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1 July 2013

Anita Levy, Ph.D.
Associate Secretary
American Association of University Professors
1133 19th Street, Suite 200
Washington, DC 20036

Re: AAUP Letter Dated 18 June 2013

Dear Dr. Levy:

Thank you for providing an opportunity to respond to allegations made by members of the VMI faculty regarding academic freedom and faculty governance. Our response addresses the specific points raised in your letter as well as other concerns that we have about the origin of the complaints against us.

Faculty Grievances

The complaint you received appears to have originated with members of our English Department or a group of associates in other departments whose sympathies they have cultivated through misrepresentations of administrative responses to their concerns. You cite as evidence of restricted academic freedom that

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... 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.

The fact that the grievance was put to a faculty committee for investigation and that a process to hear grievances is in place contradicts the complaint of disregard for faculty concerns. The majority of the faculty members involved in the complaint have long histories, extending over decades in some cases, of documented poor performance in fulfilling their responsibilities as members of a faculty. To counter these poor evaluations, they have attempted to use the

grievance process to circumvent personal accountability. The report from the faculty committee, which was issued after nearly eight months of reviewing documents and hearing testimony, concluded that none of the 12 points of their complaint could be substantiated. In fact, the committee of their peers concluded that the complainants themselves bore much of the blame for the climate of “distrust” and “intolerance” they claimed as the motivation for their complaint.

At the conclusion of the investigation in a meeting with me the involved faculty members were briefed at length on the investigation results. As part of the brief, they were encouraged to return to the department and work cooperatively with the department head. I expressly stated that no retaliation would follow and that the contentiousness that had developed in the Department was up to the individuals themselves to resolve. In fact, special accommodations were made in an attempt to re-engage these faculty members in the department. Instead, overtures of reconciliation by the administration, department head, and other senior department faculty were rejected by the disaffected members.

With this background, that the credibility of the complainants is questionable, we are confident that the motivation for the complaint received by AAUP is nefarious. Our difficulty in responding in greater detail is that much of the supporting evidence for the institutional response to these faculty members is tied closely to their personnel records, which are private, and although disaffected faculty members can make accusations, institutions are constrained in their responses to accusations because of privacy restrictions.

It is important also to note that VMI has an independent Faculty Grievance Hearing Panel (*Faculty Handbook* – May 2013, Appendix C) which operates to hear grievances from faculty members without fear of reprisal. None of the faculty members associated with October 2011 complaint used the Grievance Panel, but went outside of the faculty review process to file their complaint directly with the Inspector General. The Inspector General has no faculty oversight and reports directly to me. Consequently, instead of having the Inspector General investigate the complaint, it instead was returned to a committee of faculty members.

Faculty Role in Decision Making

The faculty members who have contacted you have complained "about what they perceive as a pattern for 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." You cite the 28 September 2011 minutes of the Academic Board as evidence of this complaint and suggest that academic department heads act unilaterally in decision making. The full specific paragraph from which portions are cited in your letter states:

A. Dept. Head Authority in Decisions on the Reappointment of Probationary Faculty

BG Schneiter continued a discussion from the September 14, 2011 Department Heads meeting (Attachment 5). 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. Therefore, in order to be consistent with the understood authority granted to Department Heads, the following change is proposed to Appendix B, paragraph II, (F) on page 67 of the *Faculty Handbook – May 2011*:

(F) Procedures for reappointment decisions. When probationary members are considered for reappointment, the department head will consult the tenured members of the department and together they make a decision on recommending reappointment.

The Board approved the motion on a first reading with 4 opposed.

The motion was approved on a second reading with 13 of the 17 members voting in favor. The Dean does not vote. The motion was specific to one particular action – the reappointment of probationary faculty members. Department heads are tenured members of the faculty who are appointed after consultation with all faculty members in an academic department (*Faculty Handbook – May 2013*, Section VI). As department heads, they have the responsibility for annually evaluating all faculty members in their departments (*Faculty Handbook – May 2013*, Appendix D) and are accountable for development of these faculty members. Because the department heads are accountable for personnel decisions, we believe that they have the right to be the final decision authority on reappointments after consulting with the other tenured members of their faculty.

