

APA Committee for Defense of the Professional Rights of Philosophers

2010 Report

Annual Report 2009–2010

Submitted by William O. Stephens, Chair

Inquiries

Between July 2009 and June 2010 the Committee received five inquiries that did not lead to formal investigation by the Committee.

One person inquired about whether the APA has any policy regarding editorial policies for journals in cases of alleged plagiarism. We replied that we did not know of any.

A second complained of not being interviewed for a job advertised in *JFP* he/she applied to and was qualified for was because of his/her nationality. The complainant reported that the reason given by the interviewers was concern about his/her visa status. But since the selection of applicants to interview was likely to have been based on other criteria, namely, criteria regarding qualifications independent of visa status, we judged that this complaint was not actionable by the Committee.

A third complained that a job ad in *JFP* requiring candidates to “have four years or fewer of full-time, post-Ph.D. teaching experience” was guilty of a subtle form of age discrimination. We judged that, though the assumptions behind the language in question are not spelled out and explicit in the ad, it could be that the university wished to hire (a) someone fresh, relatively new, and current in the field, and (b) at a lower salary level. The Committee judged that these two assumptions need not necessarily involve age discrimination, nor do they appear to be illegitimate for hiring in philosophy. Consequently, we judged that the ad was not a clear case of age discrimination.

A fourth complained that, after initial interest in his/her candidacy, he/she was told that he/she was no longer under consideration for the position he/she applied for in a *JFP* ad because he/she was too old. This job candidate expressed concern about the APA’s ability to monitor discrimination policies of all the universities, including universities outside the USA, advertising in *JFP*. But this job candidate ultimately decided not to file a formal complaint with the Committee, so we took no further action regarding this informal complaint.

A fifth complained that he/she was offered a job, sent an official letter and contract, signed and returned the contract, and then was told that the position had been eliminated due to state budget cuts. The applicant also reported turning down another job offer in order to accept the one at that was cancelled for budgetary reasons, and so claimed he/she suffered monetary damages. The Committee informed the complainant that the Committee had no legal power to compel the offending university to pay monetary

damages, and that the Committee could only recommend censure of the offending university to the APA's Board of Directors. The complainant chose not to further pursue a formal grievance through the Committee.

Case

January 7, 2010 the Committee received a formal petition of grievance from a professor whose university dissolved the entire Philosophy program and terminated his/her employment (for alleged budgetary reasons) in violation of the university's own policies. February 22, 2010 the Committee sent letters of inquiry to all of the administrators involved in this case at the university soliciting their side of the story. The Committee found, on the basis of the documentation provided by the complainant, that there was a *prima facie* case for violations of the university's Program Discontinuation Policy concerning the complainant's dismissal. The administrators failed to respond to seven specific apparent violations identified by the Committee. April 14, 2010 I telephoned the administrators to confirm that they had received the letters. Though they had received the letters, all who would speak with me said that they could neither respond to the letters nor discuss the complainant's case with our Committee under instruction of their legal counsel. Consequently, the Committee judged the university to be guilty of these seven violations of the university's relevant policies:

- 1) The university failed to give clear reasons for discontinuing philosophy on education grounds.
- 2) The university failed to consult with either the faculty members affected or the students affected (philosophy minor students).
- 3) The university failed to give the complainant one year's formal notice of termination.
- 4) The university failed to attempt to find a suitable alternative position for the complainant within either the university itself or the wider state system of which the university is a member.
- 5) The university failed to make a formal review of the philosophy program concerning its educational stature.
- 6) The university failed to make an effort to fire non-tenured professors before discontinuing tenured professors (specifically, the complainant).
- 7) The university failed to give clear reasons, based on fiscal exigency, to require that philosophy and the complainant be terminated.

(In April 2010 the Committee recommended to the APA's Board of Directors that the university in question be censured.)

Committee Members

At the end of December 2009 Larry May was selected to serve as the Associate Chair of the Committee for the term July 2010 to June 2011.

Members of the 2009–2010 Committee were Larry May, Andy Wible, Timothy Shiel, Nancy Sherman (*ex officio*, Eastern Division), Heather Battaly (*ex officio*, Pacific Division) and Laurie Shrage (APA Ombudsperson for Nondiscrimination).