



November 4, 2017

Ben Hyneman, Chair
Board of Trustees
The University of Arkansas System
2404 North University Avenue
Little Rock, Arkansas 72207

Dear Mr. Hyneman,

The Executive Committee of the Arkansas Conference of the American Association of University Professors (AAUP) has directed me to write this letter to express the conference's serious concerns about the proposed changes to Board of Trustees Policy 405. While it is our understanding that the policy is to be only introduced at the upcoming board meeting and not voted upon, we ask that you share our reservations with your board members as they begin deliberating these changes.

We believe that one of the defining constructs of higher education is academic freedom and would argue that the proposed language in Section I defining *cause* seeks to eliminate faculty's freedom to express opinions while performing their jobs. It identifies a "pattern of disruptive conduct or unwillingness to work productively with colleagues" as reason for termination. This vague and subjective terminology is clearly open to abuse. Furthermore, it introduces "collegiality" as a dimension of evaluation, which creates its own set of problems.

Consider the faculty members who voice criticism or opposition to institutional practices and processes, who create tension in academic discussions, or who are not seen as sufficiently engaged in ways deemed to be the norm. Under the proposed revision, such faculty can be terminated, effectively silencing diverse voices, stifling the free expression of ideas, and, ultimately, violating academic freedom.

No one disagrees that collaboration is a hallmark of academe, but "to work productively" is vague and subjective and will surely serve to undermine the collaborative spirit that we so value. Therefore, we strongly advocate that such language be eliminated and that the virtues of collegiality be reflected clearly in those definitions of teaching, scholarship, and service developed by individual UA-system campuses and faculty.

We further believe that changes to stated policies should be intended to clarify, not confuse. Of serious concern to us is the insertion of “unsatisfactory performance” in the section on cause for dismissal. Unless this term is clearly related to the results of a faculty member’s Annual Review, it becomes a convenient—and disturbing—catch-all criterion for dismissal.

Moreover, “Section V. Annual Review” includes the phrase “*overall* unsatisfactory performance” [italics ours] and connects such an assessment to “criteria and procedures” that are to be developed on each campus “by the faculty, through the campus governance structure. . . .” We question whether this evaluation of performance is what the earlier term is referencing. If not, rather than clarify, the added phrase to the section on cause for dismissal not only confuses but raises even more questions of agency, fairness, and faculty governance.

Finally, “Section V. Annual Review” proposes that any faculty member receiving a single overall unsatisfactory performance review may be dismissed summarily if he or she does not exhibit “active cooperation and engagement” in remediating areas of concern. While such judgment is clearly subjective and, thus, concerning, of more serious import is the severely limited ability for a faculty member to take remedial measures to improve performance. For instance, an unsatisfactory performance in research/publication would obviously require more than one year to remedy. This rush to dismiss faculty is in clear violation of AAUP standards.

Many of us who serve on the Arkansas Conference’s Executive Committee have chaired our respective university’s Handbook Committee, have served on a Faculty Senate, and have even been administrators. We understand the need for policies and procedures to be revised in order to be clear to all involved in upholding them. But such revisions must not come at the expense of academic freedom or shared governance.

Respectfully yours,

Lynn Burley, PhD
President, Arkansas Conference of the AAUP