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COMMITTEE ON FACULTY WELFARE AND PRIVILEGES

IN THE MATTER OF:

DR. LINDA GOTTFREDSON, PROFESSOR OF EDUCATIONAL STUDIES

VS

DR. FRANK SCARPITTI, CHAIR, DEPARTMENT OF SOCIOLOGY

AND OTHERS

FINDINGS AND RECOMMENDATIONS

I. PROCEDURAL MATTERS

In a memo dated September 17, 1990, Dr. Linda Gottfredson requested a hearing before the Committee on Faculty Welfare and Privileges, in connection with the decision by the Department of Sociology to discontinue the cross-listing of EDS 258, taught by her and other members of the Department of Educational Studies. Dr. Frank Scarpitti, Chair of the Department of Sociology, and unspecified others, were named by Dr. Gottfredson as the respondents in this action.

Prior to the hearing, the respondent requested that the Chair of the Committee on Faculty Welfare and Privileges, Dr. Gordon J. DiRenzo, resign from this Committee, on the grounds that, being a member of the Department of Sociology, he was faced with a potential conflict of interest in this case. Notwithstanding the fact that Dr. DiRenzo did not participate in the decision to discontinue cross-listing, this Committee recognized that Dr. DiRenzo could be faced with a potential conflict of interest in this case. But, to avoid this

potential conflict, it did not consider it necessary that Dr. DiRenzo resign from the Committee. A judge, for example, to avoid a potential conflict of interest in any case need not resign from the bench, he or she need only withdraw from any substantive participation in that case. Similarly, a member of this Committee, to avoid a potential conflict of interest, need not resign from the Committee, he or she need only withdraw from any substantive participation in any case in question. Accordingly, Dr. DiRenzo chose to excuse himself from being either a member, or an alternate, of the hearing panel in this case. Dr. DiRenzo, therefore, had no vote in this Committee's resolution of this case.

Prior to the hearing also, eleven faculty members requested that this Committee clarify whether they, along with Dr. Scarpitti, were respondents in this case. On behalf of this Committee, Dr. DiRenzo, in a memo dated May 8, 1991, informed each of these faculty members that the initiator had not named any of them as respondents. Other procedural matters raised by these faculty members were ruled out of order, since these individuals were not principals in this case.

The hearing in this case was held May 10, 1991, in the presence of the initiator, Dr. Gottfredson. Also present were Mr. Steven Jenkins, an advisor chosen by the initiator, and Dr. George A. Cicala, an observer chosen by the initiator.

The respondent, Dr. Scarpitti, did not attend the hearing nor offer any explanation for not doing so. Prior to the hearing, the respondent did not respond to this Committee's request to provide us with the names of his advisor, observer, and witnesses. Moreover, this Committee's records show that the respondent, at no time, consulted any documentation from the initiator that was available to him concerning this case.

Witnesses appearing at the hearing were Dr. Kenneth Eckhardt and Dr. Gerald Turkel, members of the Department of Sociology. Written testimony was submitted by Dr. Carl Klockars and Dr. Wallace Dynes, members of the Department of Sociology, and Dr. David Sciulli, a former member of the Department of Sociology. Documentation relevant to this action was submitted by Dr. Sally Bould, a member of the Department of Sociology. All of these individuals were named as witnesses by the initiator.

II. ALLEGATION

The initiator, Dr. Gottfredson, alleges that the decision of the Department of Sociology to discontinue the cross-listing of EDS 258 was "based on ideological or political grounds rather than valid curriculum grounds," and that, therefore, by implementing this decision, the Chair of the Department of Sociology, the respondent Dr. Scarpitti, violated her academic freedom.

III. BACKGROUND AND EVIDENCE

Toward the latter part of 1989, it was discovered that the initiator, Dr. Gottfredson, had received research grants from a private organization, the Pioneer Fund, that has been accused by some of racism.

The original minutes for the February 28, 1990, meeting of the Department of Sociology state that:

"Since Professor Gottfredson is one of the three faculty members who teach the course [i.e., EDS 258], and since the work she has done with funding from the Pioneer Foundation has been a subject of concern, the Chair [the respondent, Dr. Scarpitti] raised the

question of whether the Department wants to continue cross-listing."

At this meeting, the Department of Sociology voted to refer the question of continued cross-listing to its Undergraduate Policy Committee.

Subsequently, the February 28 minutes were revised to read as follows: "Since Professor Gottfredson is one of the three faculty members who teach the course, and since some faculty members have questioned the content of the course, the Chair raised the question of whether the Department wants to continue cross-listing."

No explanation was given at that time, or at the hearing, for this revision.

At a meeting on May 23, 1990, the Department of Sociology was informed that the Undergraduate Policy Committee, after examining syllabi and teaching evaluations from EDS 258 for all instructors, recommended that the cross-listing be continued. Nevertheless, the Department at this meeting voted 10 to 0, with 6 abstentions, to discontinue the cross-listing. The reason given for discontinuing the cross-listing, as stated in a memo dated June 1, 1990, from Dr. Scarpitti to Dr. Gottfredson, informing her of the decision, was the "variability in the sociological content of the course offerings."

