



State University of New York
State University Plaza
Albany, New York 12246

Office of the Chancellor

June 17, 1986

Mr. B. Robert Kreiser
Associate Secretary
American Association of University Professors
1012 Fourteenth Street, NW, Suite 500
Washington, D. C. 20005

Dear Mr. Kreiser:

Your June 6 letter attempts once again to create a role for AAUP to play in the Dube tenure appeal. I thought my prior letters clearly made the point that your organization has no right to intrude where a collective bargaining representative has been granted the exclusive right to represent State University's professional employees (See State-UUP Agreement, Articles 1 and 3). I strongly believe that these intrusions are ill-advised and serve no useful purpose.

Sincerely,

Clifton R. Wharton, Jr.
Chancellor

cc: President Marburger
Professor Dube

bc: Mr. Levine
~~Dr.~~ Wharton w/copy of corres.
SUNY Board of Trustees (6/23/86)

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

1012 FOURTEENTH STREET, N.W., SUITE 500

WASHINGTON, D.C. 20005

(202) 737-5900

President:

PAUL H.L. WALTER
Skidmore College

Associate Secretary:
B. ROBERT KREISER

General Secretary:

ERNST BENJAMIN

June 6, 1986

Dr. Clifton R. Wharton, Jr.
Chancellor
State University of New York
State University Plaza
Albany, New York 12246

STATE UNIVERSITY OF NEW YORK
RECEIVED
OFFICE OF THE CHANCELLOR

JUN 9 1986
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Dear Chancellor Wharton:

We are writing to you once again regarding the case of Professor Ernest Dube at the State University of New York at Stony Brook. Professor Dube has consulted with us pursuant to your letter to him of May 5, 1986, in which you informed him that you were directing President John Marburger to extend his appointment until February 28, 1987, during further review of his tenure appeal that is to be conducted by a second ad hoc Chancellor's Advisory Committee.

This letter is prompted by our concern over the adequacy, in the context of the State University of New York's stated provisions for notice (which are virtually identical to the Association's enclosed Standards for Notice of Nonreappointment) of the extension of Professor Dube's appointment only until February rather than until the expiration of the academic year. The standard calling for twelve months of notice for faculty members after two years of service requires that it be issued "before the expiration of the appointment." The standard's "before-the-expiration" reference is designed to take into account the prevailing cyclical nature of the academic hiring process to which faculty members need to conform. Professors are placed at a severe disadvantage if their appointments expire and they need to secure new positions at a time that is out of step with the ordinary cycle of academic appointments.

The Association has spoken to this latter issue on previous occasions. In a report by an AAUP investigating committee on a case at Onondaga Community College, concerning a professor who was notified on an arbitrary date during an academic year that his services would terminate twelve months later, the investigating committee observed:

Because of the special rhythm of academic appointment procedures, notification of

Dr. Clifton R. Wharton, Jr.

June 6, 1986

Page Two

nonrenewal to take effect in the midst of an academic year severely limits the faculty member's opportunity to move promptly to a new position. The notice given [the professor] did not afford him a true year of opportunity to secure another academic position. (AAUP Bulletin, Summer 1971, page 172.)

This issue was recently adjudicated in the courts, in a case involving a faculty member at the University of Colorado. The Colorado Court of Appeals, upholding the findings of the district court, ruled with reference to notice "at least twelve months before the expiration of an appointment":

The regents argue that the correct interpretation of this standard is that they need only give twelve months notice with no regard as to the terms of appointment being served. [The professor] argues, on the other hand, that termination notification requires the regents to give twelve months notice prior to the expiration of the appointed term. . . . We conclude that the standards setting forth notification for nonreappointment mean that the regents must give twelve months notice prior to the end of the regular appointment term, rather than merely giving twelve months notice at any time during the appointed term. (Subyran v. Regents of University of Colorado; No. 82CAL344; December 20, 1984)

We believe that this interpretation of the standards for notice is applicable to the extension of appointment in Professor Dube's case. We recommend that his appointment be extended for the duration of the 1986-87 academic year, whatever may be the result of the additional review you have scheduled for the fall.

