
The Use and Abuse of Faculty Suspensions

The report that follows is excerpted from a longer report of the same title, which was prepared by a subcommittee of Committee A on Academic Freedom and Tenure and approved for publication by Committee A in August 2008.

I. (c)ntb igro 0 m 3l5ior from certain areas and activities. Although the committee in the 1966 suspension of a faculty member from some of all case of St. John's University: duties is not a new phenomenon, it has been The profession's entire case for academic freedom increasingly common in recent years; and although Association policy severely limits its use, it appears to have become almost a routine recourse for administrations seeking to discipline faculty members regardless of the seriousness of the alleged cause. The subcommittee has reviewed the development of Association policy since the issuance of the 1948 Statement of Principles on Academic Freedom and Tenure. Some forty published Committee A reports, a limited number of university task-force reports that examined the use of suspension, and other available material.

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Suspension has been ~~ded~~ in different ways both in institutional regulations and by administrations at the time the penalty is imposed on the faculty member. Sometimes, as we will show, administrators decline to use the term and claim that in fact what they are imposing is not a suspension at all. An examination of some of these claims will be useful in restating the central tenets of Association policy. In addition, suspension has sometimes been employed as a sanction independent of dismissal, here termed "freestanding" suspension (see Section IV).

Historically, suspension has been regarded in Association policy as a severe sanction second only to dismissal, because it has been seen primarily in terms of removal of a faculty member from teaching. As one case report put it, "Barring a teacher from his classroom inflicts ignominy upon the teacher and is destructive to the morale of the academic community." An eloquent statement on the adverse effects of suspension, one that has been cited in several subsequent Committee A investigations, was the

Suspending a faculty member is a very serious

be demonstrated in a timely manner through a full due process hearing. When, as seems increasingly to be the case, suspension is justified either by invoking the threat of immediate harm or by relying on some verbal formula that falls far short of that but is nonetheless taken as self-justifying, such a justification is used to trump the necessity, desirability, or even the possibility of consulting with a faculty body. The language of the provision and its placement under Regulation 5 presupposes that the context is one of pending dismissal proceedings preceded by a statement of charges. In the situations considered in this report, however, suspension tends to take place before any formal charges are added, and may or may not be followed later by a dismissal proceeding.²²

sufficiently serious to justify the imposition of a severe sanction.

A University of New Hampshire case offers the kind of situation in which freestanding suspension might conceivably have been the object of a disciplinary proceeding. In that case, a faculty member in the Department of English was suspended, initially without pay, and told to undergo weekly counseling for at least a year at his own expense with •a professional psycho-therapist approved by the universityŽ for having allegedly violated a policy on sexual harassment by using sexually charged metaphors to describe the nature of establishing a topic in technical writing. •Shadow sectionsŽ were set up for the students who were upset by what they regarded as his inappropriate sexual innuendoes. The reprimand that went with the suspension required that in addition to undergoing mandatory counseling the professor (1) reimburse the university for the cost of those sections, (2) not retaliate against the students who had filed charges, and (3) apologize in writing, by a specified date, to the protesting students for having created a •hostile and offensive academic environment.Ž Since he denied the factual basis of the charges that led to these sanctions, the faculty member refused to comply. In this case, suspension was initially imposed but put in abeyance pending a faculty hearing on the procedures. Though the faculty committee was told that the professor's grievance had merit and that he had

the administration) occurred, are of the kind that contribute to an intolerable atmosphere for faculty members already under the normal pressures consequent upon termination of services.

VI. Concluding Comments

This subcommittee has provided an examination of historical experience within the AAUP and what can be drawn from it by way of policy discussion. Such a discussion might turn on the question whether there are changes in campus climate sufficient to call for a review, from the ground up, of at least the rhetorical adequacy of current AAUP policy. Certainly new technologies such as e-mail and computing have extended the potentially damaging effects of suspension actions since the days when access to the classroom was the principal, if not the only, issue. But to come at the matter from a different angle, we also report in the wake of heightened campus tensions ranging from fatal gunfire in a classroom to threatening graffiti that cause an entire campus to shut down. Does the Association have an affirmative obligation to counsel administrations on how they might resist public pressure for quick action lest another tragic or threatening instance were to occur for which they would be held accountable? The fact is, and one could argue that this has always been the case, that classical academic freedom issues are not always in play in a suspension action, notably in an emergency situation. The irrational behavior of a faculty member who endangers his or her colleagues because he or she has access to dangerous biological agents may require quick administrative action in the first instance, with faculty follow-up. Some may believe that such cases involve questions of degree, not kind; others may disagree and believe either that new policy is needed or that, at the very least, existing policy needs to be recast in such a way as to acknowledge legitimate safety concerns more clearly and to take into account the intense nature of public pressure on those whose oversight of an institution includes direct responsibility for public safety. We will be content if this report begins that discussion.

Notes

1. According to a staff memorandum, the Association, since its founding in 1915, has published nearly 120 reports in which suspension figured as an element in the case, beginning with 1917 and 1919 reports on the University of Montana. It should also be borne in mind that literally thousands of complaints

an administration. College and universities doubtless contain instances of reprimands accompanied by the threat of more serious penalties if the behavior is repeated (the principal author of this report is aware of

Linda University, ŽAcademe78 (May...June 1992):
42...49.

15. •Academic Freedom and Tenure: University of South Florida,ŽAAUP Bulletin 50 (Spring 1964): 54.

16. •College of the Ozarks,Ž 358; •Adelphi University,Ž 281; •Academic Freedom and Tenure: Amarillo College,ŽAUP Bulletin 53 (Autumn 1967): 300;

- Academic Freedom and Tenure: Elmira College,Ž AAUP Bulletin 61 (Spring 1975): 66...70; •Academic Freedom and Tenure: Birmingham-Southern College,Ž Academe65 (May 1979): 237.

17. •Birmingham-Southern College,Ž 237.

18. •Academic Freedom and Tenure: Oklahoma College of Osteopathic Medicine and Surgery, *Academe* 71 (May...June 1985): 39.

19. "Academic Freedom and Tenure: Philander Smith College," *Academe* 90 (January...February 2004): 61.

20. Academic Freedom and Tenure: University of South Florida, *Academ* 89 (May...June 2003): 67. In a recently publicized incident at Saint Xavier University (Chicago), the campus was closed temporarily because of a graf to threatening violence on a spei date. If an

incident like this led to the identification of a faculty malefactor, the demonstration of immediate harm to institu.9(h2Ld2936j)(9-1201w29734m).9(h3(9-2137715

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