropriate self-limitation."

<sup>6</sup> The one who chose to teach during his terminal year has stated that he did so in order that his students would be able to complete their courses of study on schedule. He has received the 5 percent salary increase that was awarded to all continuing faculty.

raised by the Capital Campaign "toward insuring the success of this transformation." These actions bespeak the existence of resources sufficient to have made necessary financial adjustments in a less precipitate and less extensive way. On the matter of positions themselves, the president subsequently indicated that the changes would amount to a net reduction of only ten faculty positions.

Because a simple declaration of financial exigency offers a convenient pretext for doing almost anything, the Association's recommended standard provides several safeguards in cases of terminations of faculty appointments proposed because of financial exigency, *none of which* seems to have been employed by the board. Among these are:

1. "As a first step there should be a faculty body which participates in the decision that a condition of financial exigency is imminent";
2. "That all feasible alternatives to termination of appointments have been pursued";
3. "That the responsibility of identifying individuals whose appointments are to be terminated should be committed to a person or group designated or approved by the faculty";
4. "The faculty member will have the right to a full hearing before a faculty committee.... The issues in this hearing may include:
  - (i) The existence and extent of financial exigency...
  - (ii) The validity of the educational judgments and the criteria for identification for termination"; and
5. "In all cases..., the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it."

The investigating committee does not regard the departures from these conditions as minor, but rather as comprehensive and intentional. Indeed, the committee finds it hard to avoid the conclusion that the board's declaration of financial exigency in January 1994, rather than providing the *necessity* for abrupt and massive faculty terminations, provided the *opportunity* for them. The declaration provided the umbrella for a massive purge of the faculty and for institution of a series of educational policy changes favored by the board. The exclusion of the faculty from any role in this determination, as well as of the new directions of the college, appears to have been adroit, intended to demonstrate that the faculty's role in educational policy and indeed in faculty composition had been abrogated.

The events of June 1994 were not, in the investigating committee's view, a measured response to an imminent financial crisis, but a coup. The exclusion of faculty involvement and participation occurred despite the faculty's urgent requests to be included. In the spring of 1994, before the determination of financial exigency or the existence of the Plan had been revealed

(but after they had been decided upon by the board), the faculty members asked to have a Crisis Steering Committee appointed to discuss problems and possible solutions. Their request was rejected. Members of the board, including Mr. Barr and Ms. Borden, met with members of the faculty on June 9 (*after* the relevant decisions had all been made, but before the decisions had been revealed), and answered faculty questions but, according to several participants in the meeting, made it unmistakably clear that faculty involvement in the decisions was neither needed nor welcomed.

### C. Role of the Faculty in Changes of Educational Policy and Associated Terminations

To the extent that terminations of faculty appointments at Bennington were justified by "educational considerations," they fall within the scope of Regulation 4(d) of the *Recommended Institutional Regulations* covering discontinuance of programs or departments not mandated by financial exigency. These provisions state, *inter alia*, that the faculty or an appropriate committee of the faculty should have the primary role in deciding to discontinue programs, and that the institution, before issuing notice to a faculty member of its intention to terminate an appointment, will make "every effort to place the [affected] faculty member in another suitable position."

Neither of these admonitions was followed by Bennington College when the board decided, wholly without faculty participation, to eliminate instruction in foreign languages and literatures, musical instruments, economics, politics, sociology, and art history. The wording of Section 9.43 of the *Faculty Handbook*, quoted above, apparently gave the board all the authority it felt it needed for these eliminations. The decisions, however, meet no reasonable tests of the kind acceptable in the profession. An examination of the Plan, and a consideration of the presumed educational justifications for making the selective judgments that the plan did about program eliminations, faculty strengths, etc., show immediately why these judgments should have been informed by the professional insight and experience of the faculty (rather than by laypersons sitting on the board of trustees). In addition, as used by the board of Bennington College, the mere assertion of a change in educational policy can provide the requisite rationale for the elimination of any faculty position at any time. This lack of any safeguard provides no protection against the board's use of such a declaration *ad hominem* by simply describing a faculty member's position with sufficient specificity to subject it to elimination.

