

Academic Freedom and Tenure: Louisiana State University, Baton Rouge

A Supplementary Report on a Censured Administration

miss for cause a specialist in early childhood education with a consistently positive eighteen-year performance record during the period in which she was a candidate for promotion to full professor.

Committee A on Academic Freedom and Tenure informed the Association's 2014 annual meeting that only one significant policy matter (affording the protections of academic due process to senior full-time faculty members serving outside the tenure system) remained unresolved with respect to the censure it had imposed two years earlier and that prospects for a prompt resolution seemed good. The annual meeting accordingly delegated to the committee authority to remove the censure if LSU adopted the desired new policy by the time of the committee's next meeting in the fall. By October, however, it had become apparent that the LSU administration was not going to act

on the matter. In a February 2015 letter, Dr. F. King Alexander, who holds the dual positions of president of the LSU system and chancellor of the system's flagship university in Baton Rouge, thanked the Association for "its time and interest in working with LSU" but stated that "at this time, LSU does not plan to pursue any further action regarding removal of censure." In response, the AAUP's staff wrote, "Please . . . do get back to us once you see fit to resume discussion." Communication promptly resumed—not about the censure directly, however, but rather about the case of Dr. Teresa K. Buchanan described in this report.

Professor Buchanan earned bachelor's and master's degrees at LSU and, in 1993, a doctorate at Purdue University. Her faculty experience began at LSU, where she worked as a teaching assistant for two years, and Purdue, where she was a research assistant for three. Four years at the University of Central Arkansas followed, the first three as an instructor and the fourth as an assistant professor. She returned to LSU as an assistant professor in 1995 and was promoted to the rank of associate professor with tenure in 2001.

As a member of the College of Human Sciences and Education in the School of Education, Professor Buchanan focused her scholarship on what she calls developmentally appropriate practice in early childhood education. For her teaching she was assigned the task of creating a new teacher education program (the

1. The text of this report was written in the first instance by the AAUP's staff on the basis of available documentation. In accordance with Association practice, the text was submitted to Committee A

LSU PK-3) encompassing prekindergarten through grade three. She was highly productive, both as a scholar and as a teacher. While still an assistant professor, she published eleven refereed articles, two of them in top-tier journals, and her years as an associate professor witnessed thirteen additional peer-reviewed articles, six in leading journals. During the seven years that she spearheaded the Early Childhood Program, as it was called at the time, several graduates of the program received various honors, such as “teacher of the year,” from their schools during their first year of teaching. Professor Buchanan’s evaluations agreed that, in addition to her outstanding performance in

On June 20 the dean notified Professor Buchanan that he was “considering” pursuing her dismissal through LSU dismissal procedures because she had admitted to having used profanity, which he was unable to condone, especially when teachers of young children were involved. He gave her “an opportunity to respond in writing,” with a response due by July 3. Two weeks later her case appears to have been moved to the office of Provost Bell, who notified her on August 5 that a hearing committee was being selected and on August 12 that her “faculty responsibilities [would] remain the same as spring 2014 semester.”

On October 13 Professor Buchanan, accompanied by the attorney she had by then retained, Mr. Floyd Falcon of the Avant & Falcon firm in Baton Rouge, attended a prehearing meeting. Other participants were a professor who had been designated chair of the hearing panel, a professor who would be presenting the administration’s case, the LSU attorney, and an HRM representative. Professor Buchanan and Mr. Falcon submitted a list of objections to the procedures thus far followed by the administration and requested documents that described specific charges against her.

Unaccountably, nearly four months went by before a second prehearing meeting was held, on February 2, 2015. Participating this time was the person who in fact was to chair the faculty hearing committee when it actually convened, Professor William B. Stickle from the Department of Biological Sciences. (In accordance with LSU’s stated procedures, Dr. Alexander appointed the hearing committee from a list of possibilities submitted by the officers of the faculty senate and of LSU’s AAUP chapter.)

On March 9 the formal proceeding took place, consuming twelve hours, from 8:30 a.m. to 8:30 p.m. The five-member hearing committee stated at the outset of its subsequent report that its findings were based on written correspondence collected in connection with the HRM investigation, documents in the LSU administration’s record of the case, and testimony given during the March 9 hearing. The committee found unanimously that Professor Buchanan’s “removal with cause” should • be contemplated.

The hearing committee did convey its opinion that Professor Buchanan had violated two LSU policy statements, “Sexual Harassment” and “Sexual Harassment of Students,” by “her use of profanity, poorly worded jokes, and sometimes sexually explicit ‘jokes’ in her teaching methodologies.” The committee, however, found no evidence that this behavior, which was in the category of “creating a hostile working environment,”

was “systematically directed at any particular individual,” only evidence that “some individuals observing the behaviors were disturbed.”

Regarding the charge of Professor Buchanan’s having violated the ADA, the hearing committee’s report simply stated that it was “not substantiated by testimony.” As to the conclusions reached by the HRM investigation, the faculty hearing committee recommended that a written reprimand and Professor Buchanan’s statement that she would modify her teaching methodology to eliminate potentially offensive material be deemed sufficient. Because of “the nature of the violations” and “the failure of the university to follow its own guidelines for response to behaviors of this nature,” the hearing committee recommended no additional sanctions. Its report ended with a statement that the “stress already inflicted on Dr. Buchanan” through the “hearing process itself is seen as an adequate punishment given the nature and apparent infrequency of the noted behaviors.”

