



July 20, 2017

VIA ELECTRONIC MAIL AND USPS

Dr. Alan Walker
President
Sierra Nevada College
999 Tahoe Boulevard
Incline Village, Nevada 89451

Dear President Walker:

Dr. Samantha Bankston, associate professor of humanities with seven years of service at Sierra Nevada College, and Mr. Dan Aalbers, instructor of psychology with six years of service at the institution, have sought the advice and assistance of the American Association of University Professors as a result of having received notice on July 13 that the administration would not be renewing their appointments for the 2017–18 academic year. They have informed us that Ms. Shannon Beets, executive vice president and provost, had given them this notice verbally and had cited budgetary concerns as the reason for the decision.

Our Association's interest in these cases stems from its longstanding commitment to basic tenets of academic freedom and due process, as enunciated in the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*. That document was jointly formulated by the AAUP and the Association of American Colleges and Universities and has been endorsed by more than 250 scholarly societies and higher-education organizations. Derivative standards that apply to non-tenured faculty members are set forth in the AAUP's *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments* and *Standards for Notice of Nonreappointment* (also enclosed).

Under *Standards for Notice of Nonreappointment*, faculty members with two or more years of full-time service are to be notified of nonrenewal in writing at least twelve months before their appointments expire. The purpose of this standard is to provide affected faculty members with sufficient time to secure a suitable position at another institution and, if they wish, to petition a faculty body for review of the nonrenewal decision before their existing appointments expire.

Under the *Statement on Procedural Standards*, faculty members are entitled to such a review if they allege that the decision entailed a violation of academic freedom, was based on discriminatory considerations, or was the result of inadequate consideration. The *Statement on Procedural Standards* also requires an administration to provide faculty members with written reasons for nonrenewal decisions, if requested.

The Sierra Nevada faculty handbook contains notice requirements for ranked faculty members only, which include associate professors but not instructors, as follows:

All agreements with ranked faculty members include notice provisions. If proper notice, as specified within the agreement, is not provided in writing to the faculty member, the agreement is renewed automatically for the following academic year. The goal is to provide at least one semester's notice to all ranked faculty members.

We regard the July 13 notice issued to Professor Bankston and Mr. Aalbers as seriously deficient when measured against standards generally accepted in the academic community, not only because it was provided late but also because it was not issued in writing. We understand that the administration gave written notice of nonrenewal to all members of the faculty on May 24, which is close to the date at which their appointments expired. Although that notice was in writing, it falls severely short of the above cited standard of timeliness. Moreover, the AAUP has consistently understood notice as the result of a considered decision in an individual case. The Association therefore regards blanket notice to everyone—with the common understanding that considered decisions in individual cases are yet to be made—as effective notice to no one. We further observe that the notice given to Professor Bankston departs from the above cited provision in the faculty handbook.

Although the administration did not provide written reasons to the two faculty members, the provost, as we have noted, cited the college's financial condition in explaining the nonrenewal decision verbally to them. Professor Bankston and Mr. Aalbers have alleged, however, that the administration decided not to renew their appointments because of statements they had made as chair and vice chair of the faculty council, respectively, criticizing the administration's handling of the college's budgetary challenges. In attempting to refute this allegation, as published on the website *Daily Nous*, Mr. Jim Scrippss, the college's director of marketing, wrote as follows:

Last year President Alan Walker created two faculty positions (held by the chair and vice chair of the college's faculty council) on the president's cabinet. Provost Shannon Beets also worked with the chair of the board's academic affairs subcommittee to secure faculty representation on the committee and give faculty members access to board members. These are inherently positions where the expectation is advocacy for the college's faculty as employees and academia as an enterprise.

While the establishment of faculty-administration and faculty-board communication at the behest of the administration is certainly laudable, the above statement does not appear to be relevant to the allegation. The two faculty members, furthermore, have cited enrollment data in the classes that they were scheduled to teach as contradicting Mr. Scrippss's additional claim that the decisions were meant to "have minimal negative long-term impact on students while maintaining the college's academic character."

The AAUP views academic freedom as including a faculty member's right to address any matter of institutional policy or action. As the enclosed *On the Relationship of Faculty Governance to Academic Freedom* notes, "The protection of the academic freedom of faculty members in addressing issues of institutional governance is a prerequisite for the practice of governance unhampered by fear of retribution." Thus, Professor Bankston and Mr. Aalbers are in effect alleging that the adverse personnel

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actions taken against them were based significantly on considerations that violated their academic freedom. In the absence of an appropriate faculty review, their allegations stand unrebutted.

The Sierra Nevada faculty handbook contains grievance policies that allow a faculty member to address “claimed infringement of the rights of a faculty member, as set forth in the faculty handbook, which relate to . . . appointment or reappointment.” Both Professor Bankston and Mr. Aalbers have informed us that they plan to file a grievance under this policy, although the administration has not informed them whether they will be allowed to do so.

The information in our possession regarding these cases has come to us exclusively from the affected faculty members. We appreciate that you may have other information that would contribute to our understanding of what has occurred. We would accordingly welcome your comments. If the facts we have recounted are essentially correct, we urge that Professor Bankston and Mr. Aalbers be reappointed for the 2017–18 academic year and that any further action against them be taken in accordance with the above-cited academic standards. Finally, we urge the administration to work with the faculty council to modify the faculty handbook to provide all full-time faculty members with timely notice of nonreappointment as described in this letter.

We look forward to your response.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. J. Tiede".

Hans-Joerg Tiede
Associate Secretary

Enclosures by electronic mail

cc: Ms. Shannon Beets, Executive Vice President and Provost
Professor Robert Manis, President, Nevada Faculty Alliance/AAUP State Conference
Mr. Dan Aalbers
Professor Samantha Bankston