



# American Association of University Professors

*Academic Freedom for a Free Society*

May 7, 2015

Interim President Scott Coltrane  
Acting Provost Frances Bronet  
Senior Vice Provost of Academic Affairs Doug Blandy  
Senior Vice Provost of Academic Affairs Barbara Altmann  
Dean of Libraries Adrienne Lim

Dear Interim President Scott Coltrane and colleagues:

The American Association of University Professors is one hundred years old this year. Over the last century we have defined the role of faculty in the academy and established widely-accepted principles of academic freedom, shared governance, and due process to which universities across the country subscribe.

AAUP-Oregon is the state organization of the AAUP, and we are writing about the non-renewal of the employment contract of James Fox, Associate Professor and Head of Special Collections and University Archives. Over 100 faculty members have already written to you calling for James Fox's reinstatement. Prominent community members and UO donors have added their voices to that call. AAUP – Oregon agrees with them.

We believe that the non-reappointment of James Fox was in substantial part the result of his decision to give a professor a digital copy of documents that had been sent to the University Archives as part of the process for preserving the records of UO presidents. While the report that was conducted by the Hershner Hunter law firm has not been made public or shown to the UO faculty, the facts presented in media accounts of the situation make it clear that the decision to release these documents involved considerations of academic freedom, equality of access to information, and the confidentiality of patron requests.<sup>1</sup>

The AAUP's *Policy Documents and Reports* states that:

Where the role of college and university librarians, as described in the preceding paragraphs, requires them to function essentially as part of the faculty, this functional identity should be recognized by granting of faculty status. ... The function of the librarian as participant in the processes of teaching, research, and service is the essential criterion of faculty status. ... In matters of internal governance, the library

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<sup>1</sup> "Former UO archivist describes 'humiliating' dismissal", Diane Dietz, *Register Guard* newspaper, 4/18/2015.

will operate like other academic units with respect to decisions relating to appointments, promotions, tenure, and conditions of service.<sup>2</sup>

Professor Fox meets these tests, and indeed has the title of Associate Professor at UO (although not with tenure.) Additionally, the AAUP's *Policy Documents and Reports* states in Regulation 11 of the section on Academic Due Process that protections for the exercise of academic freedom should extend to administrators who also hold academic rank, even when they exercise academic freedom in the course of their administrative role:

Administrators who allege that a consideration that violates academic freedom or governing policies against improper discrimination, as stated in Regulation 10, significantly contributed to a decision to terminate their appointment to an administrative post or not to reappoint them are entitled to the procedures set forth in Regulation 10.

The academic due process laid out in Regulation 10 requires a hearing in front of a duly constituted faculty committee. In light of the events preceding Fox's lengthy administrative leave and the information relating to the decision of non-reappointment, due process is warranted. The AAUP expects that universities will comply with such basic due process, to ensure that academic freedom is not compromised.

There is much evidence that James Fox has performed ably in his position at Special Collections and University Archives, and much evidence that the failures leading to the inappropriate release of some parts of the documents in the electronic archives resulted from lack of clarity around policies and procedures, a lack of resources to handle the records correctly, and a reasonable weight by UO's archivists on the importance of public transparency and on academic freedom. There is no evidence that UO has followed the AAUP's recommended procedures for the discipline of faculty in this case.

Therefore the American Association of University Professors - Oregon supports the reinstatement of James Fox.

Sincerely,



José Padin, President

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<sup>2</sup> AAUP's *Policy Documents and Reports*, Section on Librarians and Academic Professionals.