You might review the full minutes of the 28 September 2011 Academic Board meeting and discover that several items were discussed and brought to a vote. There are two readings of each motion, with the first and second reading occurring in sequential meetings usually separated by at least one month. Minutes are published ahead of each meeting and all faculty members have access to these minutes. Further, department heads are required to hold monthly faculty meetings (*Faculty Handbook – May 2013*):

The departmental faculty meeting is the primary means used at VMI for faculty participation in the governance of the Institute and for the dissemination and exchange of information. Departmental faculty meetings allow frank discussion of policies and procedures and permit faculty members to make recommendations which must be carried to the Academic Board by department heads.

Departmental meetings must be held at least on a monthly basis to discuss the agenda for Academic Board meetings and actions taken at the most recent Board meeting. A meeting will be held in September, October, November and December during the first semester and a meeting will be held in February, March, April and May during the second semester. Department heads should annually appoint a faculty member to keep minutes of departmental meetings. The minutes must be kept and attendance taken; the

record will be filed for later reference by faculty members, faculty returning from leave, or new faculty members.

Faculty meetings occur before the first and second readings and allow at least two opportunities for faculty input on any matter considered by the Academic Board. Academic Board meetings are open to the public and any faculty member can participate in these meetings. Motions to the Academic Board can originate with any individual faculty member (via motions presented at monthly departmental meetings), any academic support office, or from the administration, but they are all presented to the Board as first and second readings and voted on as such. On issues of urgency, usually involving academic course approval, the Academic Board can decide to pass a proposal on a single reading, but this is rare and it is up to the Board to make the exception. Evidence of this process is documented in the minutes of every Academic Board meeting.

Unlike many institutions, the VMI academic program is governed largely by numerous robust faculty committees, the charges of which include clearly delineated expectations that the faculty involved in those committees' work will significantly influence or make policy. A sampling of the more than 35 standing committees chaired by members of the faculty include Tenure and Promotions Committee, Core Curriculum Oversight Committee, Faculty Compensation Committee, Faculty Development Committee, Professorships and Chairs Selection Committee, Curriculum and Instruction Committee, Academic Program Review Committee, Academic Policy Committee, Undergraduate Research Committee, Academic Technologies Committee, and Academic Advising Committee. Adding to this several *ad hoc* faculty committees represents a deep engagement of faculty in developing, implementing, and directing policy of the academic program, especially for a faculty numbering only 122.

Where committees choose to propose changes to the academic program, proposals are submitted to the Academic Board, often being preceded by one or more faculty forums to receive and respond to ideas from the broader faculty as the committee formulates its final recommendation. Each standing and *ad hoc* committee submits an annual report summarizing the committee's activities, and these reports figure prominently in the overall academic program report that the Dean's Office writes annually as part of our Institutional Effectiveness process.

Further faculty engagement in the Institute's assessment and long-range planning occurs through the departmental annual reports. Each academic department submits an annual report and all faculty members in a department are invited to contribute to long-range planning and the preparation of the report, particularly through departmental committee assignments.

Many initiatives during the past four years that were implemented through the Academic Board for the benefit of all faculty members are indicative of their strong engagement in institutional governance. These include moving from a 4-4 to a 3-3 teaching load for all faculty members, revising the annual faculty evaluation process to promote personal reflection and faculty development, instituting a sustainable performance bonus system for faculty, establishing an internal innovation grant program funded annually at \$100,000, and introducing and funding a

revised faculty compensation plan to dramatically increase faculty salaries (beginning this summer) in a time of fiscal challenge, particularly at state institutions.

Curriculum Changes

In your letter you state:

[The VMI administration issued] without prior faculty notice or consultation, an April 10, 2012, a 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"¹ was issued for the formation of a committee to address the administration's announced decision "to redesign the ENFA curriculum to emphasize rhetoric, ...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.

The April 10, 2012, memorandum addressed changes in four academic departments: Psychology, Computer Science, Modern Languages and Cultures, and English and Fine Arts. In all four cases, the changes emerged from a nine-month strategic review process that involved the Dean's review of the allocation of resources across a small institution (numbering 1500 students and just 14 academic majors) in light of the Institute's mission and the need to ensure fiscal soundness in a time competition for scarce resources as well as educational rigor and appeal for the students who choose to attend VMI. This process involved a review of five years of departmental annual reports and extensive discussions with department heads. Once formulated, the vision for change (labeled "Academic Initiatives") in the identified areas – which it is the Dean's explicit responsibility to articulate – was communicated to the departments and to committees comprised entirely of faculty for exploration and development.

