

VIRGINIA CONFERENCE

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

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<http://www.aaup-va.org>

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AAUP Censure of Virginia State University

By Kay K. Jordan

Past-President, VA Conference of the AAUP

As a citizen of the Commonwealth of Virginia, I call upon the administration and the Board of VSU to provide due process to its faculty and to support the kind of shared governance required by accrediting agencies and expressed in AAUP standards.

Delegates to the 91st Annual Meeting of the American Association of University Professors voted on June 11, 2005 to place Virginia State University on the censure list. Each year delegates vote to remove or add institutions to the list of censured administrations. While the national office receives many requests for help from many faculty members across the country it is able to investigate only a few of the most egregious violations of our principles as set forth in the "1940

Statement of Principles on Academic Freedom and Tenure," which has been endorsed by the Association and more than 180 other professional and educational organizations. The report of the investigation at Virginia State was published in the May-June 2005 issue of *Academe*.

In this issue

- Meeting with Education Secty. Morris2
- VA Conference at the National Meeting3
- Post-Tenure Review: Watch Out.....4
- Tenure Downsizing Targets Assoc. Profs.....5

AAUP Fall Meeting

October 21, 2006 at at Norfolk State

Details on p. 3

Two faculty members, Sikiru Ade Olusoga and Jean R. Cobbs, were dismissed at Virginia State without due process. The post-tenure review process was used to dismiss these faculty members without providing for peer involvement in the review process.

(VSU Censure continued from p. 1)

The administration dismissed these individuals without first showing cause in a hearing before a faculty body. The administration arbitrarily suspended Professor Cobb from her teaching duties in the fall of 2004 without providing evidence that continuing to teach posed a threat of immediate harm to the faculty member or others as provided for by AAUP standards. These faculty members were not given appropriate notice nor were they afforded adequate severance pay. The investigating committee concluded that the policies of the Virginia State University administration did not meet the Association's standards for faculty participation in University governance.

The details of these cases read like every faculty member's nightmares. The *outstanding* rating given to Professor Olusaga the first week of November 2003 was changed to an *unsatisfactory* rating by the end of the month. New and arbitrarily interpreted standards were applied retroactively. In December 2003, Professor Cobb was placed in post-tenure review process because her chair had given her a negative evaluation in the areas of research and community service. While the VSU post-tenure review process provided for a review by a three member faculty committee this provision was ignored by the administration. After rejecting several drafts of a professional development plan, her dean revised Professor Cobb's plan to include a set of detailed objectives and assessment measures emphasizing research. The administration delayed issuing Professor Cobb a one semester contract until September 28, 2004 after suspending her from teaching and reassigning her classes to others. The professional development plan imposed on Professor Cobb required unprecedented research expectations in an impossibly short time period. In both of these cases, VSU failed to follow its own post-tenure review process.

Does AAUP censure really matter? Some institutions refuse to hire administrators who have been involved in practices which led to AAUP censure. A number of professional organizations

(Continued on p. 5)

Virginia Conference Leaders Meet with Secretary of Education Morris Regarding VSU Censure

On September 13, President Brian Turner and a delegation of Virginia Conference Executive Committee members including Gerald Burton, Julie Laskaris, Margaret Mi, Chris Turner and Craig Vasey, as well as VSU Professor Florence Farley, met with Dr. Thomas Morris, Secretary of Education for the Commonwealth, and Deputy Secretary of Education Dietra Trent, to discuss AAUP censure of the administration of Virginia State University.

After hearing the details of the case as they have been long experienced by Professors Burton and Farley, Secretary Morris asked the VSU faculty what the VSU Board of Visitors should do. The VSU faculty members recommended that personnel changes be made in the highest reaches of the administration. "Structurally," Professor Farley said, VSU should be made a "normal state-supported university" with mechanisms for shared governance that are respected. Professor Turner said VSU should reinstate the Faculty Council or a similar institution for shared governance and to reach an appropriate resolution with the faculty identified in the censure report as having been denied due process.

Save the Date!
**Call for Participants to 5th Annual
Virginia Higher Education
Advocacy Day
January 11, 2007
Virginia General Assembly
Richmond, Virginia**

AAUP Fall Meeting October 21, 2006 Norfolk State

The Fall Meeting of the State Conference of the AAUP will be held on October 21 at Norfolk State University's L. Douglas Wilder Performing Arts Center Conference Rooms. The Executive Committee meeting will begin at 9:30 a.m. The General Meeting for all members will begin at 10:30 a.m. Lunch will be \$20/person. Delegate Algie Howell will join us for a Q & A session and Virginia higher education policy expert Farrah Stone Graham from VCU will be our lunchtime speaker.

