

# AAUP

American Association of University Professors

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*Academic Freedom for a Free Society*

December 15, 2010

The Rev. Dennis H. Holtschneider, C.M.  
President  
DePaul University  
1 East Jackson Boulevard  
Chicago, Illinois 60604-2287

Dear President Holtschneider:

Dr. Namita Goswami, assistant professor in the Department of Philosophy at DePaul University, has sought the advice and assistance of the American Association of University Professors as a result of your memorandum dated December 1, 2010, notifying her that you were rejecting the appeal of the decision to deny her tenure. We understand that the grounds for the adverse tenure decision, according to your June 14, 2010, letter informing her that she had not been recommended for tenure and that her appointment would not be renewed beyond the end of the 2010-11 academic year, are her "record of scholarship," the evidence for which she and a minority of her department colleagues have sharply challenged.

The interest of the Association in the case of Professor Goswami stems, as you know, from our longstanding commitment to academic freedom and tenure, the basic tenets of which are set forth in the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*. Derivative procedural standards applicable to Professor Goswami's case are provided in the Association's enclosed *Recommended Institutional Regulations on Academic Freedom and Tenure*. We have noted the pertinent provisions of DePaul University's *Faculty Handbook*, especially the section on "Appeal Procedure for Nonrenewal of Nontenured-Tenure Track Faculty."

According to the information currently available to us, Professor Goswami wrote to the members of the Appeal Review Board by memorandum of October 12, 2010, alleging violations of academic freedom, discrimination, and faculty handbook policies and procedures with regard to the evaluation of her tenure candidacy, and she requested an appeal as provided by Section 5.1.1 of the *Faculty Handbook*. This section states *inter alia* that in cases where the review board finds that "academic freedom has been violated by the dismissal itself" "the dean may recommend that another contract be offered or that a review of the case be conducted in accord with those procedures ordinarily reserved for tenured faculty being dismissed for cause." We understand that the Appeal Review Board, in a memorandum of November 19, sustained both her academic freedom and procedural complaints and recommended that you reverse the tenure

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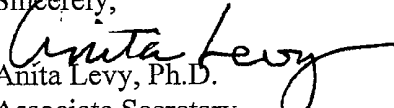
denial and grant her tenure and promotion. Despite the findings and recommendations of the Appeal Review Board in the case of Professor Goswami, and despite the faculty handbook procedures that call upon the dean to make a recommendation with regard to further review of the complaint, you issued a December 1 response to the board rejecting its recommendation. Your reasons were that her appeal had not adequately established violations of academic freedom or of handbook policies or procedures. In your rejection of the Appeal Review Board's report sustaining Professor Goswami's appeal you apparently preempted the procedures called for by the *Faculty Handbook* concerning review board findings on violations of academic freedom.

Those procedures essentially conform to Regulation 10 of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*, which provides a probationary faculty member who alleges that a nonreappointment decision was based significantly on considerations violative of academic freedom or that constitute discrimination with the opportunity for a hearing in the manner set forth in our Regulation 5 on dismissal procedures, "except that the faculty member making the complaint is responsible for stating the grounds upon which the allegations are based, and the burden of proof will rest upon the faculty member." Given the findings and recommendations of the Appeal Review Board concerning Professor Goswami's appeal, it seems to us that you should have permitted a faculty hearing to proceed in the manner set forth in the *Faculty Handbook*.

Our concern with your seeming departure from handbook procedures is heightened by additional faculty reports and press accounts we have seen concerning the tenure review process at the university, including allegations that a disproportionate number of female and minority faculty members were denied tenure in the academic year 2009-10. We understand that the DePaul University Faculty Council, with administration support, has created a committee to examine the roles of the various bodies involved in the process and to identify places where clarity may be lacking or problems have arisen. Yet we question whether further consideration of the tenure process should await a committee investigation when, at least in the case of Professor Goswami, a potential remedy, so recommended by university policies and procedures, is at hand.

We welcome your comments. Assuming the accuracy of the information we have been provided, we urge you to suspend your action in Professor Goswami's case until such time as existing provision for academic due process has been afforded.

Sincerely,

  
Anita Levy, Ph.D.  
Associate Secretary

Enclosures

cc: Dr. Charles S. Suchar, Dean, College of Liberal Arts and Sciences  
Professor Phillip E. Funk, President, Faculty Council  
Professor Roberta Garner, Chair, Appeal Review Board  
Professor Peter N. Kirstein, Vice President, Illinois AAUP Conference  
Professor Namita Goswami