In the case of Psychology, all faculty members in the department were asked to work as a committee to review their curriculum and validate offering both B.A. and B.S. degrees. There was no directed outcome and the faculty members embraced this opportunity. The result of their review was a proposal to make several substantial curricular changes, all developed exclusively by the Psychology faculty and submitted with their enthusiastic support. The proposal will go to the Academic Board in fall 2013. Any changes approved by the Academic Board will be implemented over time but not beginning until fall 2014. Implementing these changes will commit the Institute to hire at least one additional faculty member in Psychology.

¹ In VMI vernacular, "order" as used here represents the committee charge. It is not an unequivocal command typically associated with military activity.

The Computer Science changes were prompted by the Computer Science faculty and had been discussed over a period of years based on concerns presented in their annual reports. The Computer Science program at VMI was part of the Department of Mathematics and Computer Science since its inception about 20 years ago. The Computer Science program is one of the smallest degree granting programs at the Institute and experiences a retention rate in the major of approximately 40%. The program has the equivalent of 2.5 full time faculty members.

Because of low enrollment and poor retention, limited course offerings, and insufficient resources, compounded by an approaching ABET reaccreditation scheduled for fall 2012, the Computer Science faculty was not confident that their program could achieve the reaccreditation standard. Therefore, the decision was between either discontinuing Computer Science altogether or restructuring it to build interest and justify a renewed resource commitment. We made the commitment to retain a restructured Computer Science or a closely allied program for implementation in fall 2013 that would capitalize on current trends in technology based careers.

Under the direction of an interdisciplinary faculty committee and with Academic Board approval, the Computer Science program was established as a stand-alone academic department, renamed the Computer and Information Sciences Department, and will begin offering a B.S. degree with a revised curriculum and strong resource commitment beginning fall 2013. We will hire two new full-time tenure-track faculty members, one for fall 2013 and one for fall 2014.

The Modern Languages and Cultures program offered five languages – Arabic, French, German, Japanese, and Spanish. The program produced approximately one graduate per year for German and Japanese and fewer than two graduates per year for French. Allocating faculty and other resources to German and Japanese was not fiscally defensible. Eliminating academic offerings because of financial constraints is an administrative decision. Instead of eliminating French, which had a higher enrollment than German or Japanese and which was more compatible with VMI's strategic vision because of its wide international significance, it was retained and an additional full-time tenure-track faculty position was created for a second French professor. The French faculty will determine their curriculum.

In this action, the tenured German professor was retained and will teach his courses in translation. The sole Japanese instructor (part-time) and a part-time German instructor will continue teaching until all currently enrolled students seeking majors or minors in these languages complete course work.

For some years the Modern Languages and Cultures Department was seeking an opportunity to include a Mandarin Chinese program in their curriculum and doing so was part of their long-term plan. This plan was approved in the April 2012 memorandum. Adding Mandarin Chinese requires adding two new full-time tenure-track faculty positions. One position will begin fall 2014 and the other in fall 2015. The full-time members of the department will develop and implement a plan for adding Chinese and the Chinese faculty will develop their curriculum.

The actions described above hardly conform to the description of events as they were described in your letter. Any decision made by the administration was based on financial exigencies, and even these involved faculty members to the greatest extent possible.

Your letter directly addresses the changes in the English and Fine Arts curriculum. These changes followed the same pattern as those described for Computer Science and Modern Languages and Cultures. They occurred simultaneously with the changes described for the other three academic programs. In this context, it is incredulous to suggest that these changes were targeted at disgruntled English faculty members.

The English and Fine Arts Department had been in decline for a number of years. For the five-year period between 2008 and 2012, the average entering class size averaged barely six English majors and in 2011, the retention rate was 25%. Other majors transferred from other departments over time, but the department's total number of majors ranged between 45 and 50 for at least a decade. This enrollment occurred despite the fact that every VMI student is required to take at least three courses in the English and Fine Arts Department, providing the faculty in that department a special opportunity to recruit students to the major. Despite efforts by departmental leadership to increase the number of majors, it remained unchanged for many years. The faculty teaching loads focused on service courses for majors from other departments. The department is one of the largest at VMI in terms of full-time faculty, and the strategic review raised the question about a course of action that would have led to eliminating English as a major while retaining the department to service other majors. This option would have produced desirable and fully justifiable cost savings by eliminating some faculty positions.

