

AAUP

American Association of University Professors

Academic Freedom for a Free Society

January 20, 2011

VIA FACSIMILE (573-882-9907)

Dr. Brady J. Deaton
Chancellor
105 Jesse Hall
University of Missouri-Columbia
Columbia, Missouri 65211

Dear Chancellor Deaton:

Dr. Thomas G. Engel, associate professor in the Department of Electrical and Computer Engineering with tenure at the University of Missouri-Columbia, has sought the advice and assistance of the American Association of University Professors. He has done so as a result of actions he reports having been taken in recent months by his department chair, Professor Noah Manring, suspending him from his teaching duties and threatening to seek his dismissal. We understand that the actions were based on complaints from students and charges of “faculty irresponsibility” by Chair Manring and members of the ECE department—allegations that he has sharply challenged. We understand further that the suspension, a severe sanction which is the principal subject of this letter, has been imposed without affordance to Professor Engel of an independent faculty hearing on charges.

Under Regulation 7a of our Association’s enclosed *Recommended Institutional Regulations on Academic Freedom and Tenure*, if the administration “believes that the conduct of a faculty member . . . is sufficiently grave to justify the imposition of a severe sanction, such as suspension from service for a stated period, the administration may institute a proceeding to impose such a severe sanction.” The proceeding, akin to one in which dismissal is sought, is to be an adjudicative hearing of record before an elected faculty body in which the administration bears the burden of demonstrating, through clear and convincing evidence in the record considered as a whole, adequacy of cause for the sanction it seeks to impose.

According to the information we have received from Professor Engel, last spring he became embroiled in a dispute with his chair and dean concerning the management and oversight of a large federally funded research project the \$2-million earmark for which he had been instrumental in obtaining and for which he had been designated as project director, but which role the chair and dean, alleging his failure to fulfill certain administrative duties, reassigned to another faculty member over his strong and later well-publicized objections. The rapidly escalating dispute led to Chair Manring’s filing on May 10 a

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twelve-page "Charge of Faculty Irresponsibility" against Professor Engel for having "refus[ed] to show basic respect for his colleagues, the MU institution, and MU's external constituencies." He called on Professor Engel to sign a statement agreeing to abide by certain stipulated conditions in his future conduct. "If these conditions are not met for the remainder of Professor Engel's tenure at MU," the chair wrote, "then [he] should be removed without further process and his university appointment should be terminated." Soon thereafter, Professor Engel was informed that an online summer class he had expected to teach was cancelled. On his part, Professor Engel has complained of a pattern of intimidation and harassment by his chair and dean, and he filed research misconduct charges against several administrators.

In the middle of the fall semester, Professor Engel reports, three female Asian students filed a complaint with the administration, not shared with him, alleging that he had discriminated against them on the basis of race and gender after he had charged them with plagiarism in connection with lab reports they had submitted. He states that additional complaints were made about "inadequate teaching" and "disrespect to students." On November 10, he and his attorney met with Chair Manring and two other department members to discuss these complaints, but the meeting failed to resolve the matter. The following day the chair held a special meeting with the department's full professors to discuss the situation. In an e-mail message sent two days later Professor Manring notified Professor Engel of "the unanimous view of the faculty that to protect all the students in the class from possible retaliation, you should be relieved of your teaching duties and that an investigation of the charges should be conducted immediately." "Therefore," he continued, "you are immediately removed from all teaching duties for the remainder of this semester."

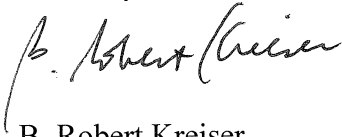
The suspension, however, was not to end at that point. On December 9, Professor Manring notified Professor Engel that he would "not be given any teaching assignments for Spring 2011," but that he might receive "other assignments." Eight days later, members of the ECE department filed new charges of "faculty irresponsibility" against Professor Engel, specifying multiple counts of "failing to uphold his faculty responsibilities." They contended that he had "shown himself unable to perform the basic functions of teaching that his position requires," and they went on to recommend "that his tenure be removed and that he be dismissed." A few days later, as an alternate assignment for the spring semester in lieu of teaching, Chair Manring asked Professor Engel "to develop two web-based courses for the department." Professor Engel objected to the assignment, whereupon Professor Manring, after consulting with the provost's office, rescinded it. Professor Engel reports that as of this writing, aside from his research, he has no assigned duties for the spring semester, which began earlier this week, and that he apparently remains on indefinite suspension from teaching.

The information in our possession relating to the case of Professor Engel has come to us primarily from him, and we realize that you may have additional information that would contribute to our understanding of what has occurred. We shall therefore welcome your comments. As stated in the 1970 Interpretive Comment Number 9 on the enclosed joint 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

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in effect a summary dismissal in violation of academic due process.” If the facts as we have recounted them are essentially accurate, we urge that Professor Engel be informed of reinstatement as soon as feasible to his regular teaching duties or alternatively that he be afforded a hearing, as cited earlier in this letter, at which it will be incumbent upon the administration to demonstrate adequate cause for the suspension.

Sincerely,



B. Robert Kreiser
Associate Secretary

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Enclosures

cc: Dr. Brian Foster, Provost
Dr. Kenneth D. Dean, Deputy Provost
Dr. Robert Duncan, Vice Chancellor for Research
Dr. James E. Thompson, Dean, College of Engineering
Professor Noah D. Manring, Chair, Department of Electrical and Computer Engineering
Professor Leona Rubin, Chair, Faculty Council
Professor Stephen Montgomery-Smith, UMC AAUP Chapter
Professor Keith Hardeman, President, AAUP Missouri Conference
Professor Thomas G. Engel