

## AAUP REPORT ON TEXAS TECH

Texas Tech faculty and other interested parties should know the basis for the recent censure vote of the American Association of University Professors against Texas Technological College. The local AAUP Chapter, therefore, presents a condensation of the visiting investigating committee's report concerning last summer's dismissal, without hearings and for unannounced reasons, of three Texas Tech professors. The investigating committee, sent to Lubbock by the National office of the AAUP, in response to local requests, was composed of representatives from the universities of Arkansas and Oklahoma. The complete report, approximately 8,000 words, was published in a special supplement to the March issue of the AAUP Bulletin and has been distributed to AAUP members throughout the United States. The Censure Resolution is reproduced below. Excerpts from the report, in quotations, follow on the additional pages.

The following resolution was passed unanimously by the annual National Convention of the American Association of University Professors at Denver, Colorado, on April 25, 1958:

THE SUMMARY DISMISSALS OF THREE TEACHERS BY THE BOARD OF DIRECTORS OF TEXAS TECHNOLOGICAL COLLEGE SERIOUSLY VIOLATED ACCEPTED PRINCIPLES OF ACADEMIC FREEDOM AND TENURE. THE BOARD PREFERRED NO CHARGES AGAINST THE TEACHERS AND FAILED TO ACCORD THEM ANY MEASURE OF ACADEMIC DUE PROCESS. NO EFFORT WAS MADE BY THE BOARD TO ALLAY FACULTY AND PUBLIC APPREHENSION THAT THE DISMISSALS RESULTED FROM THE SOCIAL, POLITICAL OR ECONOMIC VIEWS OF THE DISMISSED TEACHERS. IN ITS METHOD OF ACCOMPLISHING THESE DISMISSALS, THE BOARD SHOWED IMPROPER RECOGNITION OF THE PRESIDENT'S ROLE IN FACULTY-ADMINISTRATION RELATIONSHIPS. NO PAYMENT OF SALARY WAS MADE IN LIEU OF ADEQUATE NOTICE. REGULATIONS ADOPTED SINCE THE DISMISSALS GIVE INADEQUATE ASSURANCES THAT SIMILAR DISMISSALS WILL NOT OCCUR AGAIN. COMMITTEE A RECOMMENDS THAT THE BOARD OF DIRECTORS OF TEXAS TECHNOLOGICAL COLLEGE BE CENSURED BY THE 44TH ANNUAL MEETING OF THE ASSOCIATION.

THE COLLEGE TENURE AGREEMENT

"The tenure provision published in the Faculty Handbook of the College, reads as follows:

Contracts for appointments which do not carry permanent tenure are marked 'Temporary.' Otherwise, appointments, though covered by a new contract issued yearly, are on a permanent basis. Neglect of duty, moral turpitude, and conduct which brings embarrassment upon fellow faculty members, upon the college, and upon the teaching profession may constitute grounds for contract severance.

"The contracts issued to the three dismissed professors did not have 'Temporary' written on them, and President Jones stated that it was his understanding that all three had tenure. President Jones confirmed the fact that no question had been raised as to the professional competence of the three professors, and that they had all been recommended for salary increases by their immediate superiors. President Jones also confirmed that the College had no regulations, and that the Board had laid down no policy, which would guide the faculty in matters related to political activities."

THE DISMISSED PROFESSORS

"Professor Byron R. Abernethy came to Texas Technological College as an instructor in 1941, and resigned in 1943 to enter government service. He returned to Texas Technological College in 1947, and was granted a leave of absence from 1951 to 1953 to fill the position of regional director and Chairman of the Regional Wage Stabilization Board in Dallas. There was mention of a 'file' on Professor Abernethy, kept by a Board member over a period of two years, which included the information that the former's federal income tax returns for the years 1950 to 1953 disclosed that his outside earnings for those years exceeded his college salary. Professor Abernethy told the committee that much of his non-teaching income was for periods when he was on leave of absence, and included a government salary which was over twice that which he received from the College. With regard to the years for which the Board of Directors had gathered information concerning his income, 1950-53, Professor Abernethy stated that only in 1950 was he employed exclusively by Texas Technological College. He pointed out also that when he returned to Texas Technological College in 1947, the matter of his outside arbitration practice had been cleared with the then President, and this clearance was later embodied in a letter from his department head, Professor Davis. Professor Davis confirmed Professor Abernethy's estimate that he had fulfilled his professorial responsibilities. He further stated that Professor Abernethy's work in the department showed ability of a 'high order.'

