

# APA Committee for Defense of Professional Rights of Philosophers

## 2008 Report

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Annual Report 2007-2008

Submitted by Martin Benjamin, Chair

### **Inquiries**

In 2007-2008 the Committee received 5 inquiries that did not lead to formal investigations or cases. One involved an individual with a B.A. in philosophy who was initially barred from applying for a position with a county public relations office because the employment services office stated that philosophy degrees were not relevant to public relations. The chair referred the inquirer to the chair of the APA Committee on Non-Academic Careers, but the inquirer (perhaps using skills acquired in philosophy classes) was soon able to persuade the county employment services to accept an applicant with a philosophy degree. A second inquiry involved allegations that did not clearly involve a violation of professional rights. Another questioned an advertisement in *Jobs for Philosophers* listing, as a qualification, that applicants be members of Phi Beta Kappa. This turned out to be related to a university's wanting to obtain a Phi Beta Kappa chapter and one requirement for its doing so is that at least 10 percent of the arts and sciences faculty be Phi Beta Kappa members. While possibly discriminatory in some cases, there seemed to be little that the Committee could do about it. A fourth inquiry raised questions about the length of time a hiring department gives an individual to accept or decline a job offer. And the fifth requested a referral to a lawyer specializing in tenure cases. This individual was advised to contact the AAUP about this matter.

The three remaining inquiries involved questionable termination of employment. Two of them were originally received in June 2007, before the period covered in this Report. One of these involved what appeared to be arbitrary termination of employment, the other tenure denial. A third inquiry, also alleging a violation of rights in connection with denial of tenure was received in April. The Committee opened formal cases on each of the three.

### **Cases**

In one case, after a complex series of events, a highly successful, full-time, Assistant Professor and Chairperson of the Liberal Arts Program at a community college in the Midwest was dismissed, apparently for availing herself of the opportunity to respond in writing to what appeared to be a series of misrepresentations in a "Cease and Desist" memo sent to her and placed in her employment file by the Director of Human Resources. Under her annual contract the college did not have to specify a reason for non-renewal, and it did not. After reviewing an extensive set of documents submitted by the faculty member, the Committee wrote the college

Chancellor in July expressing its concerns, identifying prima facie violations of the faculty member's rights, and asking for reasons why she was no longer employed. The faculty member was also supported by the Indiana conference of the AAUP and by a letter from Jonathan Knight of the National AAUP to the Chancellor. Then in November the Chair received a communication from the faculty member that said, "I wanted to thank you profusely for all of your help with my situation this past summer . . . . The pressure exerted by the APA and AAUP obviously enticed the college to speed up my grievance, and we have reached a fonnal settlement. I'm very happy with it, and can't thank you and the APA enough for all of your help!!!"

The next case has not had as happy an ending. It involves a denial of tenure by a college President after the faculty member had been recommended for tenure by her Department, her Dean, and the Academic Council. For five years her annual evaluations indicated that she had been making generally excellent progress toward tenure and promotion. The faculty member had engaged a lawyer and was seeking legal relief as well as support from the Committee. She asked her lawyers to forward a large number of materials related to her case to the Committee Chair. Since the case was going to court soon, she also asked that a letter of concern be sent to the college President as soon as possible. The Chair sent such a letter based on the materials sent to him by the faculty member. Unfortunately her law firm neglected to send the full set of materials to the Chair and this was only discovered by the faculty member and the Chair after the Court had supported the president's denial of tenure. In the meantime the Chair received a letter written on the president's behalf by the Executive Vice President and Chief Academic Officer that seemed to evade the central issues. With the aid of the newly received documents from the faculty member's lawyers, the Chair wrote a detailed letter to the Executive Vice President supporting the faculty member's case, but the Executive Vice President never responded to this letter. Unfortunately, there is little the Committee can do in cases like this where all lower-level decisions are merely advisory to the President and ultimate decision-making authority resides in him or her. This is especially true where, as in this case, procedural factors are sometimes difficult to separate from substantive judgments. The President seized on (formative) suggestions for improvement on minor matters in annual reviews to eventually justify a (summative) evaluation to deny tenure.

The third case also involves denial of tenure. The faculty member alleges and documents a number of procedural violations in his being denied tenure. The Committee believed the case was strong enough, on the face of it, to justify further investigation. The Chair drafted individual letters to those involved, including a Provost, a Dean, and three members of the philosophy department, including the chair. The letter summarized the allegations and asked for further information. The Committee received a response from one philosopher, confirming one of the faculty member's allegations, but the other philosophers did not respond, nor did the Dean. The Provost, who was soon to be replaced, responded on their behalf with a letter that seemed to the Chair and Committee members to be "stonewalling" the Committee. This was in late June, toward the end of the Chair's appointment and the period covered by this report. The outgoing and incoming Committee chairs collaborated on a follow-up letter to the new Provost expressing the Committee's dissatisfaction with his predecessors response and asking again for answers to our questions. The draft was approved by the Committee and forwarded to the Provost.

## **Policy Issue**

In May 2007 the Committee was asked in by the Executive Director to make a recommendation with regard to a job applicant's withdrawing from consideration for a faculty position advertised in *JFP* because of a hitherto undisclosed requirement that job candidates under serious consideration sign a statement that, among other things, they will not engage in homosexual behaviors. Due entirely to the Chair's negligence, the Committee did not follow through with its initial conversations on this matter. The Chair apologizes for "dropping the ball" on this matter and hopes the 2008-2009 Committee will be able draw on these conversations and formulate and forward a suitable recommendation.

## **Committee Members**

Members of the 2007-2008 Committee were: Michael Goodman, Alison Jaggard, David Shier, William O. Stephens, Allen Wood (*ex officio*, Pacific Division), Nancy Sherman (*ex officio*, Eastern Division), Marilyn Friedman (*ex officio*, Central Division), and Michele Moody-Adams (APA Ombudsperson for Nondiscrimination)