



Illinois Conference - American Association of University Professors

Academic Freedom for a Free Society
July 13, 2012

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Sharon K. Hahs
President
Northeastern Illinois University
5500 North St. Louis Avenue
Chicago, Illinois,

Dear President Hahs:

I am writing on behalf of Illinois Committee A on Academic Freedom and Tenure of the American Association of University Professors concerning the tenure and promotion case of Assistant Professor John Boyle. He is a member of the Department of Linguistics at Northeastern Illinois University. He received his Ph.D. from the University of Chicago. His areas of expertise include syntax, morphology, Native American Languages (Siouan languages), second language acquisition, language documentation and revitalization and language pedagogy. He serves as the Department of Linguistics undergraduate adviser. He initially contacted the American Association of University Professors, Illinois Committee A on Academic Freedom and Tenure on April 12, 2012. Professor Boyle requested intervention concerning his application for tenure and we advised him to defer pending administration review and recommendation. We also received several inquiries from other colleagues. Dr. Boyle contacted Illinois Committee A on July 3, 2012, informed us of your non-recommendation for tenure and requested an investigation.

On June 11, 2012 you informed Professor Boyle that you "plan to submit a negative recommendation to the Board of Trustees." His credentials in the area of Research/Creative Activity and Service were given a "significant" rating that satisfies your standards for tenure. In the area of Teaching/Performance of Primary Duties you indicated he failed to meet the tenure-standard requirement of "superior." You stated he "minimally meets the standard of Highly Effective" and you recommended that he not receive tenure. Your judgment is in direct contravention of his department chair, college dean, department and University Personnel Committee. Each assessed his teaching/performance of primary duties as "superior" and recommended Professor Boyle receive tenure. Your letter did not assess his classroom instruction that by all accounts from student evaluations to peer review is superior.

The central issue that you raise against Dr. Boyle concerns a quarrel over advising turf and competing for student minors. Dr. Lawrence Berlin, chair of Anthropology, Philosophy, Teaching English as a Second/Foreign Language & the English Language Program accused Professor Boyle in a letter dated October 20, 2011 of a "grievous act" of encouraging students to change their minors from Teaching English as a Second Language (TESL) to Linguistics (LING). Former Provost and Vice President for Academic Affairs Lawrence P. Frank circulated the letter and eventually Professor Boyle received a copy. Astonishingly, Dr. Berlin states "there are enough students at Northeastern to go around to maintain the various programs currently being offered." We wonder, therefore, what this is all about? Dr. Berlin claims at the beginning

of fall semester 2011, the TESL program had “over 200 enrolled students” but as of October 20, 2011 the “COGNOS system only identified about 110 students.” His letter, without any evidence or documentation, suggests that Professor Boyle encouraged ninety students to change their minors from TESL to LING. Dr. Berlin states he “firmly uphold(s) the concept of academic freedom” for Dr. Boyle but accuses the professor of violating the academic freedom of students to choose their minor. There is no evidence of coercion or intimidation but merely an expression of advocacy. In addition, Dr. Boyle is entitled to academic freedom when advising students and suggesting appropriate courses of study. He has every right to suggest a minor track to a student and any suppression of this would violate his academic freedom as enunciated in the AAUP *1940 Statement of Principles on Academic Freedom and Tenure*.

Dr. William Stone, associate professor TESL program, in a letter dated October 24, 2011 “For” three additional TESL faculty, Teddy Bofman, Jeanine Ntahirageza and Marit Vamarasi, accused Professor Boyle of “unethical” advising practices and “underhand” action in recruiting students to switch their minors from TESL to LING. Dr. Stone derives his evidence from a conversation with a student, unnamed in the letter, who stated Dr. Boyle in the LING 303 class, instructed TESL minors to switch to LING. There is no evidence in the letter that Dr. Stone sought confirmation from other students in LING 303. In any event, academic freedom enables professors to discuss such matters in the classroom. The *1940 Statement of Principles on Academic Freedom and Tenure* declares “teachers are entitled to freedom in the classroom in discussing their subject...” It is not uncommon for professors to discuss registration and programmatic preferences in class.

