



Foundation for Individual Rights in Education

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March 5, 2007

President Frederick J. Finks
Office of the President
Ashland University
401 College Avenue
Ashland, Ohio, 44805

Sent via U.S. Mail and Facsimile to (419-289-5099)

Dear President Finks:

As you can see from our Directors and Board of Advisors, the Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, freedom of religion, freedom of speech, due process, and, in this case, academic freedom, on America's college campuses. Our web page, www.thefire.org, will give you a greater sense of our identity and activities.

FIRE is deeply concerned about the threat to academic freedom posed by Ashland University's recent denial of tenure to Professor John Lewis. Ashland's stated explanation for the denial indicates that Lewis's Objectivist scholarship contradicts the university's mission, despite that fact that both Lewis's faculty contract and the terms of the university-approved Anthem Foundation fellowship require Lewis to pursue precisely that scholarship.

This is our understanding of the facts. Please inform us if you believe we are in error. John Lewis was hired as an assistant professor of history in 2001. His contract stated that he would be eligible to apply for tenure in the 2006-2007 academic year. The contract also stated that Lewis "shall support the mission, policies, and best interests of Ashland University." Ashland's mission, as amended in 2002, states, in part, that "Judeo-Christian values are the foundation of the educational and social environment of the University and shape the character of the institution." Lewis's contract has been renewed every year since 2001.

In January, 2002, Ashland accepted a three-year gift commitment of \$100,000 from the Anthem Foundation for Objectivist Scholarship "to establish a fellowship in the department of history and political science at Ashland University." The 2002 Letter of Understanding, signed by Anthem Foundation

President John P. McCaskey and former Ashland University President G. William Benz, states that “the purpose of the Fellowship is to fund teaching and writing on Ayn Rand’s philosophy of Objectivism.” Lewis and Professor Bradley Thompson were named the inaugural fellows. The Anthem Foundation’s gift provided for both Lewis and Thompson to carry a reduced course load so they could pursue Objectivist scholarship.

In the fall of 2006, Lewis applied for tenure. On January 26, 2007, Ashland informed Lewis that his application for tenure was denied. On January 29, Lewis wrote to Ashland University Provost Robert C. Suggs to inquire about the reasons for his denial of tenure. Suggs replied on February 8 by writing,

...the Board of Trustees voted to deny your application for promotion because it was concluded that there had been a lack of support on your part for the University’s Mission Statement. As you know, support of the University’s mission is a term for every faculty member’s annual contract and expressly required in the Faculty Rules and Regulations as well. Specifically, concern was expressed at all levels of the process about writings, submitted by you as part of your scholarly activities in support of your application, that advocate for Objectivist views that are hostile to the University’s mission.

In short, Ashland University accepted \$100,000 from the Anthem Foundation to establish a fellowship that required Lewis to pursue Objectivist scholarship, and then punished Lewis for pursuing that very scholarship.

Suggs’s February 8 letter referenced the Faculty Rules and Regulations’ requirement that professors support Ashland’s mission. But the Faculty Rules and Regulations’ section on academic freedom (Article XV, Section B) states that “[t]he teacher is entitled to full freedom in research and in the publication of the results subject to the adequate performance of his or her other academic duties.” That section goes on to say that a professor should dispel any appearance that he or she speaks as a representative of the university, but “[w]hen he or she speaks or writes as a citizen, he or she should be free from institutional censorship or discipline.” Academic freedom is therefore expected by Ashland professors and guaranteed by the university.

Lewis’s contract also states that he is required to support Ashland’s mission, which states that “Judeo-Christian values are the foundation of the educational and social environment of the University and shape the character of the institution.” Ashland’s acceptance of the Anthem Foundation grant implies that Objectivist research accords with Ashland’s institutional values and its environment. President Benz agreed to the terms of the fellowship when he oversaw its establishment, and over the course of three years he sent a series of letters thanking Anthem Foundation President John McCaskey for establishing the fellowship at Ashland. In a January 24, 2002 letter to McCaskey, President Benz even wrote that the \$100,000 gift “is a significant commitment **in support of Ashland University, its mission,** and its students.” [Emphasis added.] During the three years that Ashland consistently received money from the Anthem Foundation, and the five years

during which Ashland spent that money, there seems to have been no concern that Objectivist scholarship conflicted with Ashland's mission.

Lewis also had no reason to believe that his Objectivist scholarship showed a lack of support for administrators' interpretation of the Ashland mission. Lewis has received glowing evaluations from his superiors for five years, and prior to the denial of tenure, the administration never indicated that Lewis's scholarship presented a problem. Lewis's contract from August 18, 2003 to May 14, 2004 stated that "Dr. Lewis will be on paid leave in spring 2004 as holder of the Anthem Fellowship," and his contracts dating from August 22, 2005 to May 18, 2007 all stated, "six hours per semester reassigned for research funded by Anthem Foundation grant." Lewis was therefore not only free to pursue Objectivist scholarship, but was contractually required to do so from the fall semester, 2005, until the end of the current academic year.

There is yet another inconsistency in Ashland's negative reaction to Lewis's Objectivist scholarship: the other Anthem fellow, Professor Bradley Thompson, was a tenured professor at the time the fellowship was established, and was even promoted to full professor during the course of the fellowship.

As a private university, Ashland certainly has a right to establish its own institutional character and determine the qualities it values in its professors. But Ashland cannot guarantee rights to its professors and then deny those rights. The decision to withhold tenure based on the determination that Objectivist scholarship exhibits a lack of support for Ashland's mission contravenes Ashland's stated commitment to academic freedom, contradicts its willful acceptance of a significant amount of money from the Anthem Foundation, and defies Professor John Lewis's contractual obligation to pursue Objectivist scholarship.

Lewis filed an appeal of the denial of tenure on February 26, 2007. FIRE strongly urges Ashland to cease its arbitrary, illiberal, and immoral actions and to reevaluate the decision to withhold tenure. FIRE hopes to resolve this matter amicably and swiftly; we are, however, committed to using all of our resources to support Professor John Lewis in this matter, and to seeing this process through to a just and moral conclusion.

We respectfully request a response to this letter no later than Monday, March 19, 2007.

Sincerely,

Tara Sweeney
Senior Program Officer

cc:
Robert Suggs, Provost, Ashland University
John Lewis, Professor, Ashland University