However, the English and Fine Arts Department has a long history at VMI and we wanted to protect that tradition. The strength of the department was in the Institute Writing Program, which is located within the department and has enjoyed robust enrollments, particularly in courses leading to the popular writing minor (now approximately ten years old). The Institute Writing Program includes the administration of Core Curriculum writing courses, the writing minor, Writing Across the Curriculum, and a variety of other outreach and enrichment activities. Three faculty members in the department had been hired to support this effort since 2002. For good reason, rhetoric has been the area of strongest growth in the discipline of English studies at nearly all colleges in the past 20 years. (I am sure you are aware of the national conversation about the chaotic and dismal state of English studies as it is being played out in the *Chronicle of Higher Education* and the popular press, including the *New York Times* and *Wall Street Journal*.) The explicit purpose of revising the English curriculum was to build enrollment and improve retention to save the degree granting status of the department at VMI.

Repeated efforts to integrate the study of rhetoric and writing with the study of literature in the English major over the past ten years, including departmental curriculum reviews and faculty development workshops, had been unsuccessful. In light of the unproductive environment that had existed in the English and Fine Arts Department for years, an environment that contributed to the department's decline, it was not feasible to leave the decision for change to the department

faculty. It had to be led by a member of the Dean's staff, in the manner of a dysfunctional department placed in administrative receivership for the duration of this particular action.

However, with this decision came the broadest possible latitude for all faculty involved to determine what the new curriculum would be. It is important to note that the eight-member English Major Redesign Committee was composed entirely of faculty, including both senior and junior members as well as the department head and the director of the Writing Program. This includes the chair, who is a tenured full professor in the department and teaches in the curriculum while serving as associate dean for academic affairs. In addition, the committee enjoyed the regular support and input from a paid external consultant from the University of North Carolina at Chapel Hill, one of the most esteemed leaders in English studies in the nation, who filed a strong letter of support endorsing the revised major's mission, learning outcomes, curriculum, and pedagogical principles.

In your letter you also state:

[I]n an April 2012 meeting [the] Dean 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 activities.

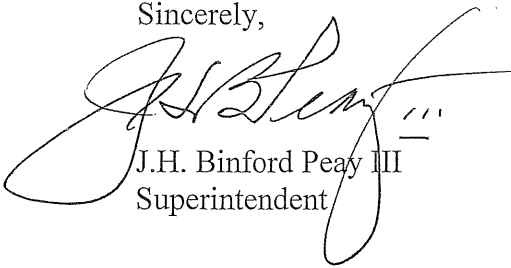
This statement is untrue. Faculty involved in the complaint served on major committees last year, including the Tenure and Promotions Committee. One even chaired the student publications committee, which produces VMI's signature undergraduate research journal. In addition, no reduction in faculty positions was anticipated or announced or has occurred in connection with the curriculum changes. In fact, two new full-time tenure-track positions were created in the department, one of these in Fine Arts. The very fact that some members of the department identify themselves (or are identified) as "the literature faculty" in the excerpt above illustrates the difficult segregationist mentality that existed in the department, despite the fact that one-third of all faculty members' teaching loads were comprised of first-year composition and rhetoric courses.

All members of the English faculty were given substantial and meaningful opportunities to contribute to developing and implementing the curriculum, and while some embraced the opportunity, others did not. In those cases, the same pattern of disregard for the guidance given through the annual evaluation process was evident, despite efforts by the committee to promote dialogue and ensure success. By missing meetings, feigning confusion, or simply remaining silent and doing nothing, they continued to resist rather than embrace the new direction that was charted by the committee.

Faculty development funding is allocated through a large faculty committee that includes representation from nearly every academic department at VMI (including English) and is based on the merit of proposals received. Support for faculty travel is tied to faculty performance and professional goals that are articulated in collaboration with the department head, and these funds are allocated according to criteria that are spelled out clearly in the call for proposals. To suggest that any reduced funding occurred implies complicity of the broader VMI faculty, which is absurd. Further, if any faculty member has a grievance, the Grievance Hearing Panel, an independent faculty entity, is empowered to review and respond to faculty concerns. No grievances were filed with the panel.

Consistent with the VMI *Faculty Handbook*, we strive to conform to tenets of academic freedom and faculty governance as advocated by the AAUP. Our actions as they are described in your letter are misrepresentations of what actually occurred and of the motivations behind these actions. We have tried to provide a more accurate representation here.

Sincerely,

A handwritten signature in black ink, appearing to read "J.H. Binford Peay III". The signature is fluid and cursive, with a large loop at the end.

J.H. Binford Peay III
Superintendent

CC: Members of the Board of Visitors