A block of rooms has been reserved at the Hilton Norfolk Airport for Friday evening, Oct. 20. To make a reservation, call the hotel at 1-757-466-8000 ext. 276 and ask for Shawn Mullen. Let him know that you are with the AAUP. The hotel rate is \$99, plus a \$1 fee and 13% tax. The hotel is located at 1500 N. Military Hwy.

www.norfolkairport.hilton.com

Directions to Norfolk State University Wilder Center at 700 Park Ave Norfolk, VA:

1. Take I-64 E to NORFOLK
3. Merge onto VA-168 S via EXIT 277A. (4.36 miles)
4. Turn LEFT onto US-460/E BRAMBLETON AVE. Continue to follow US-460. (0.42 miles)
5. Turn LEFT onto PARK AVE/VA-166. (0.06 miles)
6. End at 700 Park Ave Norfolk, VA 23504-8050 US

Directions to the campus and a campus map can be found at <http://www.nsu.edu/campusvisitors/>. The Wilder Center is Building Number 3 (the 3 is in a green circle on the campus map; the 3 in a red circle on the campus map is a gate).

Lobby Day January 11, 2007!!

The Fifth Annual Virginia Higher Education Advocacy Day will be held on the first Thursday of the 2007 General Assembly session, January 11, 2007. The Virginia Conference is working with the Faculty Senate of Virginia, the Virginia Commonwealth University Faculty Senate and the VCU AAUP Chapter to plan what looks like our most ambitious legislative agenda yet! We will also be presenting the second annual Colonel Michael S. Harris award to a Virginia public official who has shown exemplary support for higher education in the Commonwealth. Plan to come and bring a colleague and a student!

Virginia Conference at the National Meeting

By Brian Turner, Virginia Conference President
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The 92nd National Meeting of the AAUP was held in Washington from June 7-11, with strong participation from Virginians. The conference was represented by five members: President Kay K. Jordan, Ron Thomas, Brian Turner, Christina Turner and Craig Vasey.

The conference visited all members of the Virginia congressional delegation on **Capitol Hill Day**, discussing HEA reauthorization, federal funding for higher education and research, academic freedom and freedom of expression, and international education. The delegates also spoke with several congressional offices about the censure of the administration of Virginia State University.

The National Meeting was the last during the tenure of President Jane Buck, officially from

(VA Conf. at the Natl. Meeting, Cont. from p. 3)

Delaware but a long-standing friend of the Virginia Conference. The Virginia Conference thanks President Buck for her support. We also look forward to working with the new president, Cary Nelson of the University of Illinois.

In redistricting for elections to the national Council, Virginia has been moved to District IV, with the District of Columbia, Kentucky, Tennessee, Indiana, Illinois, Iowa, Missouri, and Arkansas. Virginia had been in District X, with Pennsylvania, Delaware, Maryland, and DC.

Major actions taken at the National Meeting included censure of New Mexico Highlands University and removal of censure for five institutions.

Post-Tenure Review: Watch Out!

By Ron Mollick, Chair
VA Conference, Committee A, rmollick@cnu

Post-Tenure Review (PTR) has come to Virginia. For years, faculty around the nation fought against PTR with the AAUP taking an early (1983) stand against it, stating that there would be little benefit, unacceptable costs, a dampening of creativity, and a threat to academic freedom. But time marches on and PTR is a fact around the nation. Somewhat belatedly, the AAUP bowed to reality and adopted a new position on PTR which was accepted at the 1999 Annual Meeting. We still don't like it, but we now have guidelines which you can find on the National website (<http://www.aaup.org>).

We believe that PTR should concentrate on faculty development rather than disciplinary sanctions. Institutions should set aside money and resources for these things. If they are unwilling or unable to do that then they have no business instituting the process. This must be funded at a meaningful level to be effective. In addition, PTR should not be undertaken for the purpose of

dismissal. There are other procedures for that already established. All PTR procedures must be fair and allow the faculty member to participate in the process rather than have the process done to him or her. There **MUST** be due process here. We cannot let PTR weaken essential procedural safeguards. Faculty need to be involved not only in producing the procedures but in reviewing them regularly. After all, PTR procedures are still new and they should rightly be on trial, and the faculty should be the ones occupying most of the seats in the jury. We also must not forget to protect academic freedom. PTR should not be allowed to drive what we do and how we do it.

We as faculty have responsibilities. Regular evaluations are nothing new. The difference is that PTR systems can lead directly to punishment and even dismissal. There have always been ways for the slackers among us (and they do exist) to be held accountable and even dismissed. But PTR has been created for everyone as a means to get at the few. As a result it is not cost effective and has the potential to turn into a coercive mechanism imposed without adequate protection of our academic freedom. For example, faculty may try hard to please others because of these yearly reviews which could then influence how they do their professional development. Student evaluation of instruction can be given too much weight which in turn can influence faculty to adjust their teaching in ways that in the long run are not good for students.

