

THE CHRONICLE OF HIGHER EDUCATION

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Is Academic Freedom's Watchdog Losing Its Bite?

By Peter Schmidt JULY 27, 2017



Administrators at the U. of Illinois at Urbana-Champaign scrambled to get it off the AAUP's censure list after just two years. Other institutions linger on the list for decades.

At least once a year, Frank Phillips College, in Borger, Tex., gets a letter inviting its

administration to work with the American Association of University Professors to get off the AAUP's censure list. Like many institutions that annually receive such letters, the small community college rebuffs the offer.

The routine has been the same since 1969. That's the year after the AAUP censured the college's administration after concluding that it had fired Aileene Ledford Gauntt, an instructor who had worked there for 10 years, without due process or severance pay.

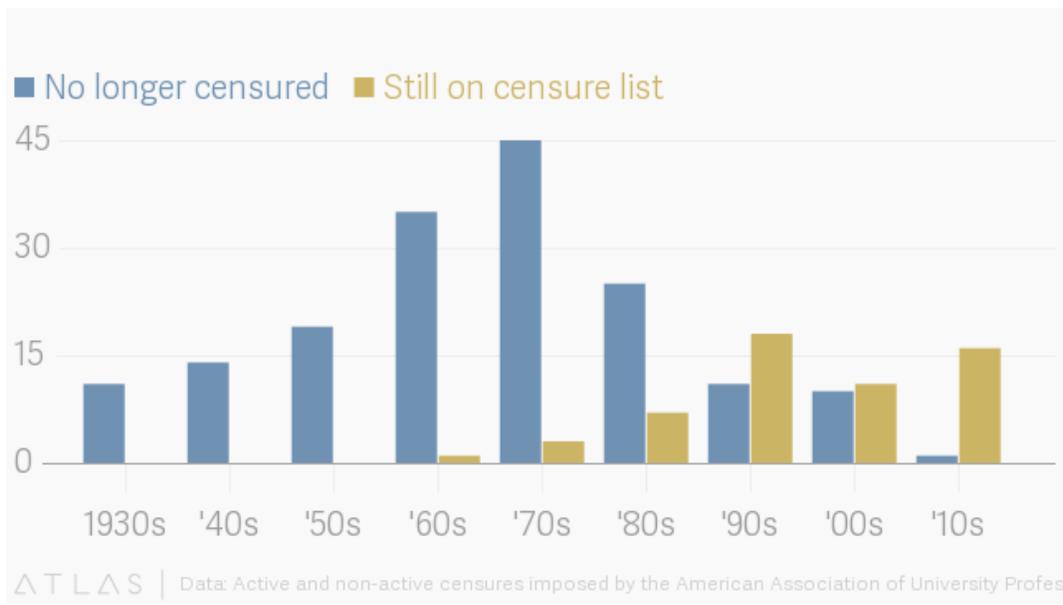
The AAUP has long maintained [a list of college administrations that it has censured](#) to pressure them — and higher education as a whole — to comply with its principles related to tenure, academic freedom, and due process. To get off the list, colleges must convince the AAUP that they have made amends to the instructors they were accused of mistreating, adopted new faculty protections to prevent such incidents from recurring, and otherwise maintained a work environment seen as promoting academic freedom.

Some administrations rush to take such steps. Others spend decades ignoring or resisting the AAUP's demands. Frank Phillips College falls in that second camp, having been under censure for 48 years, longer than any other institution on the list. At this point, the AAUP has lost track of where Ms. Gauntt lives — or whether she remains living at all — complicating its efforts to insist that the college rectify harm done to her. Officials of Frank Phillips, in Texas's panhandle, declined this month to comment on the college administration's censured status.

Many of the 56 college or system administrations on the censure list have shown such intransigence in response to AAUP demands. Twenty-five have been on the list at least 20 years, nine of them for at least 30, according to a new *Chronicle* analysis of AAUP data.

AAUP Censures by Decades

The number of colleges censured by the American Association of University Professors has fluctuated heavily over time, often more as a result of changes in AAUP policy than of any broader trends in academe. Colleges placed on the list have tended to either cave in quickly or dig in for long fights.



Henry F. (Hank) Reichman, chairman of the AAUP's Committee A on Academic Freedom and Tenure, laments that "certain kinds of institutions don't really want to make an effort" to get off the list, and the administrations of some even regard censure "as a badge of honor."

Unheeded Warnings

The AAUP established its censure list in 1930, mainly as a means of trying to ensure that its rebukes of college administrations would not be forgotten with the passage of time. It adopted most of its current process and standards for censuring colleges during the mid-1960s.

Throughout the list's history, the AAUP has emphasized that it is censuring colleges' administrations — not the institutions themselves — and its intent is to shame colleges, not see them boycotted.

Nevertheless, Mr. Reichman says, the list does seek to notify potential applicants for faculty jobs at such colleges "that the atmosphere for academic freedom has been called into question."

Much of the list's power has long stemmed from its ability to hinder the recruitment and retention of faculty members. Some academic job clearinghouses operated by disciplinary associations will either refuse to post openings at censured institutions or will systematically warn people interested in such positions of the college's censured status.

