



November 28, 2017

VIA ELECTRONIC MAIL AND USPS

Dr. Ronnie D. Green
Chancellor
University of Nebraska–Lincoln
1400 R Street
Lincoln, Nebraska 68588

Dear Chancellor Green:

Thank you for your letter of October 12, 2017, responding to ours of September 13 and 26, regarding the case of Ms. Courtney Lawton. We had delayed replying to your most recent letter pending the final determination of Ms. Lawton’s teaching assignment for the spring semester. We have since learned from Ms. Lawton and from accounts in the press that you have decided to extend her suspension with pay through the spring semester—the end of the term of her current appointment—an action that we view as tantamount to a summary dismissal.

In your October 12 letter, you wrote that because the case of Ms. Lawton “represent[ed] a personnel matter for the University of Nebraska, there is no formal representative role for the AAUP in this instance” and that you therefore “deem[ed] the matter closed.” Your statement appears to be based on a misunderstanding. Since its founding in 1915, the Association has assumed responsibility for promulgating standards for sound academic practice, particularly in the areas of academic freedom, tenure, due process, and governance. Some of these standards have been jointly developed with other educational associations—such as the Association of American Colleges and Universities, the American Council on Education, and the Association of Governing Boards of Universities and Colleges—and a large number of colleges and universities throughout the United States, including the University of Nebraska, have incorporated them into their institutional regulations. Also since its founding, the Association has assumed responsibility for investigating and reporting on allegations of serious violations of these standards. To this end, the AAUP maintains a list of “censured administrations” to communicate to the academic community and the public at large that conditions for academic freedom, tenure, and due process have been found to be unsatisfactory at a particular institution. The “representative role” of the Association is with respect to these standards, which appear to have been violated by the University

of Nebraska–Lincoln administration in the case of Ms. Lawton’s suspension. We thus do not deem the matter closed.

Ms. Lawton has reported to us that on November 17 she met with Dr. Donde Plowman, executive vice chancellor and chief academic officer; Professor Marco Abel, chair of the English department; and you. At that meeting you informed her that she would not be permitted to resume teaching. She has further reported that, as the reason for that decision, you cited anticipated threats to her safety and the safety of her students that you expected to result from upcoming press reports about the university’s handling of the incident that led to Ms. Lawton’s suspension. However, in a November 20 public statement, you provided a different rationale for her continued suspension:

The behavior of the graduate student that day was unacceptable; she has not been teaching at the university since that time. We communicated today to the grad student that she will not teach at our university going forward because of this inappropriate behavior.

This statement makes evident that Ms. Lawton’s continued suspension is being imposed as a disciplinary sanction rather than as a means of preserving her safety and that of her students. Further evidence that the suspension is a disciplinary sanction comes from Ms. Lawton, who reports that when Professor Abel asked whether Ms. Lawton could teach online—an arrangement that would certainly not present concerns for the safety of her or her students—you and Dr. Plowman responded that she could under no circumstances be the instructor of record for any course at the University of Nebraska–Lincoln.

As noted in an interpretive comment on the 1940 *Statement of Principles on Academic Freedom and Tenure*, “a suspension which is not followed by either reinstatement or the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.” As we stated in our September 13 letter to you, under widely-accepted principles of academic due process, an administration can terminate an appointment prior to its expiration only after first demonstrating adequate cause for doing so in an adjudicative hearing before a faculty body. Section 4.14 of the Bylaws of the Board of Regents of the University of Nebraska contains applicable procedures, of which, however, the administration has not availed itself.

In addition to the evident procedural issues, we remain concerned that Ms. Lawton was suspended in response to her speech as a citizen, raising questions whether the action infringed upon her academic freedom. These questions remain unresolved in the absence of affordance to Ms. Lawton of any academic due process.

Chancellor Ronnie D. Green
November 28, 2017
Page 3

The summary dismissal of a faculty member in potential violation of that faculty member's academic freedom is a matter of basic concern to this Association under our longstanding responsibilities, as summarized above. Cases of this gravity, if they remain unresolved, may be referred by our executive director to an ad hoc investigating committee charged with examining the available documentation, visiting the campus for discussion with the involved parties, and preparing a report for potential publication. We would therefore welcome any information from you that would indicate that Ms. Lawton has been reinstated to her regular teaching duties and that any further action in this case will be consistent with AAUP-supported procedural standards, thus obviating the need for a formal investigation. If we do not hear from you by Tuesday, December 5, we shall proceed accordingly.

Sincerely,



Hans-Joerg Tiede
Associate Secretary

cc: Dr. Donde Plowman, Executive Vice Chancellor and Chief Academic Officer
Dr. Joe Francisco, Dean, College of Arts and Sciences
Professor Sarah Purcell, President, Faculty Senate
Professor Marco Abel, Chair, Department of English
Professor John Bender, President, University of Nebraska–Lincoln Chapter of the AAUP
Professor Julia Schleck, President, Nebraska State Conference of the AAUP
Ms. Courtney Lawton