Faculty must be on guard. PTR has been invoked as a method to pressure older faculty to retire and has also been used to directly dismiss at least one professor here in Virginia. This happened without invoking a separate dismissal process. Begin checking your systems **NOW** and demand that they be reviewed regularly. Consider establishing a standing university-wide committee that monitors evaluation processes and procedures. PTR procedures, at the very least, should 1) be systematic, so that administrators cannot select their enemies or older faculty for the process, 2) be developed by faculty and implemented by faculty, 3) have adequate funding for any necessary faculty

(*Post-Tenure Review Continued from p. 4*)

professional development, 4) allow faculty to comment and respond to the PTR evaluation, and 5) reaffirm an institution's commitment to academic freedom and tenure and fair due process.

We must watch out for ourselves; no one else will!!

(*VSU Censure Continued from p. 2*)

including the American Historical Association, the American Psychological Association, and the College Art Association include a notice regarding censured institutions in their job notices. Phi Beta Kappa also considers whether institutions have been censured when it recognizes new chapters and renews the charters of established ones. The *Chronicle of Higher Education* publishes notice of institutions placed on the censure list or removed from it.

In publishing this summary of the investigation and censure of Virginia State University, I extend my sympathy and concern to the faculty who teach there. As a citizen of the Commonwealth of Virginia, I call upon the administration and the Board of that institution to provide due process to its faculty and to support the kind of shared governance required by accrediting agencies and expressed in AAUP standards. I urge the VSU administration to communicate with the national AAUP office regarding the steps necessary for removal from the censure list.

TENURE DOWNSIZING TARGETS ASSOCIATE PROFESSORS

by Eileen N. Wagner
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Associate professors with tenure are prime targets state-wide for a new tactic which makes them vulnerable for *dismissal for cause*. It's a variation on *failure to follow school rules*, one of

three AAUP sanctioned reasons to fire tenured faculty. The other two are *incompetence* and *moral turpitude*.

Here's how administrators do it: They invent a special set of circumstances for an individual teacher and then they dictate special rules which apply only to that teacher. Whatever the initial circumstances and special rules may be, these are designed to be particularly *insulting* to the targeted teacher.

Rules of confidentiality prevent me from giving real life examples. Here's the general idea. The targeted teacher inaccurately adds up a column of figures for reimbursement from a grant (or some other minor slip-up). Administrators call a meeting with the teacher, usually without more than a hour or two notice. In the meeting, the surprised targeted teacher gets the third degree from at least two administrators. Sometimes, an admission or apology is demanded. Later at home and still in shock, teacher signs for a certified letter. The letter warns the teacher to stay out of the campus office that houses all of the research files. The teacher immediately flies off to campus after dark to retrieve certain sensitive files. A day or two later, the administrators invite the harried teacher to a showing of the surveillance videotape proving disregard for the special rule. For good measure, they ask the teacher to identify a signature on USPS return shock, teacher signs for a certified letter. The letter warns the teacher to stay out of the campus office that houses all of the research files. The teacher immediately flies off to campus after dark to retrieve certain sensitive files. A day or two later, the administrators invite the harried teacher to a showing of the surveillance videotape proving disregard for the special rule. For good measure, they ask the teacher to identify a signature on USPS return receipt.

In my experience, teachers trapped in this way seldom resist. Wise enough not to throw a punch, they accept whatever sanctions are imposed. They accept the added burden of a new list of special rules which they breach at their peril. Administrators know the more insulting the new rules, the more likely it is the targeted teacher will

(Tenure Downsizing Continued from p. 5)

abandon tenure and seek alternative employment. Few teachers understand that by law tenure is a property. Just like real estate, it can't be taken without due process. So these flabbergasted folks duck out and never claim the true value of their property. When teachers abandon tenure by quitting, administrators get an empty tenure slot, a great value for institutions recruiting star scholars who insist on tenure upon arrival, and they get it for free. Administrators lose little sleep over these tactics because they reason no one *really* gets hurt but more importantly, because it works like charm nine out of ten tries.

The sooner a targeted teacher gets a primer on legal rights, the better. Many teachers dig the hole deeper by trying to *explain* why administrators misinterpret their actions. These explanations are taken as admissions of guilt or grounds for new charges. A targeted teacher must avoid going into that hastily called first meeting alone. A disinterested full professor should be present even if the meeting has to be stalled until such a witness can be arranged. A targeted teacher can always telephone me (804-337-8603) or email me (enwagner@crosslink.net) to get some quick emergency advice about what to say or *not* say in such a meeting. Such consultations are free to folks referred through AAUP. You can find out more about my law practice representing individuals in disputes with colleges and universities by checking out my new web-site at www.eileenwagner-attorney.com.

To Join the AAUP

Visit the national AAUP website at:
<http://www.aaup.org/aaup>

To Start an AAUP Chapter

Contact: Christina Turner
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Newsletter Information

This Newsletter is published by the Virginia Conference of the AAUP. We encourage submission of articles from AAUP members and chapters. I would like to incorporate articles on Chapter activities from around the state and on the achievements and honors awarded to our members. I plan to publish a newsletter in December focussing on our legislative agenda for 2007. Please send me your submissions by November 30.

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