



October 16, 2018

VIA ELECTRONIC MAIL AND USPS

Dr. Mark S. Schlissel
President
University of Michigan
503 Thompson Street
Ann Arbor, Michigan 48109-1340

Dear President Schlissel:

Dr. John Cheney-Lippold, associate professor of American culture at the University of Michigan, has sought the advice and assistance of the American Association of University Professors as a result of an October 3, 2018, letter from Dr. Elizabeth R. Cole, interim dean of the College of Literature, Science, and the Arts (LSA), notifying him of actions that she had taken as a result of her determination that his “conduct ha[d] fallen far short of the University’s and College’s expectation for how LSA faculty interact and treat students.”

Dean Cole’s determination primarily concerned Professor Cheney-Lippold’s widely reported decision not to write a letter of recommendation for a student for whom he had previously promised to write. Professor Cheney-Lippold stated that he changed his mind when he learned that the purpose of the letter was to support the student’s application to an academic program offered by an Israeli university. Dean Cole also faults Professor Cheney-Lippold for statements he made to the press about the case and for expending class time “to discuss [his] reasons for not writing the recommendation, as well as [his] opinions on the boycott movement” against Israel.

The sanctions enumerated in the letter include making Professor Cheney-Lippold ineligible for a merit increase for the 2018–19 academic year and freezing his sabbatical eligibility and credits for two years. It seems unlikely that most members of the general academic community would consider these sanctions to be minor.

On October 9, you and Provost Martin A. Philbert released an open letter titled “Important questions around issues of personal beliefs, our responsibilities as educators, and anti-Semitism,” which addresses the case of Professor Cheney-Lippold and that of another instructor who also

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declined to write a letter of recommendation for a student applying to study in Israel. Your letter states:

Withholding letters of recommendation based on personal views does not meet our university's expectations for supporting the academic aspirations of our students. Conduct that violates this expectation and harms students will not be tolerated and will be addressed with serious consequences.

Apparently referring to the sanctions imposed on Professor Cheney-Lippold, your letter further states that “[t]he denials are being addressed with those involved through our existing policies....”

The Association's interest in the case of Professor Cheney-Lippold stems from our longstanding commitment to academic freedom and tenure, the basic tenets of which are set forth in the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*. That document, a joint formulation of the AAUP and the Association of American Colleges and Universities, has received the endorsement of more than 250 educational and professional organizations. Derivative procedural standards relating to the imposition of sanctions against faculty members are set forth in Regulations 5 and 7 of the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* (also enclosed).

Under Regulations 5b and 7a, charges that may lead to the imposition of severe sanctions are to be preceded by an informal inquiry conducted by a duly constituted faculty committee charged with determining whether proceedings for imposing sanctions should be undertaken. Following such a determination, AAUP-supported standards require an administration to demonstrate adequate cause for imposing a severe sanction in a hearing of record before an elected faculty body. It does not appear that the procedures followed by Dean Cole prior to imposing the sanctions on Professor Cheney-Lippold were consistent with these Association-supported standards.

We are additionally concerned that Dean Cole's letter appears to misrepresent AAUP-supported standards of academic freedom. In faulting Professor Cheney-Lippold for “discuss[ing] [his] reasons for not writing the recommendation, as well as [his] opinions on the boycott movement” in two class sessions, Dean Cole cites *A Statement of the Association's Council: Freedom and Responsibility* (enclosed) which states that “it is improper for an instructor persistently to intrude material that has no relation to the subject.” Having cited the AAUP's “persistent intrusion” standard, Dean Cole characterizes the two incidents as Professor Cheney-Lippold's “misuse” of his “role as a faculty member,” even though she acknowledges that “this material was discussed

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in only one session” of each of the two classes, which, by her own acknowledgement, would appear to fail to meet the “persistent intrusion” standard. Moreover, reports conflict regarding the amount of time actually dedicated to this discussion in each session, with Professor Cheney-Lippold contending that he spent fifteen minutes on the topic and individual students reporting that he dedicated the entire class period to the discussion, thus highlighting the need for an appropriate proceeding in which to establish the facts that might justify the sanctions.

The information in our possession relating to the case of Professor Cheney-Lippold has come to us from him and from reports in the press, and we appreciate that you 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 that the sanctions imposed on Professor Cheney-Lippold be rescinded pending affordance of proceedings consistent with the above-cited procedural standards. As the AAUP’s statement on *Freedom and Responsibility*, cited by Dean Cole above, observes, “In all sanctioning efforts ... it is vital that proceedings be conducted with fairness to the individual, that faculty judgments play a crucial role, and that adverse judgments be founded on demonstrated violations of appropriate norms.”

We look forward to your response.

Sincerely,



Hans-Joerg Tiede
Associate Secretary

Enclosures by electronic mail only

cc: Dr. Martin A. Philbert, Provost and Executive Vice President for Academic Affairs
Dr. Elizabeth R. Cole, Interim Dean, College of Literature, Science, and the Arts
Professor Neil Marsh, Chair, Senate Advisory Committee on University Affairs
Professor Daniel Burns Jr., President, University of Michigan AAUP Chapter
Ms. Barbara Harvey, Esq.
Mr. Richard Soble, Esq.
Professor John Cheney-Lippold