



VIA ELECTRONIC MAIL AND USPS

June 18, 2013

General J.H. Binford Peay III  
Superintendent  
Virginia Military Institute  
201 Smith Hall  
Lexington, Virginia 24450

Dear Superintendent Peay:

Members of the faculty at the Virginia Military Institute have shared with our Association information and documents about recent developments at the institution that they believe carry serious adverse implications for principles of academic freedom and tenure and for the role of the faculty in institutional governance. Their concerns are focused on actions taken by the VMI administration both to enhance the authority of department heads vis-à-vis the role and responsibilities of their faculty colleagues, and to issue, without prior faculty notice or consultation, an April 10, 2012, memorandum on academic programs mandating significant curricular changes in several departments beginning fall 2013. Specifically with regard to the English and Fine Arts (ENFA) Department we understand that an “order” was issued for the formation of a committee to address the administration’s announced decision “to redesign the ENFA curriculum to emphasize rhetoric, the intellectual and practical foundation of writing studies, while retaining more limited offerings in literature and fine arts.” We further understand that similar orders were issued for significant programmatic and curricular changes in other departments, all of them announced and then implemented with little or no meaningful faculty involvement and, as with the changes in ENFA, over the strenuous objections of many of the affected faculty who opposed both the process followed and the pedagogical soundness of the resulting decisions.

We share the faculty’s concerns. This Association has long held that decisions about a college’s long-range objectives, faculty appointments, and changes in the curriculum and the structure of academic programs are of basic importance to the faculty and indeed are in their areas of primary responsibility and thus require their direct and meaningful involvement. This fundamental principle is set forth in the Association’s enclosed *Statement on Government of Colleges and Universities*, jointly formulated with the American Council on Education and the Association of Governing Boards of Universities and Colleges. The *Statement on Government*, which embodies standards widely upheld in American higher education, rests on the premise of

appropriately shared responsibility and cooperative action among governing board, administration, and faculty in determining educational policies and in resolving educational problems within the academic institution. It refers to “an inescapable interdependence” in this relationship which requires “adequate communication among these components, and full opportunity for appropriate joint planning and effort.” We have noted the relevant sections of the institute’s *Faculty Handbook*.

Section V of the *Statement on Government* defines the particular role of the faculty in institutional government, stating in pertinent part:

The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty.

The particular authority and primary responsibility of the faculty in the decision-making processes of the academic institution in these areas derive from its special competence and expertise in the educational sphere. It follows from this proposition that the faculty should play an active and meaningful role in the development as well as in the revision of institutional policy in those areas in which the faculty has primary responsibility.

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The VMI faculty members who have consulted us have complained about what they perceive as a pattern of disregard for the faculty’s legitimate role in institutional decision making where the faculty should have primary responsibility and a lack of sensitivity to the faculty’s needs and concerns. Among the matters of specific concern that they have brought to the Association’s attention, beyond the ones cited above, is the reportedly unchecked authority of department heads in making fundamental academic decisions without substantive faculty involvement. The dean has reportedly given department heads the power to run their department without meaningful involvement from their faculty, even in matters of curriculum, pedagogy, and appointments and reappointments. In some departments, we understand, the heads have taken away the faculty’s vote. Indeed, according to the minutes of the Academic Board meeting of September 28, 2011, “The heads of academic departments at VMI are referred to as ‘heads,’ as opposed to ‘chairs,’ in recognition of the authority granted to them by the Superintendent and the Dean to manage their departments and to make decisions they feel are in the department’s best interest. Departmental management is not a democratic function and does not require

department head decisions to be subject to a vote.” The minutes go on to state that, “in order to be consistent with the understood authority granted to department heads,” the procedures for faculty reappointment decisions, as set forth in the May 2011 edition of the institute’s *Faculty Handbook*, which provided that “the department head will consult the tenured members of the department and *together they* make a decision on recommending reappointment” [emphasis added], was revised in the February 2012 edition to delete “the words ‘together they’ in order to properly reflect the department head’s authority in making reappointment decisions regarding probationary faculty members.” The change, which was apparently carried out without appropriate faculty consultation, has reportedly had the effect of preventing the senior department faculty from exercising their primary responsibility in the peer review process. We consider such actions to be inimical to sound principles of academic government.

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Finally, related to the foregoing, and perhaps most telling, members of the faculty have voiced their concerns about the climate for academic freedom at VMI, particularly as it relates to the faculty’s exercise of its appropriate role in institutional governance. They have alleged that key officers of the administration have shown intolerance and distrust and engendered a divisive and adversarial relationship with the faculty. They complain that those who have openly questioned the administration’s actions are viewed as malcontents and their professional opinions have been discounted, and that they have become targets for retaliation. We understand in this regard that a majority of full-time English and Fine Arts Department faculty members filed an October 2011 complaint with the inspector general, Colonel William R. Grace, alleging ineffective department leadership and the creation of a hostile environment for the performance of their academic duties, and that the grievance subsequently came before a faculty committee for investigation. These faculty members report that in an April 2012 meeting, prior to the completion of the grievance process, Dean R. Wane Schneider informed the literature faculty that their number would be reduced by two-thirds in order to shift the department’s focus to rhetoric and composition. Department members allege that these departmental changes constituted retaliation for their having filed a complaint against the department head. They also allege that, as a result of filing the complaint, they were threatened with dismissal, removed from important committees, and suspended from participation in annual trips, conferences, and extra-curricular student activities. We understand further that you subsequently denied their complaint, but did not release the grievance committee’s report. The general academic community recognizes the right of a faculty member, as an officer of an educational institution, to participate actively, and speak forth freely—without fear of reprisal or retaliation—on matters of central concern to the institution’s educational enterprise. According to the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*, the text of which has been incorporated in the VMI faculty handbook,

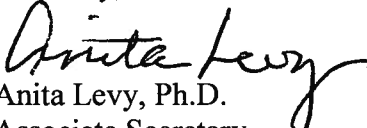
College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

The AAUP's *Statement on Government* affirms that the rights of anyone affiliated with an academic institution "to speak on general educational questions or about the administration and operation of the individual's own institution is a part of that person's right as a citizen and should not be abridged by the institution." The Association's enclosed 1994 statement *On the Relationship of Faculty Governance to Academic Freedom* recognizes that "[t]he academic freedom of faculty members includes the freedom to express their views . . . on matters having to do with their institution and its policies," and that academic freedom is an "essential [condition] for effective governance." "The protection of the academic freedom of faculty members in addressing issues of institutional governance is a prerequisite for the practice of governance unhampered by fear of retribution." The documents goes on to state that "it is . . . essential that faculty members have the academic freedom to express their professional opinions without fear of reprisal."

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We recognize that the information on which this letter is based has come to us almost entirely from faculty sources at the Virginia Military Institute, and that you may have additional information that would contribute to our understanding of the events we have recounted and the issues with which we are concerned. We would accordingly welcome your comments. Assuming the essential accuracy of the foregoing, we hope and expect that the VMS administration will address the faculty's concerns and do so in a manner that is respectful of the principles of shared authority and collegial responsibility as well as the principles of academic freedom that we have commended to your attention.

Sincerely,

  
Anita Levy, Ph.D.  
Associate Secretary

Superintendent Peay

June 18, 2013

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Enclosure

cc: Colonel William R. Grace, Inspector General  
Colonel Michael M. Strickler, Secretary for the Board of Visitors  
Dr. R. Wane Schneider, Superintendent for Academics and Dean of the Faculty  
Dr. Robert L. McDonald, Associate Dean for Academic Affairs  
Mr. George J. Opfer, Inspector General, Virginia Department of Veterans Affairs