On March 23 Dr. Alexander sent Professor Buchanan a copy of the faculty hearing committee’s report, and on April 2 she received an e-mail message from Mr. Jason Drodgy, the director of external affairs, with an attached letter of that date from Dr. Alexander to her, copies of which also went to Provost Bell and to LSU’s general counsel, Thomas

The board of supervisors on June 19 discussed its business during a morning executive session and acted on personnel matters at a public afternoon session, following public presentations, limited to a maximum of three minutes each, by others who wished to speak. Professor Buchanan reports that the administration had offered her a deal under which she could retire and have "dismissal for cause" removed from her LSU records but that she promptly rejected it because it would have provided her with few benefits (aside from some sick leave) to which she was not already entitled and would have required her to agree not to litigate or to pursue any other claims.

The Buchanan dismissal quickly received considerable national media coverage, most of it quite favorable to her. For some time LSU's office of media relations refrained from substantive comment, citing alternately the privacy of personnel matters and the pendency of litigation. The AAUP staff weighed in officially on June 30 with a letter introducing Dr. Alexander, plus assorted administration and faculty officers who received copies, to key Association concerns posed by Professor Buchanan's case.

The staff's June 30 letter reminded Dr. Alexander and the others that Professor Buchanan had an eighteen-year record of positive academic performance at LSU with no mention of any misconduct and that she was sailing through an evaluation for promotion to a full professorship when vaguely worded complaints from a district school superintendent and a student teacher brought about her immediate suspension from teaching that ended a year and a half later with her dismissal for cause. The letter pointed out that the administration, rather than involve the faculty in the case from the outset, allowed it to remain for several months under investigation by the HRM office, commencing faculty dismissal proceedings only after the HRM investigation had concluded that Professor Buchanan was guilty of having violated the university's policies on sexual harassment and the ADA.

The AAUP staff ended its comments on the substance of the case by stating that it would resist making further remarks "on how distant the LSU administration has placed itself from the mainstream of our secular research universities by dismissing a professor for misconduct simply for having used language that is not only run-of-the-mill these days for much of the academic community but is also protected conduct under principles of academic freedom."

If Dr. Alexander should be amenable to modifying his position, the staff wrote, it would appreciate

a response by July 6. Nothing came back directly from Dr. Alexander, but on July 1 the director of LSU's office of media relations, Mr. Ernest G. Ballard, issued a statement regarding Professor Buchanan. The statement asserted that the news reports had "not been entirely factual" and that her dismissal was not "due to isolated incidents." It referred to "documented evidence of a history of inappropriate behavior that included verbal abuse, intimidation, and harassment of our students." A member of the AAUP staff, asked by a reporter from a leading Louisiana newspaper to comment on the foregoing, replied that the staff had examined the stenographic transcript of the faculty hearing and the accompanying documents and had found nothing in the materials that differed from the findings in the hearing body's unanimous report that, while Professor Buchanan used "profanity, poorly worded jokes, and occasionally sexually explicit jokes in her teaching methodologies," no evidence indicated that she had directed this behavior "against any particular individual, only that some individuals who observed the behavior were disturbed by it."

On July 9, with Mr. Ballard's July 1 public statement having made Dr. Alexander's lack of interest in modifying his position on the Buchanan dismissal clear, AAUP executive director Julie Schmid reviewed the issues in the case with the Association's senior program officers and authorized this supplementary report on a censured administration. AAUP associate general secretary Jordan Kurland, who has served as chief staff officer for the steady stream of major troubling issues for Louisiana higher education since the onset of Hurricane Katrina in 2005, notified Dr. Alexander by letter on the same date of the report's authorization, sending copies to various administrative and faculty officers. The letter explained that a draft of the report would go to the AAUP's Committee A for approval of its release as a confidential draft to the principal parties in the case for corrections and comments, with initial publication of the final text to follow through its posting on the AAUP's website.

The staff's July 9 letter also informed Dr. Alexander and its other recipients that the governing board of the AAUP Foundation's Academic Freedom Fund had approved a grant for assistance in litigation initiated by Teresa Buchanan in the judicial determination of professional issues central to AAUP concerns.

Had an investigation been authorized, rather than a supplement to an existing investigation-based report, an investigating committee during its site



that this current case can soon be resolved and that not long afterward LSU will join the ranks of those institutions that have departed from the Association's censure list.² ■



Case: AACA, CFE, TAB, AAUP, B'n'F, A'nA, Un P f

Case: (H), Ca a Sa U, Ea Ba

M b, (E), P a a Sa U, (W a R c), U C a, (S c), R U, (La), N Y, NY, (M), P a a Sa U, (E), U I a C ca, (P), M c a Sa U, (H), I A a c S, (C Sc c), I W a, U (La), A ba La Sc, (Ec c), W Sa, U f, (La), C