Sincerely,



B. Robert Kreiser

BRK/mjs
Enclosure

cc: President John H. Marburger
Professor Ernest F. Dube

xc: SUNY Board of Trustees (6/23/86)

The Standards for Notice of Nonreappointment

(Endorsed by The Fiftieth Annual Meeting)

Because a probationary appointment, even though for a fixed or stated term, carries an expectation of renewal, the faculty member should be explicitly informed of a decision not to renew his appointment, in order that he may seek a position at another college or university. Such notice should be given at an early date, since a failure to secure another position for the ensuing academic year will deny the faculty member the opportunity to practice his profession. The purpose of this Statement is to set forth in detail, for the use of the academic profession, those standards for notice of nonreappointment which the Association over a period of years has actively supported and which are expressed as a general principle in the 1940 *Statement of Principles on Academic Freedom and Tenure*.

The Standards for Notice

Notice of nonreappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the following standards:

- (1) *Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.*
- (2) *Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.*
- (3) *At least twelve months before the expiration of an appointment after two or more years in the institution.*

ANDREW E. ULLMANN
ATTORNEY AND COUNSELLOR-AT-LAW
P.O. BOX 270
NORTHPORT, NEW YORK 11768-0270
—
TELEPHONE ANDREW 1 -6066

October 8, 1986

Clifton R. Wharton, Jr. Chancellor
SUNY
State University Plaza
Albany, New York 12246

John H. Marburger, President
SUNY at Stony Brook
Stony Brook, New York 11794

Re: Results of Discussion and Actions Taken
at Executive Session of the Council of the
State University at Stony Brook on September
24, 1986.

Present: Andrew E. Ullmann, Chair
Loretta Capuano
Aaron B. Donner
Joel H. Girsky
Betty G. Ostrander
Greta M. Rainsford
Jeffrey A. Sachs
Ena Townsend

Gentlemen:

As a result of the captioned Executive Session and by the unanimous consent of the Council members I am authorized and directed to send this letter to the Chancellor and President Marburger jointly. As this is the beginning of my tenure as Chair of the Council there are certain concerns that my co-members and I have developed which we feel need exposure and correction.

Over an extended period of time President Marburger and his staff members have failed to keep the Council advised as to important developments in the University. We offer the following examples:

1. DUBE - The public uproar over Dr. Dube is now common knowledge. While the Council does not take any position on Dr. Dube, all of the members feel that the failure of the President's office to communicate with the Council concerning any aspect of the problem over what is more than a three year period can hardly be qualified as accidental.

The Council recognizes that it has no roll to play in the tenure process and we fully recognize the necessity for confidentiality in the process

itself. Nevertheless, we feel that the individual Council members with various constituencies in the Long Island Community could have offered some practical suggestions to assist the Administration in this most unpleasant incident. Instead, our source of knowledge was Newsday.

While it is true that the Administration did use the service of a former member of the Council in addressing the concern of several Jewish groups in Nassau and Suffolk areas, we do not consider that a substitute for seeking the Council's advice with regard to the many incidents and crisis which have appeared over this period.

2. Dr. James Black was the Vice President for University Affairs and in effect was dismissed. Again the Council does not question the Administration's right to dismiss Dr. Black, nor does it take any position on whether or not the dismissal was warranted. However, the dismissal was accomplished without any of the Council members being advised that it was taking place or that it was imminent.

While it cannot be expected to be advised of every dismissal or resignation, a change in a major position in the University, particularly in the field of university affairs should have been communicated, at least on a private basis.

3. On Sunday, May 4, 1986, at 10:00 a.m. and in response to great concern by the Council over the lack of communication particularly in sensitive areas like the Dube case an executive session was held at Joel Gersky's office. At the conclusion of that meeting it was the unanimous consensus of the Council members who were present that the lines of communication between the President's office and the Council members in matters of importance and matters which would arouse public interest would be kept open and the Council advised. Following that meeting and ignoring developments that took place in the Dube case since that time (we understand that some aspects of the Dube case, must of necessity be kept confidential) the following events have occurred:

(a) Dr. Homer Neal, the Provost of the University resigned. Prior word of his resignation was not supplied to the Council, all of which were privileged to read about it in Newsday. Still recognizing the need for some confidentiality in some matters we feel that at least some explanation of Dr. Neal's resignation should have been supplied and we find it offensive to have an important event like this be withheld from us.