Prior to the hearing on this matter before the Committee on Faculty Welfare and Privileges, twenty current and past members of the Department of Sociology were requested, by Dr. Gottfredson, to testify. Only six were willing to do so.

Dr. Klockars, who attended the February 28 meeting but not the May 23 meeting, and who was a member of the Undergraduate Policy Committee, in written testimony states the following:

"...the origin of the move to drop the cross listing of EDS 258 was the objection to the fact that Professor Gottfredson concentrated on the race-IQ question in her course and took an unpopular position on that question. This and nothing else was the origin of the issue in the department and the rationale for dropping the course, statements to the contrary notwithstanding. As such, it is my opinion that the actions of the sociology department constitute a patent violation of Professor Gottfredson's academic freedom."

Dr. Sciulli, who, like Dr. Klockars, attended the February 28 meeting but not the May 23 meeting, and who also was a member of the Undergraduate Policy Committee, in written testimony states the following:

"[The request that the Undergraduate Policy Committee consider whether to continue cross-listing] was made not because the Department's cross-listing policy was being reconsidered by the sociology faculty. It was made because specific complaints were aired publicly by specific colleagues in at least two faculty meetings about (a) the substance of Professor Gottfredson's ideas, and also about (b) the funding she had received in support of her ideas...."

The [Undergraduate Policy] Committee agreed that Professor Gottfredson's course syllabus was no less rigorous, either in substance or in form, than those of her two colleagues [who taught other sections of EDS 258]. Indeed, one or two members of the Committee pointed out that her course material was more balanced, more open to opposing views, than that of a colleague who taught the course with a critical leftist perspective. In addition, Professor Gottfredson's scores on teaching evaluations were at least as positive as those of her colleagues and, again, in many respects more positive. Given this information, the Committee felt that it had no alternative other to send the recommendation to the sociology faculty that nothing be changed...that the longstanding practice of cross-listing be continued...."

Dr. Dynes, who attended both the February 28 and May 23 meetings, in written testimony states that:

"During [the May 23 meeting at which the Department voted to discontinue the cross-listing], the issue of the alleged racist nature of Gottfredson's materials and the readings in her course was again raised. While several other issues were mentioned, including the allegation that the content of the course was non-sociological, most of the discussion concerned the content of the course taught by Gottfredson. It is my opinion that the decision

to remove the course in question from the Sociology Department list was primarily motivated by the nature of the issues raised in the teaching of the course...."

Dr. Eckhardt, who attended both the February 28 and May 23 meetings and, at the May 23 meeting, introduced the motion to discontinue cross-listing, testified orally before this Committee as follows. In the discussion that preceded the vote to discontinue cross-listing, the "controversial" nature of Dr. Gottfredson's section of EDS 258 was among the matters brought up. His own vote to discontinue cross-listing was not, he said, based on ideological grounds, but on what he considered to be the insufficient sociological content of the course. Dr. Eckhardt did not want to speculate about what the grounds for the other members' votes were.

When asked what evidence the members of the Department might possibly have had for a vote other than on ideological grounds, Dr. Eckhardt could cite nothing except a single syllabus of Dr. Gottfredson's section of EDS 258 that was hastily passed around to Department members during the meeting. No syllabus except that from Dr. Gottfredson's section of EDS 258 was passed around, even though at least two other members of her Department regularly taught sections of this course. Dr. Eckhardt had no explanation for why the Department circulated only a syllabus from Dr. Gottfredson's section.

Moreover, it was discovered at the hearing that this alleged syllabus from Dr. Gottfredson's section of the course--the one circulated at the faculty meeting in question--was not in fact the correct syllabus; it was a syllabus for an honors section of EDS 258 that Dr. Gottfredson had taught only once, and a section that was significantly different in substance from her regular sections.

When, at the hearing, Dr. Eckhardt was shown the correct syllabus, the one for Dr. Gottfredson's regular sections of EDS 258, he indicated that had he seen this syllabus at the Departmental meeting, his vote might have been different. Neither Dr. Eckhardt, nor anyone else at the hearing, was able to explain why the incorrect syllabus had been circulated at the May 23 meeting.

Dr. Turkel, who was at the May 23 meeting also, testified that, in the discussion preceding the vote, among the matters debated was whether it is "appropriate" for students to be exposed to what Dr. Gottfredson teaches. But, contrary to the other witnesses, Dr. Turkel said that, in his opinion, the decision to reexamine the cross-listing of EDS 258 was motivated largely by a desire of the Department to reexamine the appropriateness of its cross-listings in general. Yet, as Dr. Eckhardt confirmed, the only cross-listing the Department has reexamined is EDS 258, and the only section of EDS 258 that the Department as a whole considered was Dr. Gottfredson's section. Dr. Turkel had no explanation for why only EDS 258, and only Dr. Gottfredson's section in particular, had been singled out.

Finally, neither Dr. Eckhardt nor Dr. Turkel was able to provide this Committee with an explanation for what, exactly, Dr. Scarpitti had meant in saying, in his June 1 memo, that the reason for discontinuing the cross-listing EDS 258 was its "content variability."

