

Washington University Chapter,
American Association of University Professors
c/o Edward Greenberg, President
Campus Box 1208
October 20, 1995

Edward S. Macias
Dean of the Faculty of Arts and Sciences and Executive Vice Chancellor
Campus Box 1094

Dear Dean Macias:

The Executive Committee of the Washington University chapter of AAUP has received a request for support from Professor Jeffrey Kurtzman in his effort to persuade the university that procedures used in investigating charges made against him and in determining sanctions imposed on him were unfair. Some of us met recently with you and General Counsel Michael Cannon to discuss those procedures and the reasons they were employed.

The investigation of the charges was made by separate interviews of plaintiffs, the accused, and witnesses. Relevant documents were also examined. It is our understanding that Professor Kurtzman was not allowed to be present during, or to observe from a remote location by television, any presentations of evidence; he has not been allowed to review the records of the interviews. This violates the letter and spirit of the Washington University Discrimination and Sexual Harassment Hearing Procedures, adopted by the university around 1989, for such investigations.

The sanctions include moving Professor Kurtzman's office to a location far from his department, rescinding a grant of university funds for his research, a reduction of salary to become effective next July 1, no participation by Professor Kurtzman in department meetings, and restricted access to the department library. Some of these are not agreeable to Professor Kurtzman. The national office of AAUP has already expressed its opinion that these are severe sanctions. We had independently concluded that they are severe in the sense that they are substantial restrictions of the academic freedom of a faculty member. Both national AAUP recommended policies and procedures and the Washington University Policy on Academic Freedom, Responsibility, and Tenure (the Policy) call for a hearing of record before severe sanctions are imposed on a faculty member. National AAUP further recommends that, in a situation involving severe sanctions, cross-examination of witnesses be allowed at the hearing.

It is not our intention to second-guess administrative decisions that were made under extraordinary pressure, and we now understand that the membership of one of the two investigating committees included members of the Faculty Affirmative Action Committee, which is the appropriate body for the matters that committee investigated. We nevertheless believe that the policies adopted by the University Senate regarding investigations of faculty members and sanctions against them (section XII-B of the Policy and the Hearing Procedures mentioned in the first paragraph) should be followed. Accordingly, we urge that Professor Kurtzman be offered a hearing of record as quickly as possible.

Sincerely yours,

Edward Greenberg, President

Patrick C. Gibbons

Edward S. Shook
Dean of the Faculty of Arts and Sciences and Executive Vice President
Campus Box 1094

Dear Dean Shook:

Edward Greenberg

The Executive Committee of the Washington University Chapter of AAUP has received a request for support from Professor Jeffrey Kurtzman in his effort to persuade the university that proceedings aimed at lowering and changing charges made against him and in determining sanctions imposed on him were unfair. Some of us met recently with you and General Counsel Michael Cannon to discuss these proceedings and the reasons they were employed.

Robert P. Morgan
For the Executive Committee
Washington University Chapter, AAUP

The investigation of the charges was made by a committee of faculty members, the accused, and witnesses. After the documents were submitted to the committee, Professor Kurtzman was not allowed to be present during the hearing. He was not allowed to present any evidence, nor was he allowed to cross-examine the witnesses. This violates the letter and spirit of the Washington University Divisive Action and Student Handbook Hearing Procedures adopted by the university around 1959 for such investigations.

The sanctions imposed during Professor Kurtzman's office is a reduction of university funds for his research, a reduction of salary to less than the national average, and a reduction of his rank. The national office of AAUP has already expressed its opinion that these are severe sanctions. We have independently concluded that they are severe in the sense that they are substantial restrictions of the academic freedom of a faculty member. Both national AAUP recommended policies and procedures and the Washington University Policy on Academic Freedom, Responsibility, and Tenure (the Policy) call for a hearing of record before severe sanctions are imposed on a faculty member. National AAUP further recommends that, in a situation involving severe sanctions, cross-examination of witnesses be allowed at the hearing.

cc: Jeffrey Kurtzman
members of the Executive Committee, Washington University chapter of AAUP