It's unclear how much impact such warnings have in today's academic labor market. In many fields, jobs — especially those on the tenure track — have become increasingly scarce. Officials of many colleges on the list told *The Chronicle* that they don't see their censured status as hurting their efforts to attract talented faculty. Among them, Provost David Whalen of Hillsdale College, censured for 29 years, said its full-time faculty has grown by 46 percent in a

15-year period. "We encourage all candidates to take a closer look at the college rather than looking at a list," he said in a written statement.

"If someone wants to teach at a community college in Borger, Texas, I don't think that person is going to care very much that Frank Phillips College is on the censure list," says Matthew W. Finkin, a professor of labor and employment law at the University of Illinois at Urbana-Champaign who has held several AAUP posts dealing with the censure of colleges.

“Very few people have the luxury of turning jobs down, and I doubt they are going to because a college is on this list.”

Jennifer S. Furlong, director of career planning and professional development at the Graduate Center of the City University of New York, says, "I can't recall, in 14 years of working with Ph.D. students on their job searches, a student bringing this list up to me."

"Very few people have the luxury of turning jobs down, and I doubt they are going to because a college is on this list," says Karen Kelsky, a *Chronicle* contributor who runs The Professor Is In, a business and blog dedicated to helping academics navigate job searches. When she asked followers of her company's Facebook page [whether they check the AAUP censure list](#) in seeking jobs, the number responding yes was roughly matched by those unaware of the list's existence.

Speed or Stall

Officials of the AAUP nonetheless argue that colleges continue to be swayed by a desire to escape the stigma of censure, making the list one of the best defenses of academic rights available to their faculty members.

Moreover, the censure list routinely yields successes, even if some might take decades to be realized. At the association's 2016 meeting, for example, its members found Grove City College, a Christian liberal-arts college in Pennsylvania, worthy of being [taken off the list](#) after 53 years. New leaders of the college had buttressed its academic-freedom protections and delivered an apology to the 93-year-old Larry Gara, who in 1962 lost his job as a history professor after being tarred as a Communist.

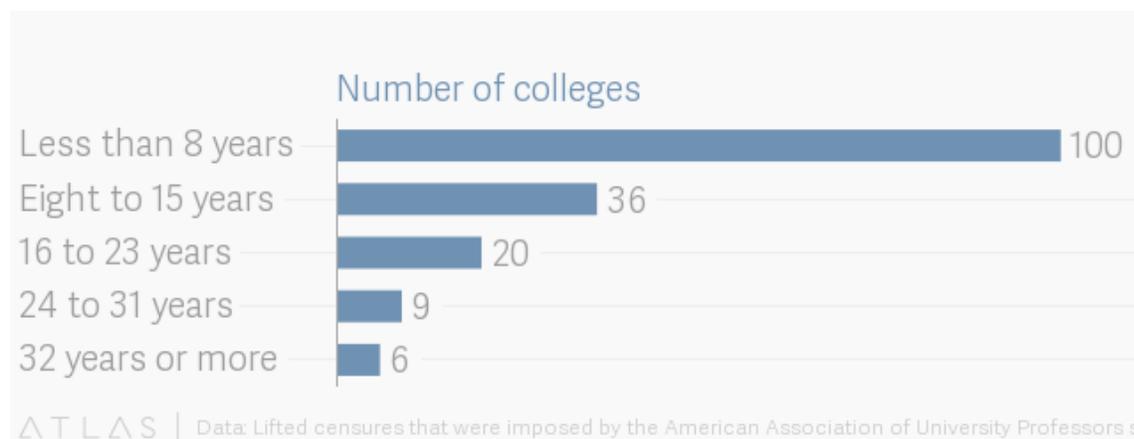
Much more common — and significant — are colleges that seek to get off the list quickly, in response to fears that AAUP censure badly tarnishes their reputation. At the AAUP's annual meeting last month, the University of Illinois at Urbana-Champaign managed to get [off the censured list](#) after just two years. A new crop of administrators there had scrambled to remedy weaknesses in shared governance and academic-freedom protections cited in connection with the university's controversial decision to [withdraw a job offer](#) made to Steven G. Salaita after he tweeted inflammatory criticisms of Israel.

As those on hand debated whether to take Illinois off the list, Donna E. Young, a professor at Albany Law School and member of the AAUP's academic-freedom and tenure committee, urged the group to act while the university remained cooperative. Among colleges that linger on the list, she said, "the incentive to get off is lower and lower every year."

A *Chronicle* analysis of AAUP data has found evidence that censured colleges fall into two distinct camps, with some inclined to seek to quickly appease the association, and others prone to fight its demands for extended periods.

Of the 171 colleges that the association has removed from censure in the list's 87-year history, 100, or just over 58 percent, got taken off within seven years. Those that remained on the list at least 13 years tended to come off at a slow-drip pace.