"Professor Herbert Greenberg, who is blind, joined the faculty of Texas Technological College in September, 1955. He served as associate director of the vocational rehabilitation program of the College as well as assistant professor of psychology. His activity in his field is attested by six articles accepted for publication by scientific journals during the past year. One of these, 'Attitudes of White and Negro High School Students in a West Texas Town Towards School Integration,' in the Journal of Applied Psychology, was the result of a study conducted by Professor Greenberg and his students. His doctoral dissertation was on the effects of segregated education on the personalities of those experiencing it, and while this was in fact a study of the segregation of the sightless from the sighted, it was suggested to the investigating committee that the dissertation had been accepted as further evidence of his questionable attitudes on the subject of race relations. Professor Greenberg states that President Jones told him that the President had the impression that his dismissal resulted from speeches he had made in Chicago and in Louisiana. Professor Greenberg read a paper to the American Psychological Association, at a meeting in Chicago, which concerned the investigation of the attitudes of high-school students referred to above. He informed the committee that he had never been in Louisiana. During his residence in Lubbock, he made many public appearances, sometimes speaking on topics related to prejudice, especially prejudice with reference to the problems of the blind. Professor Sylvan J. Kaplan, head of the Department of Psychology, spoke of Professor Greenberg's intellectual brilliance and unusual capacity for work.

"Professor Stensland, a naturalized American citizen of Swedish descent, joined the faculty of Texas Technological College in 1952 as professor of education and head of the Adult Education Program. President Jones informed the committee that the Adult Education Program at Texas Technological College, under Professor Stensland's direction, had come to be recognized as one of the best of its kind in the country. Economy was given as the Board's reason for cutting off the program. Persons with whom the committee talked treated with skepticism the claim of economy, pointing out that only about one-third of one per cent of the total College budget was involved, and that the money taken from the Adult Education Program was simply transferred to the general account and not to some other pressing need.

"Faculty members, at the time of the committee's visit, appeared to feel little security in their positions, and many of them wondered if even the clearest of tenure regulations would protect an individual faculty member

against arbitrary action if he should incur the displeasure of the Board. No faculty member interviewed by the committee knew of any legitimate reason for the dismissals. Some interpreted the action as the beginning of 'thought control' on the campus. Colleagues of the dismissed professors all testified to their competence and scholarship. Dean R. C. Goodwin, of the School of Arts and Sciences, in which the three had worked, said that there was no question about the quality of their professional performance, and he had recommended renewal of their contracts and salary increases for each.

"The committee could find no evidence that the three men together represented any definable activity, belief, or concert of action that would explain why they were picked for dismissal. They seem not to have been well acquainted with each other. The only common denominator appears to have been that each had interests which, though separate from the interests of the others, led him to engage in activities which resulted in many contacts in the community and the state. It would appear that the interests of the three professors which were considered by colleagues to be endeavors of very great merit were used by the Board as justification for summary dismissal."

#### THE BOARD OF DIRECTORS

"The investigating committee conferred, on October 5, with Mr. Watkins, Chairman of the Board. He did not state any specific charges against any of the professors or give any specific reasons for the action. He pointed out that he had attempted to obtain the consent of the other Board members for a Board-Administration-Faculty committee to hold hearings, but the Board had rejected his proposal.

"Chairman Watkins observed that because of the filling of a vacancy, and three recent regular appointments, a majority of the Board were new, that none had had previous experience in such a position, and that some of them actually did not, prior to July 13, know of the existence of such an organization as the Southern Association of Colleges and Secondary Schools, by which Texas Technological College is accredited. It seems fair to state, therefore, that because of their relative inexperience in administration of higher education, some Board members were not accustomed to examining such concepts as academic freedom and the proper relationship of a board of control to an administration and a faculty.