On June 26, 1990, Dr. Victor Martuza, Chair of the Department of Educational Studies, wrote to Dr. Scarpitti expressing his concern over the decision to discontinue cross-listing. This memo reads, in part, as follows.

"While I was not completely surprised by your Department's decision of May 23, 1990, I was more than mildly disappointed with the

action taken. The timing of your Department's decision to review the cross-list status of EDS 258 as well as the failure of either you or your faculty to initiate a discussion with us about your faculty's 'content variability' concern suggest that there is more here than meets the eye."

Dr. Martuza thereupon requested that Dr. Scarpitti answer the following questions.

1. "What 'sociological content' does your faculty believe must be included in EDS 258? What content is either inappropriate or objectionable and why?"
2. "Of the sections reviewed by your committee, which ones satisfy your content requirements? Which ones don't, and why?"
3. "Will limiting the cross-listing arrangement to only the subset of sections which meet your Department's criteria be satisfactory to your faculty? If not, why?"
4. "Were there any other factors which entered into the decision in addition to the 'content variability' issue? If yes, I'd like to know what those factors were."

Dr. Scarpitti never replied to this memo. The only reply from the Department of Sociology came in a memo from the Associate Chair, Allan McCutcheon, dated September 26, 1990. In answer to the above questions, Dr. McCutcheon stated only that the discontinuation of cross-listing applies to all sections of EDS 258, and that "The Sociology department has no list enumerating

appropriate sociological content for courses taught by other departments." So far as this Committee has been able to determine, Dr. Martuza has yet to receive any answers to any of his other questions.

IV. FINDINGS OF THE COMMITTEE ON FACULTY WELFARE AND PRIVILEGES

We are told that most people who discriminate against minorities these days do not do so "consciously," but "unconsciously," that is, without realizing it. Violations of academic freedom, we suggest, are similar. Usually, they do not occur consciously; people do not deliberately intend to violate academic freedom, yet violations do occur. This is what happened, we believe, in the case before us. We do not believe that the Department of Sociology deliberately set out to violate Dr. Gottfredson's academic freedom, yet violate her academic freedom it did. The Faculty Handbook (p. III-8-1) defines academic freedom as "the freedom of the faculty to teach and speak out as the fruits of their research and scholarship dictate, even though their conclusions may be unpopular and contrary to public opinion." We believe that the decision of the Department of Sociology to discontinue the cross-listing of EDS 258 was motivated, to a substantial extent, by the "unpopularity" of Dr. Gottfredson's research and scholarship. No other interpretation can account for all the evidence before this Committee: the proximity in time between the Department's decision to question the cross-listing of EDS 258 and the revelations about the Pioneer Fund; the minutes (two versions) of the Department's meetings; the oral and written testimony; the hastiness with which the Department rejected the Undergraduate Policy Committee's recommendation to continue cross-listing; the lack of any precise explanation from the Department as to exactly why the cross-listing was discontinued; the fact that, of all the courses the Department cross-lists, only

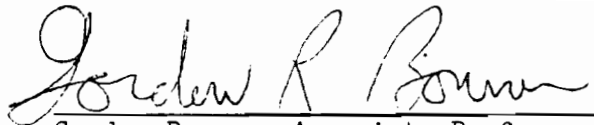
EDS 258, indeed, only Dr. Gottfredson's section of EDS 258, received any significant scrutiny from the Department. This Committee, therefore, finds that the Department of Sociology, by voting to discontinue the cross-listing of EDS 258 as they did, in essence violated Dr. Gottfredson's academic freedom.

Accordingly, by implementing this decision, the Chair of the Department of Sociology, the respondent Dr. Scarpitti, violated Dr. Gottfredson's academic freedom. To be sure, discontinuing the cross-listing of EDS 258 per se places only a minor constraint upon the initiator's activities at this University; however, any constraints, no matter how minor, are nevertheless serious if they constitute a violation of academic freedom.

V. RECOMMENDATION

We recommend that the Provost, as a result of this Committee's findings, instruct the respondent, Dr. Scarpitti, to reinstate the cross-listing of EDS 258.

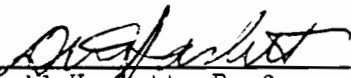
Thereafter, the Department of Sociology may choose, of course, to examine, once again, the advisability of continuing this cross-listing. This Committee expects, however, that any such reexamination will include, in a spirit of collegiality, consultation with all of those who teach EDS 258 about which changes, if any, may be needed in order for this course to continue to be cross-listed. And we expect further that any such reexamination will proceed with more attention than previously to the requirements of academic freedom.



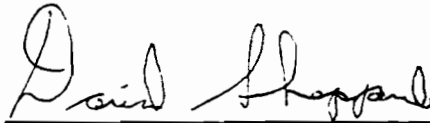
Gordon Bonner, Associate Professor
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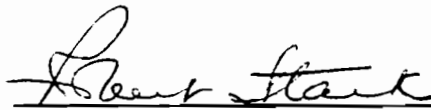
Robert Day, Professor
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David Haslett, Professor
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July 12, 1991