



## ACADEMIC FREEDOM AND TENURE: ST. EDWARD'S UNIVERSITY (TEXAS)

The investigating committee's report concerns the dismissals of two tenured faculty members and the nonrenewal of a tenure-track faculty member. The tenured faculty members were in their twelfth year of service in the college's communication department. The tenure-track faculty member was in her fifth year of service in the teacher education department.

The two tenured professors, husband and wife, received almost identical letters notifying them of their dismissal for cause. The stated grounds were "continued disrespect and disregard for the mission and goals of the university," charges they sharply contested. Despite the urging of the AAUP's staff, the university's president declined to afford them a dismissal procedure that comported with AAUP-supported standards—an adjudicative hearing before an elected faculty body in which the burden of demonstrating adequate cause for dismissal rested with the administration. Instead, they were required to persuade an anonymous three-member faculty appeal body, one member of which was selected by the president, that the action taken against them was the result of "unlawful bias, arbitrary or capricious decision making, or a violation of procedures in the Faculty Manual." Their appeal was unsuccessful, as was a similar appeal to the governing board.

The tenure-track faculty member was afforded less than six months' notice (under AAUP-recommended standards, she was entitled to a year of notice) and not allowed to appeal the nonrenewal to an elected faculty committee. She thus was denied the opportunity to ask a duly constituted faculty body to review her allegation that the real reason for the nonreappointment was her dean's perception of her as a troublemaker. Three years previously she had filed a complaint of sexual harassment against an associate dean in the School of Education, which did not, according to her account, result in a cessation of the objectionable conduct. As a result, she filed additional complaints. The school's dean, she charged, seemed irritated by the complaints, spoke of them disparagingly, failed to support her tenure application, and, after the associate dean retired, rehired him in another capacity.

The investigating committee found that, in dismissing the two tenured professors without affording them academic due process, the St. Edward's administration had violated the 1940 *Statement of Principles on Academic Freedom and Tenure* and the AAUP-supported dismissal standards set forth in Regulations 5 and 6 of the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure*. The committee also found that the administration may have acted against the two professors because of their "persistent outspokenness about administrative decisions and actions." As a result, in the absence of a faculty dismissal hearing, their plausible claim that they were dismissed for reasons that violated their academic freedom remained unrebutted.

With regard to the tenure-track faculty member, the committee found that the administration, by failing to afford her an appeal process and a year of notice, had violated

Regulation 2 of the *Recommended Institutional Regulations*. The committee also found credible her allegation that the nonrenewal was a consequence of her having lodged complaints of sexual harassment against an administrator, noting that the allegation remained unrefuted absent an appropriate faculty review procedure. The committee further concluded that general conditions for academic freedom and governance at St. Edward's University were "abysmal," with "fear and demoralization" widespread among the faculty.

Committee A on Academic Freedom and Tenure recommends to the AAUP's 105th annual meeting that St. Edward's University be added to the list of censured administrations.