"The investigating committee pointed out to Chairman Watkins that, on the basis of all the facts at hand, including those presented by him, the committee would have to report to the Association that the dismissals were arbitrary, that



there was no pretense of a hearing, and that no satisfactory reasons had been given. He did not disagree. The committee pointed out that the dismissals had been made without notice, just prior to the beginning of the academic year, and though the Board meeting was secret, the news was made public, with the result that two of the professors were first informed of their dismissals by newspaper reporters. Even worse, the news was received at night, in one case while the professor concerned was at a social function. Mr. Watkins' only comment was, 'Terrible!'

"The conference with Chairman Watkins did nothing to dispel a strong belief which had been given wide publicity in Texas newspapers, and which was voiced to the investigating committee by many faculty members, that the three men were dismissed because of their social, economic, or political views, which differed sharply from those held by some of the Board members. Chairman Watkins' statement to the investigating committee further corroborated the committee's judgment that the members of the Board of Directors who met in executive session on July 13 neither understood nor recognized any obligations or principles of tenure with respect to faculty members. Due process was totally lacking, and the tenor of the proceedings of the Board seems wholly inconsistent with the principles of academic freedom."

#### CONCLUSIONS OF THE INVESTIGATING COMMITTEE

"The investigating committee presents the following conclusions:

1. All of the evidence at hand supports the conclusion that Professors Abernethy, Greenberg, and Stensland were separated from their positions by proceedings which amounted to arbitrary action and a flagrant denial of the principles of due process as set forth in the 1940 Statement of Principles on Academic Freedom and Tenure.
2. The action of the Board was taken with complete disregard of the tenure rights of the three individuals. Professors Abernethy and Stensland clearly had permanent tenure under the regulations of the College as they appear in the Faculty Handbook. The confusion that may exist between the office of the President and the head of Professor Greenberg's department as to the latter's tenure status in no way justifies his separation without notice of charges and a right to an adequate hearing, since there had been no interruption of the federal grant, which was the only conditional factor in Professor Greenberg's status.
3. The wisdom of the decision to discontinue the Adult Education Program is a matter with which the investigating committee can have no concern. However, the termination of Professor Stensland's appointment, in the circum-

stances set out in this report, falls short of a 'demonstrably bona fide' economy move, under the provision of the 1940 Statement of Principles: 'Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.'

4. On the basis of the reports by the three professors of what they were told by Chairman Watkins and Vice-Chairman Lindsey at the individual conferences on August 14, from statements of Board members in the newspapers, and from the grounds for dismissal suggested to the investigating committee in its conference with Chairman Watkins on October 5, the conclusion is inescapable that if the reasons for the dismissals had been made explicit, serious questions of infringement of academic freedom would be involved.

"Since the drafting of the preceding parts of this report, President Jones has furnished the committee with copies of tenure regulations and procedures adopted by the Board of Directors on November 8, 1957, for future guidance of the Board, the administration, and the faculty of the College. These new regulations provide for the filing of charges, open hearings, and decisions based upon full consideration of evidence, before an appointment may be terminated for cause. Recognition of these fundamental requirements of due process by the Board would seem to the committee to call for an immediate offer by the Board to reinstate Professors Abernethy, Greenberg, and Stensland, and to make arrangements for the conducting of full and adequate hearings for them. If the results of the hearings do not demonstrate justifiable cause for dismissal, the professors should be cleared of all charges and be assured of all rights pertaining to their positions.

"In this connection, the committee wishes to point out a grave weakness in the new regulations: Among the actions cited as 'Grounds for Termination of Continuous Appointment' are 'actions which are not to the best interests of the College'; and again, under the heading 'Procedure for Termination of Continuing Appointment' is a clause, '...in cases of...actions which have adverse affect upon the College, and where the facts are admitted, summary dismissal will follow.' Provisions like these, stated in such highly generalized terms, can only serve to take away much of the protection afforded by the other provisions of the tenure statement. Also, some future governing board could make use of these vague grounds for justifying exactly the same kind of dismissals as those which are presently under examination in this report."