Several of the terminations were based on a different, arguably more remote rationale: the redefinition of the required professional activities of faculty members in choreography, the visual arts, and literature, as specified in sections III. 4., III. 5., and III. 6. of the Plan. Evidently the expectations under which the faculty members had been appointed and subsequently promoted to the status of presumptive tenure no longer applied. Though it is not

for the investigating committee to address the legal question of whether an institution's unilateral change in the requirements for continued service provides a valid basis for termination, the committee considers such a change to be a violation of the concept of tenure as it is understood in the profession, and of presumptive tenure as it had existed at Bennington College.

#### **D. Selection of Particular Individuals for Termination of Appointments**

The investigating committee already has noted the absence of faculty participation and other safeguards in the determinations of financial exigency and changes in educational policy that are asserted as the basis for terminating the appointments of presumptively tenured members of the Bennington faculty. When those assertions have the effect of designating particular individuals for termination, they inevitably raise an additional question: To what extent was the whole structure of the Plan merely a device to purge from the faculty individuals who for one reason or another were *persona non grata* to the administration or the board?

All of the released faculty with whom the investigating committee spoke, and some of the retained faculty, stated that they believed that the basic distinction between the faculty designated for termination and those retained was opposition to or support of the president and the board. As one of them put it, "Liz Coleman demands and rewards loyalty." The faculty is small enough, with few in precisely comparable positions, that it is possible to construct a nominally abstract plan phrased in terms of principles of educational policy that has the effect of targeting specific individuals. Virtually all of those sent termination notices in June 1994 had opposed actions of the board or the president, or were members of the Division of Literature and Languages, itself long in bad repute with the board. Those serving as elected members of the committees that exercised the key elements of faculty governance were particularly hard hit. Four of the seven at-large faculty members on the Academic Council, including two of the three members of its Budget Committee; all four elected members of the FPC; and two of three members of the FPRC received termination notices. Among the retained faculty, only a very small number (the committee is aware of only one) had openly opposed the president.

Statistics of this kind never can be decisive, but they raise troubling questions. Moreover, the terminations had little relation to student enrollment levels. Faculty in the Division of Literature and Languages, which offered the most popular concentrations, experienced major losses, while those in the Science Division and the former Black Music Division, two of the areas with the smallest loads judged by student concentrations, were left unscathed.

Given all else, it is perhaps worth only passing notice that no attempt was made to adhere to the admonition of Regulation 4(c)(3) of the *Recommended Institutional Regulations* that except in extraordinary circumstances a person with tenure would be given preference in retention to one without. Presumptive tenure

and length of service appear to have had no role in the designation of faculty members for termination.

Competing hypotheses about how individuals came to be designated for termination of appointment might have been resolved by an open discussion with faculty members of the criteria and their application. Such a discussion never occurred. Instead, the board promulgated and published a Plan without faculty involvement or opportunity to comment—and without proffering any rationale for drawing the termination lines in the manner it did—and instructed the president to implement the Plan, which she did without consultation with any faculty group. The procedural safeguards against abuse were not afforded, nor were procedures for subsequent review of the decisions adequate to that purpose.

#### **E. Manner of Termination**

Neither financial exigency nor program discontinuance can account for the disrespectful, petty, indeed vindictive and inhumane, manner in which the terminations were announced and carried out. While these matters are less central to this report than other matters, they suggest something to the investigating committee about the intentions of the president and board. For example:

1. Four of the presumptively tenured faculty members who were issued notices of termination had at least twenty years of service at Bennington and were in their sixties or older. They might have been offered the opportunity to take early retirement in lieu of abrupt and immediate termination. The only one whom the investigating committee asked about this alternative indicated that he would have been more than receptive.

2. Individual termination decisions, including those based on inadequate professional activity, were made without updated resumes or complete faculty files.

3. The time interval between notification of termination and its effective date was fourteen days. Released faculty members were instructed to vacate their offices early in July. When they requested permission to retain offices until they could make other suitable arrangements, the deadline was extended to not later than July 22, a date that was described as nonnegotiable. Many had occupied those offices for more than twenty years.

4. Access to long-distance telephone service was blocked for at least some released faculty members before the effective date of their termination.

5. Faculty members were not notified about new faculty positions even when they specifically had requested such notification, nor was any discernible effort made to place the affected individuals in other suitable positions in the college.

6. A faculty member with a book in press reports having discovered from his publisher that a representative of the administration, without revealing her identity or institutional connection, and initially presumed by the publisher to be a potential purchaser, made repeated telephone calls to find out whether a book that the faculty member had said would be published in 1994 would in fact be available before December 31. When told that

the publication was slightly delayed by problems at the publishing house and would be out early in 1995, the administration claimed this as a misrepresentation on the part of the faculty member that contributed to the decision to terminate his appointment.

