

## Case Study #1 Dr. Krebs

Dismissal of Professor Allen Krebs

[adapted for the purpose of this AALHE session]

Dr. Krebs was hired at Adelphi University. After his first year, his performance was deemed satisfactory and his annual appointment was renewed. In his first year, Dr. Krebs' exams contained multiple choice and essay questions.

In his second year, Dr. Krebs gave the same 30-question, multiple choice midterm exam to all three of his undergraduate courses, two introductory sociology courses and an advanced course, *History of Sociological Thought in the 19<sup>th</sup> Century*. The exam covered only Marx, Mao Tse-tung, and Lenin and no other sociological theory or writers.

The exam was brought to the attention of the Sociology department chair. The chair questioned the relevance of the same exam in different courses and different levels. A heated debate ensued and subsequently, Dr. Krebs was reassigned to different courses for the following semester.

The department chair went to the Faculty Committee on Personnel to ask for a review of Dr. Krebs' contract for renewal. The justification was that "professor Krebs abdicated his role as a scholar for that of ideological propagandist" (AAUP, 1967 p. 280). The Chair also shared with the Faculty Committee on Personnel that the 30-question, multiple choice examination was indication that all the content in Dr. Krebs' courses was the same, and Dr. Krebs maintained that he would continue to share the same content and teach the same way in all courses regardless of the title.

The campus administration set forth these charges: (1) failure to teach assigned courses in accordance with the curricular aims and levels established for these courses by the department, (2) one examination for three courses, (3) the only required reading in three courses as *The Communist Manifesto*, and (4) the failure to cover more than Marxism in a course in which the principal concern is the development of sociological thought in the 19th century.

The campus administration terminated Dr. Krebs' appointment. Dr. Krebs filed a formal complaint with AAUP. AAUP's investigation revealed that the department had not set standards for instruction, nor had the department agreed on a common syllabus.

Case Questions:

- (1) Was Dr. Krebs' academic freedom infringed upon?
- (2) Can the Sociology department establish the content and teaching methods, including how to evaluate students, for their sociology courses?
- (3) Can the campus administration ask faculty to change course content, teaching methods, including how to evaluate students?
- (4) The AAUP concluded that the decision to terminate the appointment was wrong. What action(s) is appropriate given the principles of academic freedom?

## **Case #2 Wirsing v. Board of Regents University of Colorado**

Plaintiff, Dr. Marie Wirsing, argues in her motion that, as a matter of law, the University of Colorado at Denver's standardized student evaluation policy interferes with her right to academic freedom under the First and Fourteenth Amendments to the United States Constitution.

Dr. Wirsing is a tenured professor of education at the University's Denver campus, where she has been continuously employed since 1966. In April 1986, the Board of Regents enacted an evaluation system to provide information to students, faculty, departmental administration, and the university's administration. Under the system, each campus was required to develop an evaluation form for evaluating teacher performance and awarding yearly merit salary increases. In 1987, the Denver campus developed such a form.

Dr. Wirsing teaches in her classes that teaching and learning cannot be evaluated by any standardized approach. Hence, she has refused to use the standardized course evaluation form, and she has instead used a non-standardized student evaluation form used prior to the Regents' 1986 requirement.

In May 1988, Dr. Wirsing's 1987 teaching performance was evaluated by a faculty committee and given the highest rating. Similarly, Dr. Wirsing's 1988 performance was evaluated by her Division Chair, Mark Clarke. He recommended that she receive a 2.5% merit increase in 1989. In both years, William Grady, Ed.D., the Dean of the School of Education at the university, refused to award Dr. Wirsing a merit salary increase for her refusal to administer the Regents' evaluation form. The Chancellor and President agreed with Grady's decision, and the Regents who have considered Dr. Wirsing's complaints, have refused to exempt her from the rule.

Dr. Wirsing requested that the court order the University from administering the Regents' evaluation form in her classes and that it be required to award her merit salary increases despite her refusal to comply with the Regents' rule.

### Case Questions:

(1) Did the new standardized student evaluation form infringe on the faculty member's academic freedom?

(2) Can the campus administration withhold merit pay for a practice that the faculty member believes infringes on her academic freedom?