Leaving aside the academic freedom intrusions in both the Berlin and Stone letters, none were initially sent to Professor Boyle. He was not afforded an opportunity beforehand to respond to these accusations. We construe this as a violation of due process when the accused is not confronted directly with his or her accuser. The student in question ultimately filed a complaint several months later on February 9, 2012. The complaint stated Dr. Boyle during the LING 303 class asked her to switch her minor from TESL to LING. Needing only one additional TESL class to complete the minor, she was upset more courses were necessary to satisfy LING-minor requirements. On March 9, 2012, Professor Boyle denied the student’s charge in a written response to Associate Provost Alan Shub, University Contract Administrator. Dr. Boyle claimed he “never told [the student] that she should change from a TESL minor to a Linguistics minor.” Professor Boyle asserts the student’s concern about taking additional courses was incorrect since all TESL-minor classes are applicable toward a LING minor.

Cyndi Moran, University Professionals of Illinois (UPI) grievance officer, informed Associate Provost Shub on June 24, 2012 that Professor Marit Vamarasi encouraged the student to file a complaint during the spring term of 2012 while the student was enrolled in Professor Vamarasi’s individualized-study course, TESL 399 Clinical Experience. The UPI found it “troublesome” and in violation of the administration’s request not “to mess with students.” While not unusual for a professor to encourage a student to file a complaint against another professor, Dr. Vamarasi was one of the three endorsers of the Stone letter. She clearly has skin in the game in the TESL-LING recruiting-minors spat. This raises serious questions about the voluntary nature of the student complaint and whether it was coached. There is evidence of only one student complaint during Dr. Boyle’s six-year probationary period. It concerned an alleged but permissible opinion that a professor made in the course of instruction concerning academic minors. While we respect

student complaints, and cannot prove or disprove the accuracy of its substance, this is a trivial matter in the tenure and promotion case of Professor John Boyle.

Professor Boyle had submitted a response on November 2, 2011 to Dean Wamucii Njogu, College of Arts and Sciences denying “actively “recruiting” students to minor in LING and indicated there was considerable confusion between state requirements for teaching endorsements and catalog descriptions of the requirements for minors in TESL and LING. Professor Boyle was operating in an advising environment that was not clearly defined although one can always seek clarification. Encouraging students to select a particular program is unexceptionable. Many students seek guidance from an advisor. In the absence of any evidence of coercion, intimidation, or threat of sanctions against a student, this issue should not derail an application for tenure. Personal venting of anger, a competition for student minors, and confusion over programmatic details of TESL and LING appear to be the cause of this unnecessary conflict.

You requested on June 14, 2011 that Professor Boyle develop an action plan to remedy his alleged advising inadequacies. Your request appears appropriate, reasonable, and sensible. Dr. Boyle consulted with Dean Njogu, Acting Linguistics Program Chair David Rutschman, and Linguistics Program Coordinator Richard Hallett to implement an action plan. He subsequently underwent training in Banner and AdvisorTrac, NEIU’s online student advising tracking software.

On October 7, 2011, Acting Chair Rutschman affirmed that Professor Boyle successfully completed Banner and additional training to improve advising. Professor Boyle received additional training with AdvisorTrac on October 19, 2011 with David Nissim-Sabat, coordinator of student services, pre-professional advising. On October 25, 2011, Mary Hay Verne of the Office of the Dean, who had trained Professor Boyle on Banner, praised him for “your dedication to our students is evident.” On November 7, Nissim-Sabat thanked Professor Boyle by letter for participating in training on AdvisorTrac. Professor Boyle followed your instructions and the evidence is overwhelming that he successfully completed the action plan.