### F. Procedures for Review of the Terminations

The procedures provided in Part V of the Plan for review of a termination decision were utilized by most of those given notice of termination. (Some faculty members did not use them, saying in effect, "Why bother?") The reviews were, by Association standards, minimal and inadequate in crucial respects. First, and perhaps most crucial, the Plan, despite a faculty member's having been granted "presumptive tenure," shifts the burden of proof by its requirement that "the affected faculty member shall have the burden of producing evidence for review by the FRC." Second, the Faculty Review Committee was appointed by the president instead of being an elected faculty body. One of its three members was the newly appointed dean of the college. Third, the key issues of the *bona fides* of financial exigency and the decisions governing program discontinuance explicitly were excluded from what the committee could review. For those whose positions had been eliminated, there was nothing to review! For those who were deemed not to have met the newly defined professional standards, there was a basis for review, and in one case, that of Mr. Rappaport, the review led to his reinstatement. Even with respect to the limited jurisdiction of the review committee, its determinations were subject to review and final decision by the president, and she rejected one of the two positive recommendations it made.

Those presumptively tenured faculty members whose services were terminated by the president, after having been recommended for reappointment by the FPC, were likewise subject to termination without further review by any faculty committee. They were permitted the opportunity to ask for reconsideration by the president, but in none of these cases did she modify her negative initial determination.

These procedures fall far short of those provided in the *Recommended Institutional Regulations*. The position taken by the board is that all of the procedures utilized were fully in accord with the internal regulations of Bennington College, and that nothing more was required. The board rested its interpretation on the phrase in Section 9.43 that reads "or unless financial exigency or a change of educational policy requires the elimination of that teaching position." Under this interpretation the provision, rather than affording protection to faculty members who had served beyond their probationary years and been approved for presumptive tenure, is a license to do away with these individuals. It represents a departure not only from accepted standards of the profession with respect to academic due process, but also from the traditions of Bennington College prior to these events.

### G. Governance

Although in the spring of 1992 Mr. Barr had spoken of the

board's actions as "a rare exercise of the Board's authority," it is difficult in 1994 to find that description accurate.

The board's elimination of the divisional structure with which the faculty had managed both faculty appointments and curriculum, and the abrupt suspension of all practices and procedures of faculty governance, seem to the investigating committee to be wholly unrelated to changes mandated by financial exigency. They seem, rather, to be related to the changes in educational policy primarily by making it clear that faculty determinations with respect to educational matters are no longer to be invited or respected. They surely had the additional effect of preventing any coherent response by the faculty to the actions taken by the board and the president.

### H. Academic Freedom at Bennington College

The *Faculty Handbook* does not include a statement on academic freedom. A faculty committee that was charged with drafting a statement on the subject in 1993-94 did so, but its report was not brought to the faculty until the fall of 1994, after the events herein described. In a divided vote, the Core Faculty, as it is now designated, did not adopt the report because, according to one member, the Core Faculty could not agree on defining the terms of academic freedom "in a manner appropriate for the college."

At least until 1992, even without such a statement, members of the Bennington faculty showed no reluctance to express their views on virtually all matters, confident that their right to do so would be protected. The events of the years since 1992 have destroyed that perception for many of the faculty. The investigating committee asked all of the faculty members it interviewed, released and retained alike, for their assessment of the current state of academic freedom in the campus. A majority of each group seemed to agree on two points.

First, they agreed that opposition to the policies and activities of the board and the president played a significant, some said decisive, role in the identification of faculty members for termination. All of the released faculty believe this. Among retained faculty, even those who agreed with the administration that a stalemate between the faculty and administration had prevented real progress in addressing the financial and admissions crisis that Bennington faces, many expressed the belief that "troublemakers" were targeted as a way to break the stalemate. While the investigating committee cannot, of course, be certain, in the absence of persuasive evidence to the contrary it cannot reject the view that the terminations in number and in designation of who was to be terminated were not the mere consequence of the implementation of an even-handed plan, but rather were intended, and served, to remove from the faculty most of those who were critical of the administration and the board.