(b) Enrollment of students in Stony Brook - At the August 12, 1986 meeting of Council, the President advised that due to a drop in enrollment in the freshman class of approximately 300 over a two year period, 30 tenured faculty positions would be lost by the closing of one department and a severe cutback in another. The names of the departments were not made known to us and we have no quarrel with that decision. The reduction in freshman enrollees resulted from fewer applicants being accepted and in not reducing the academic standards to a point

where lesser qualified students would be admitted. We are, however, concerned with the Administration's failure to advise the Council earlier that August 12, 1986, that tenured faculty positions would have to be terminated.

While we do not expect a discussion on every event we do think there are some events that are important enough to at least warn the Council that steps are being taken that might have an adverse public relations effect. Again, seeking the advice of the Council on possible political after-effects should have taken place.

4. Convention Center - When the proposal to erect a Convention Center became close to reality three members of the Council, Aaron Donner, Betty Ostrander and myself expressed to the President our great interest in being involved in the process. Both Aaron Donner and myself are practicing attorneys in Suffolk County, who have represented, for many years, several clients who have done similar type projects and while we sought no professional or monetary involvement it was a project that excited all three of us and we asked to be included. Instead we were excluded. At the August 12th meeting of the Council I again expressed my interest and did remind the President that myself, Donner and Ostrander would like very much to be kept abreast of the event. I was assured that that would be the case. Unfortunately, it was not. Approximately one week thereafter Newsday published a rather extensive article indicating that Richard T. Carr and Jack Parker were taking steps to secure financing for the project and in fact had approached the Wall Street investment firm of Drexel, Burnham, Lambert. We can hardly imagine a more flagrant ignoring of the Council's desire to be informed and in this case a desire of three members to at least observe, if not participate.

5. Austin Travel - We begin our analysis of the University's problem with Austin Travel with the following observations. Larry Austin, who is president and Chief Executive Officer of Austin Travel and its founder is a member of the same golf club that I belong to. We are not social friends. We do not play golf together. He has no professional relationship with me and I have no business relationship with him.

He is certainly one of Long Island's leading business men. Mr. Austin, for example, is a leading philanthropist heavily involved in the United Jewish Appeal and other charitable foundations. He has been Vice President of the Long Island Association, Long Island Philharmonic, Long Island Better Business Bureau and Long Island Stage. Due to his heavy involvement in sociable and cultural affairs in Long Island, while he is not a member of the body politic, he is a prominent Republican businessman with friends in political circles. He is also a member of the Board of Directors of the Stony Brook Foundation and a contributor as well.

Some months ago and responding to a published request, Austin made a presentation, together with three other agencies to obtain the right to open a Travel Agency office on the campus. Having done corporate travel work for many

clients, including being the sole agent for worldwide travel for the Grumman Corporation, Austin Travel did, according to Larry Austin's discussion with me, make what he was given to understand was the type of presentation that the Committee wanted. When the selection process was over Mr. Austin was advised that "your presentation was not good. You were not even close and you finished a distant fourth." The contract was awarded to a Virginia based company which then obtained a defunct travel agency office on Long Island and became the awardee of the bid.

Again, the Council takes no position with respect to the Committee's decision. We do, however, find the University's handling of Mr. Austin to be almost mind boggling. If, in fact, Austin Travel was not to be the designee, then at the very least it seems to us that he should have been entitled to a private discussion. Apparently the political fallout is quite extensive among Mr. Austin's friends, with several Assemblymen and State Senators, at least one of whom had a private luncheon with Dr. Marburger which resulted, I am told, in a rather unhappy ending.

6. The Suffolk Child Development Center is a school for the teaching of emotionally disturbed children. Since 1978, it has occupied approximately 8,000 square feet on the Stony Brook campus pursuant to a continuing lease which expires at the end of each academic year. The rental payment are \$4.90 per square foot per annum (one of our Council Members, Aaron Donner is attorney for the Center).