Dean Njogu recommended Dr. Boyle for tenure on January 10, 2012 and assessed his teaching as energetic and well-received by students. She proffers two concerns: one is related to an absence of a progress report on the implementation of the advising-action plan and the other refers to Dr. Boyle’s missing a September 15 deadline to submit a final-status report to the Office of Academic Affairs. Dean Njogu notes that Dr. Boyle apologized for failing to satisfy the deadline. The Dean indicated Professor Boyle claimed he mistakenly sent it to advising. The Dean states advising could not find the letter “but it cannot be sure it was not delivered and misfiled or lost in the mail.” Yet Dean Njogu explicitly contextualizes her concerns within the overall “superior” performance of Professor Boyle. Dean Njogu concludes that Dr. Boyle’s teaching/performance of primary duties over a six-year probationary period satisfies the tenure requirements governing the university: “My concerns notwithstanding, I find that on balance, Dr. Boyle meets the **superior** criterion in teaching required for tenure and promotion.” {Emphasis in original}

Dr. Boyle’s Department of Linguistics unanimously recommended him for tenure and promotion to associate professor on October 26, 2011. Professor Judith Kaplan-Weinger, chair of the department personnel committee, stated the “performance of his primary duties of teaching [was]

rated as superior.” The report describes him as “highly dedicated and a skilled teacher.” Student traffic to his office is heavy; he engages students in an “open and encouraging” manner “and is the most approachable professor a student could hope for.” The department praises his advising skills and understanding of the various programs and student needs. She corroborates other units in affirming that John Boyle implemented and succeeded in the completion of your action plan:

Per the recommendation of President Hahs and the workplan drawn up in consultation with Dean Njogu and Interim Chair/Associate Dean Rutschman, John has engaged in advisor training this past year with both Mary Hay Verne and David Nissim-Sabat. Letters in John’s promotion and tenure portfolio from these individuals attest to his cooperation in this training, the content that he has learned, and, in turn, to the completion of the required assignments.

Acting Chair Rutschman recommended the granting of tenure to Dr. Boyle on November 21, 2011 and rated his teaching as “superior.” He concluded that his course evaluations are uniformly positive and he witnessed during a classroom visitation “high academic expectations...that engages students and encourages their participation.” Acting Dean Rutschman notes in particular that Professor Boyle “has improved his advising skills” and “completed” your presidential request for an advising action plan with Banner and AdvisorTrac.

The University Personnel Committee (UPC) unanimously recommended the granting of tenure to Professor Boyle on February 20, 2012. The UPC informed Acting Provost Dr. Victoria Roman-Laguna that it determined “*unanimously* that the candidate has met the criteria of superior” in his teaching/performance of primary duties. Dr. Stone’s suggestion of overly aggressive behavior in his advising of a student is dramatically at variance with UPC generated student-evaluation data: **94%** of his students rated Dr. Boyle as “*excellent or above average*” in his *effectiveness of instruction*, **96%** of his students rated him as “*excellent or above average*” in his *ability to encourage students*, and **97%** of his students rated him “*excellent or above average*” as *fair and respectful to students*. {Emphasis in original} The UPC report is consistent with other documentary evidence that Professor Boyle “developed and fulfilled the required “action plan.” It found no evidence of misadvising students and unanimously concluded such charges were “unsubstantiated.” A duly constituted, elected faculty committee concluded that charges of misadvising were neither proven nor credible.

Illinois Committee A believes the issue of the September 15, 2011 deadline was raised improperly. On August 22, 2011, Professor Boyle mistakenly sent a letter, co-signed and co-dated in handwriting with Richard Hallett, addressed to academic advising instead of academic affairs. Dr. Boyle did not realize the routing error until he was told on October 31 that the administration had not received the action-plan report. On November 1, Professor Boyle informed Academic Affairs of the routing mistake, apologized for the error, and attached the initial August 22 action-report summary. This proves Dr. Boyle submitted his report summary **prior** to your deadline but sent it to the wrong office. In any event, almost seven and half months prior to your June letter, the action report arrived at the Office of Academic Affairs.

Your letter of non-recommendation of tenure and promotion at Northeastern Illinois University includes the missed deadline as an argument for rejecting four assessments of Dr. Boyle's teaching/performance of primary duties as "superior." The documentary record of his probationary period does not show a pattern of deadline violations or tardiness in satisfying multiple deadlines that we all face from grade submissions, return of student work, annual reports, and syllabi preparation.