Second, most of the faculty members interviewed agreed that the present climate at Bennington is not now conducive to the faculty's expressing strong opinions critical of the Symposium, the Plan, the board, or the president. One retained faculty member stated to the investigating committee that he is convinced that a letter he wrote

protesting the termination of the appointment of one of his colleagues means that he will not be reappointed when his current contract expires, and he is already exploring alternatives.

The investigating committee does not know if these views are justified, but they are surely the common perception. While some of the retained faculty members approve of the programmatic changes that were made as essential to the survival of the college, even they have expressed concern about the low morale and oppressive climate created by the events of June 1994.

A different view of the threat to academic freedom is strongly held and articulated by one faculty member in politics whose services were terminated. In his view the board has articulated a new orthodoxy in its educational plan and has made acceptance of its view on these matters a condition of faculty service at Bennington. In this faculty member's view, the board's position immediately removes educational policy from the possible agenda of faculty and student discussion and debate and thus critically infringes academic freedom.

In any event, the investigating committee believes that the present climate at Bennington College is tense and fragile, that the retained faculty members recognize that they are beholden to the president, and that many of them feel insecure. This is not a climate conducive to academic freedom.

#### IV. Conclusion

Academic freedom is insecure and academic tenure is nonexistent today at Bennington College. Both seem to have flourished in the past but not to have survived the abrupt, excessive, inhumane, and profoundly procedurally flawed actions that culminated in the events of June 1994.

PETER O. STEINER (Economics and Law)  
University of Michigan, *Chair*

DIANE C. ZANNONI (Economics)  
Trinity College (Connecticut)

##### *Investigating Committee*

Committee A on Academic Freedom and Tenure has by vote authorized publication of this report in *Academe: Bulletin of the AAUP*.

ROBERT M. O'NEIL (Law), University of Virginia, *Chair*

*Members:* WILLIAM P. BERLINGHOFF (Mathematics), Colby College; MATTHEW W. FINKIN (Law), University of Illinois; ROBERT A. GORMAN (Law), University of Pennsylvania; MARY W. GRAY (Mathematics), American University; JEFFREY HALPERN (Anthropology), Rider University; THOMAS L. HASKELL (History), Rice University; BETSY LEVIN (Law), University of Baltimore; IRWIN H.

POLISHOOK (History), Herbert H. Lehman College, CUNY; LAWRENCE S. POSTON (English), University of Illinois at Chicago; JOAN WALLACH SCOTT (History), Institute for Advanced Study; MARY BURGAN (English), AAUP Washington Office, *ex officio*; JORDAN E. KURLAND (History and Russian), AAUP Washington Office, *ex officio*; JAMES E. PERLEY (Biology), College of Wooster, *ex officio*; BERTRAM H. DAVIS (English), Florida State University, *consultant*; JUDITH J. THOMSON (Philosophy), Massachusetts Institute of Technology, *consultant*; WALTER P. METZGER (History), Columbia University, *senior consultant*.\*

\*Did not participate in the vote.

#### Addendum

At its meeting in December 1994, during the annual convention of the Modern Language Association (MLA), the MLA's Delegate Assembly approved and submitted to the membership for ratification the following resolution:

Whereas on 17 June 1994 Bennington College dismissed two-thirds of the faculty of its Division of Literature and Languages, including seven out of the eight members with tenure;

Whereas the principle stated by the Bennington Board of Trustees for the dismissal of the literature professors—"The teaching of literature by faculty involved primarily in academic research and scholarship will be abandoned and replaced by teachers who are themselves active and published writers of fiction, nonfiction, poetry, and drama addressed to the public at large beyond professional colleagues"—is a serious assault on scholarship and an unacceptable arrogation by the Board of the power to define a field of academic study;

Whereas the abolition of all teaching positions in foreign languages and literature undermines liberal arts education;

Whereas the Administration and Board of Trustees of Bennington College by their recent actions have swept away all structures of faculty governance, violating the principles of faculty participation, autonomy, and peer review; and

Whereas the AAUP *Recommended Institutional Regulations on Academic Freedom and Tenure*, which have been endorsed by the MLA, were ignored or violated;

Be it resolved that the Modern Language Association condemns the recent actions of the Bennington College Board of Trustees and President Elizabeth Coleman; we mandate the Executive Director of the MLA to write to the Bennington Board and President, responding to the unsound assumptions underlying their decisions; we call on all members of the MLA to speak out on this issue and to support the dismissed faculty members and their organization, the Bennington Academic Freedom Committee, in their attempt to undo these actions, restore academic freedom, and win redress.