For the past several years undergraduate students and graduate students at Stony Brook, whose disciplines involve working with emotionally disturbed children used the facility as a laboratory in getting experience in teaching and handling of these children. The Development Center gives stipends of approximately \$30,000.00 per year to the student interns. Needless to say the Development Center has extensive backing from the Long Island community, political and otherwise.

By letter dated September 15, 1986, the Center was advised that (a) they would have to vacate their premises no later than June 30, 1987, and (b) that effective November 1, 1986, their rent would be raised to \$10.00 per square foot per year (the University's legal right to increase the rent is by no means clear). The Director of the Center suggested to the Administration that there were many square feet of vacant space on the campus in the immediate area and inquired as to why their space was required. To this inquiry no response was received. (Copies of the pertinent correspondence are annexed).

The Council takes no position on the merits of the University's position in evicting the Development Center and procuring the space. We do, however, find it particularly offensive to ask for an increase in rent when there is only a few short months left, particularly when emotionally disturbed children are involved and the Development Center's budget is, of course, tight. It has been suggested that there will be severe political fallout when this knowledge becomes public and again we feel that the Council could, if they had been asked, at least issued a warning to the Administration that trouble was ahead. We also note that the entire student training program in the Development Center is now in jeopardy because the Development Center must move.

In summation we offer the following comments:

The role of the Council is prescribed by law. However, we find that we are in fact the University's "window on the world." The inability or unwillingness, as the case may be, of the Administration to discuss important events and to seek our opinion even if it is not followed is particularly offensive. Unfortunately, we do not question an isolated course of conduct or an occasional mishap which is, of course, excusable. What we do criticize is a continuous course of conduct over a long period of time which is unexcusable. I repeat, that this document results from a unanimous decision of the Council members at the Executive Session.

It is our unanimous view that the Council has in recent years been in effect "shut out" from the University's major problems. We seek a quick and definite change and we await further developments.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'A. E. Ullmann', with a long horizontal flourish extending to the right.

ANDREW E. ULLMANN

AEU:vm

cc: Donald M. Blinken
277 Park Avenue
New York, New York 10017

Stony Brook

Office of the Provost
State University of New York at Stony Brook
Stony Brook, New York 11794-1401
telephone: (516) 632-7000

September 15, 1986

Mr. Peter Kelly
President of the Board of Directors
Suffolk Child Development Center
Hollywood Drive
Smithtown, New York 11787



Re: Notice of Cancellation

Dear Mr. Kelly:

Pursuant to the terms of the Revocable Permit dated October 24, 1978, please consider this letter a formal notice of termination. The provisions of that agreement allow the Developmental Center to remain at its present location on campus until the completion of your school year which is presently in progress.

Please be advised that it has been necessary to adjust the rental rate from \$4.90 to \$10.00. Your new annual rental will then be \$43,680 beginning November 1, 1986 and continuing until July 1, 1987. The same formula which is set out in the 1978 agreement has been applied to arrive at this figure.

We truly regret that these steps are necessary, but as you are probably aware, competing demands for the University's space are severe and we have no choice but to take this action. We are pleased that we were able to provide you with good, low cost space during a critical time in the evolution of your Center. The University also benefitted from this collaboration and we hope to continue to interact with you in the future.

I wish to thank you in advance for your cooperation and assistance in effecting this move in an orderly and timely way.

Sincerely,

A handwritten signature in cursive script that reads "J.R. Schubel".