Furthermore, you raise disturbing innuendos concerning Dr. Boyle's alleged lack of collegiality. Your letter repeatedly refers to the issue of "cooperation with colleagues and students." Illinois Committee A has not examined a single document that charges Dr. Boyle with a lack of collegiality vis-à-vis other faculty. The UPC-produced data summaries of course evaluations are also probative that Dr. Boyle established a very good relationship with students.

The AAUP discourages elevating collegiality as a separate category in tenure decisions. *On Collegiality as a Criterion for Faculty Evaluation* (1999) proscribes introducing collegiality as a factor of probationary performance along with research, teaching, and service. Although collegiality is not a separate area of evaluation at NEIU, it is a specific component within LING-tenure guidelines. In addition the frequency with which you refer to Dr. Boyle's need to attend "cooperation with colleagues and students" is an excessive reference to this criterion. The AAUP notes, "The invocation of collegiality may also threaten academic freedom." The Association warns against using collegiality to suppress dissent or demand a sunny disposition: "Certainly a college or university replete with genial Babbitts is not the place to which society is likely to look for leadership." Every unit from the Chair of the Department of Linguistics, the Department of Linguistics, the Dean of the College of Arts and Sciences, and the University Personnel Committee rated Dr. Boyle's teaching as "superior" and recommended him for tenure. He implemented and completed your action plan. As noted, Dean Njogu, a member of your administration, explicitly addressed action-plan concerns and concluded his teaching/performance of primary duties was "superior" in her recommendation for tenure.

Based on the above which we believe to be accurate, complete, and fairly presented, we believe your extraordinary refusal to accept Dr. Boyle's chair, department, dean, and UPC recommendation for the granting of tenure is untenable. It violates Dr. Boyle's academic freedom and undermines shared governance at Northeastern Illinois University. The AAUP *Statement on Government of Colleges and Universities* emphasizes that "faculty status...[is] primarily a faculty responsibility; this area includes...decisions not to reappoint, promotions, the granting of tenure..." It is unacceptable for a president to reject recommendations for tenure from four responsible units without providing substantive and specific reasons for reversal. We ask that you respectfully consider our report's comprehensive examination of this case. We realize that those at NEIU with administrative responsibilities may have additional information that would contribute to our understanding of what has occurred. We shall therefore welcome your comments. If the facts as we have recounted them are essentially accurate, we urge a reconsideration of the tenure decision in accordance with AAUP principles and procedures.

Illinois Committee A members are John K. Wilson, Illinois State University, Walter J. Kendall III, John Marshall Law School, Loretta Capeheart, Northeastern Illinois University, Matthew Abraham, DePaul University

Sincerely,

Peter N. Kirstein

Peter N. Kirstein, Ph.D.

Chair of Illinois Committee A on Academic Freedom and Tenure and Vice President of the Illinois Conference of the AAUP

Professor of History

Saint Xavier University

cc:

Dr. Carlos Azcoitia, chair, Board of Trustees, Northeastern Illinois University

Marvin Garcia, member, Board of Trustees, Northeastern Illinois University

Professor Richard Hallett, Coordinator of Linguistics,

Professor Judith Kaplan-Weinger, Head of the Linguistics Department DPC,

Professor Timothy Libretti, Chair of English and future Chair of Linguistics and English

Professor Shahrzad Mahootian, Linguistics Department

Wamucii Njogu, Dean of the College of Arts and Sciences

Victoria Roman-Lagunas, Acting Provost, NEIU

David Rutschman, Assistant Dean of the College of Arts and Sciences, Acting Chair of Linguistics

Dario Villa, Chair of the UPC

Greg Scholtz, Associate Secretary and Director Department of Academic Freedom, Tenure, and Governance, American Association of University Professors

B. Robert Kreiser, Associate Secretary, American Association of University Professors

Professor John Boyle, Department of Linguistics,