How Long Colleges Stay on the Censure List



Many of the colleges that remain on the censure list argue that the AAUP has imposed unreasonable demands on them, and they therefore have no plans to seek its grace any time soon. Among them, Lawrence Technological University, a Michigan private college censured 19 years ago, complains that the AAUP has insisted it change faculty-dismissal policies that are commonplace at similar institutions. "The university is unwilling to change its policies, which it sees as fair and just," says Bruce J. Annett Jr., a Lawrence Tech spokesman.

Loma Linda University, censured 25 years ago, has taken the position that AAUP demands for revisions of its medical school's tenure policies ignore the economic realities of health-care education. Ronald L. Carter, its provost, says that the AAUP "has not indicated an interest or willingness to understand our perspective," but that the university's prospective faculty matters overlook its censure "once they understand the nature of our organization and our commitment to their success."

Hans-Joerg Tiede, a senior program officer in the AAUP's department of academic freedom, tenure, and governance, says the "common wisdom" there is that it typically takes a change in a college's leadership to tip it from denying wrongdoing to seeking censure removal.

A *Chronicle* analysis of AAUP decisions to take colleges off the censure list confirmed that perception. Of the colleges that the association's Committee A has called for taking off the censure list since 1990, about half were broadly characterized as under new administrative leadership, and a third were described in its reports as having new presidents or provosts committed to censure removal. Many others had been on the censure list long enough that at least one change in their administrations could be assumed.

Likely to soon join the ranks of colleges that have changed their stance is Virginia State University, a historically black institution that has been on the list for 12 years. Donald Palm, who became its provost a year ago, says he is working with the university's Faculty Senate to find a way to get off the list, even though he does not see being censured as hurting Virginia State's faculty recruitment efforts. "We want to make sure that our name is clean, that we have a stellar reputation for how we treat faculty," he says.

Image Concerns

How quickly a college seeks removal from the censure list is generally a function of "the orbit of comparison that institution moves in," Mr. Finkin says. As a rule, prestigious research universities and liberal-arts colleges view being on the list as "an enormous embarrassment," and make concerted efforts to get off the list or avoid censure in the first place.

John K. Wilson, an editor of the AAUP's blog, says the wealth of such institutions may also play a role, by enabling them to hire administrators well-equipped to handle controversy, maintain public-relations departments savvy enough to see the potential harm of censure, and fairly easily pay off faculty members they have wronged.

One clear exception is the State University of New York system, which is in its 39th year on the censure list as a result of faculty layoffs during a mid-1970s budget crisis. Mr. Finkin says the AAUP inadvertently reduced its censure's impact by imposing it on the administration of the entire public university system, rather than individual SUNY campuses where its effects would be more tangible.

The mere threat of censure is enough to render some colleges cooperative with the association, which annually enters into mediation with several institutions eager to head off formal AAUP investigations and censure votes. Recently, AAUP staff members intervened at Trinity College, in Connecticut, on behalf of Johnny Eric Williams, an associate professor of sociology who had been [placed on leave](#) in response to a nationwide uproar over his [online comments](#) about racial issues and the police. The college this month ended up [standing by him](#) as having made remarks protected by academic freedom.

Pockets of Resistance

Disproportionately represented on the censure list are medical schools, many of which see themselves as distinct from affiliated universities in terms of their business operations, culture, and need to take a traditional approach to tenure rights. Also abundant on the list are colleges that are religious, historically black, or rural, as well as, for the most part, financially struggling.

Even AAUP officials acknowledge that the Catholic University of America, on the list 27 years, will remain stuck there in the absence of big changes in the Vatican's positions. It got on the list for its treatment of the Rev. Charles E. Curran, a priest with dissenting views on abortion, birth control, and homosexuality. Now a professor of human values at Southern Methodist University, Father Curran says he believes the AAUP's censure of Catholic affected "the academic perception of the place." In a statement emailed to *The Chronicle* this month, Elise Italiano, a university spokeswoman, said that much of Catholic's relationship with the AAUP "has been positive and collaborative," and that the university regrets the Father Curran dispute and welcomes "opportunities to discuss the matter and a way forward."

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The AAUP's guidelines recognize that religious colleges may feel a need to limit academic freedom for doctrinal reasons, but hold that any such limits should be [clearly stated](#) so that faculty members accept them knowingly. Mr. Reichman, the chairman of its academic freedom and tenure committee, says its disputes with religious colleges typically arise when they "try to have it both ways," claiming to offer academic freedom while also restricting it.

As for the list's heavy representation of historically black colleges, Mr. Finkin says the AAUP has "agonized" over worries about bias but feels obliged to respond to its members' complaints. "You have to treat violations of academic freedom for what they are," he says. "If an institution has behaved outrageously, the fact that it is a historically black institution does not get it off the hook."

Mr. Reichman says the AAUP continues to discuss new ways to "make the list the most effective it can be." It debates whether to make its standards for getting on or off the list tougher or more lenient, and has even weighed giving censures an expiration date, with the arguments that decades-old censures are irrelevant bumping up against fears of giving colleges an incentive to continue resistance. The list "has been shown since the '30s to be an effective tool," he says, "but no one has ever claimed it is the perfect instrument."

Dan Bauman contributed to this article.

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