May 29, 2015

The University of Texas MD Anderson Cancer Center

The report of the investigating committee focuses on the cases of two long-serving full-time faculty members who were involuntarily separated from service when the cancer center's president declined to renew their term appointments, despite unanimous recommendations favoring renewal from the faculty personnel committee and despite their evidently having met the requirements for reappointment. Notwithstanding their many years of service, neither faculty member held an appointment with indefinite tenure. MD Anderson is one of two institutions in the fifteen-member University of Texas system exempt from the system's tenure policy. In its place, the cancer center awards renewable seven-year term appointments, referred to in the institution's policy documents as "term tenure."

Both professors were denied a timely written statement of the reason for the nonrenewal of their appointments, and only one of them was afforded the opportunity to appeal the decision to a faculty body. Although the institution's policies require that appeals of nonrenewal of term tenure be addressed exclusively to the president, an exception was made for one faculty member, who was permitted to file a preliminary appeal with a faculty committee. The appeals committee found in his favor, though an administrative officer concealed that information from the faculty member. His final appeal to the president was unsuccessful. The other professor, in accordance with the institution's policies, was not allowed to contest the decision through a faculty body. He declined to appeal to the president, concluding that it would be futile to expect a favorable review from the official who himself had made the nonreappointment decision.

During the period covered by the report, the administration had exerted increasing pressure on basic-science faculty members to obtain grants to cover larger portions of their salaries and on clinical faculty members to treat more patients, with what the faculty claimed were deleterious results for research and patient care. That period also saw an increasing frequency in presidential rejections of unanimous faculty personnel committee recommendations for appointment renewal, reducing the faculty's confidence in the fairness of the reappointment process. As a consequence, faculty members could be inclined to select lines of research for their fundability and predictable results. And they tended to censor their own discourse, especially in the years immediately preceding renewal decisions.

The investigating committee also inquired into the administration's removal of faculty status from a third faculty member because he lacked a Texas medical license. The professor's initial letter of appointment made no mention of any such requirement, his chair had regularly assured him that a temporary license would suffice, he was not provided promised time to study for the licensing exam, and other similarly situated faculty members were not required to obtain such a license, leaving open the question of the real basis for the decision.

The investigating committee found that the administration acted in disregard of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure* and of its own policies when it failed to furnish the two professors with written statements of the reasons for the decisions not to renew their appointments and when it failed to provide accurate licensure information to the third professor, leading to his loss of faculty status; of the *Statement on Government of Colleges and Universities* when it failed to provide compelling reasons stated in detail for rejecting the recommendations of the faculty personnel committee, when it unilaterally appointed department chairs, and when it failed to involve faculty in academic decisions; and of the 1940 *Statement of Principles on Academic Freedom and Tenure*, which calls for extending the procedural protections of tenure to full-time faculty members whose service exceeds seven years, when it failed to afford the two nonreappointed professors an adjudicative hearing before an elected faculty body in which the burden of demonstrating adequate cause for dismissal would rest with the administration.

Committee A recommends to the One Hundred and First Annual Meeting that the University of Texas MD Anderson Cancer Center be added to the Association's list of censured administrations.