J.R. Schubel
Provost

cc: William H. Anslow
John H. Marburger
Aaron Donner
Martin D. Hamburg



SUFFOLK CHILD DEVELOPMENT CENTER

Hollywood Drive • Smithtown, New York 11787 • [516] 724-1717

Stony Brook Branch
[516] 689-9850

Meadow Glen Branch
[516] 265-3001

Martin D. Hamburg, Ph. D.
Executive Director

Dominic Romeo, Ph. D.
Director of Education

John Werner
Director of Therapy Services

Ray DeNatale, Jr.
Director of Day Treatment

Michael Darcy
Director of Ancillary Services

Elayne Gersten
*Director of Program
Development*

Tom Spinosa
Life Skills/Parent Training

Tillene Pinsker
*Early Childhood Direction
Center*

Renee Allen, C.S.W.
Mobile Intervention Program

Charlotte Jungblut
Infant Development Program

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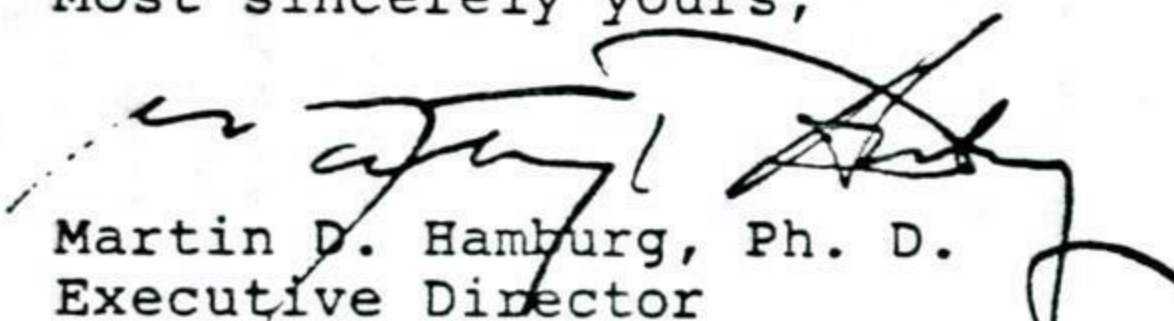
September 23, 1986

Provost J. R. Schubel
State University of New York
SUNY at Stony Brook
Stony Brook, New York

Dear Provost Schubel:

We are in receipt of your letter of September 15, 1986, however, since our 1978 agreement with the University does not provide you with the opportunity to increase our rent unilaterally and in as much as you chose not to afford us even the courtesy of a discussion of these matters nor any attempt to negotiate, we therefore will refuse to pay any rent increase.

Most sincerely yours,


Martin D. Hamburg, Ph. D.
Executive Director

cc: William H. Anslow, Vice Chancellor of
Finance and Business
John H. Marburger, President
Aaron Donner



United Way
OF MASSACHUSETTS

A Research and Training Affiliate
of The State University of New York at Stony Brook



SUFFOLK CHILD DEVELOPMENT CENTER

Hollywood Drive • Smithtown, New York 11787 • [516] 724-1717

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[516] 689-9850

Meadow Glen Branch
[516] 265-3001

Deer Park Branch
[516] 595-1444

Martin D. Hamburg, Ph.D.
Executive Director

Elayne Gersten
Deputy Executive Director

Michael Darcy
Director of Residential Services

Ray DeNatale, Jr.
Director of Day Treatment

Linda Paul, Ph.D.
Director of Education

John Werner, Ph.D.
Director of Therapy Services

Terri S. Kivelowitz
Early Childhood Direction
Center

Renee Allen, C.S.W.
Case Management Project

Charlotte Jungblut, C.S.W.
Infant/Toddler Program

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Pam Tucker

October 6, 1986

Mr. Aaron Donner
Donner, Hariton & Berka
2115 Union Boulevard
Bay Shore, NY 11706

Aaron
Dear Mr. ~~Donner~~:

Enclosed please find a report that we have been working on, and while it is still incomplete, I am forwarding to you this preliminary copy. A complete list of publications that have resulted from research at our Stony Brook site will be sent to you by Friday.

You may also be interested in the attached announcement. This is the first program of our new Department of Continuing Education, and we chose as our first partner the Department of Physical Therapy at Stony Brook. They and we are most enthusiastic about this program.

Finally, Aaron I cannot help but mention some of our hopes for the future of our Stony Brook project. Stony Brook University now has the opportunity to create a training and research program of national significance in the area of normal and abnormal child development. In May, 1985, Suffolk Center proposed to the University that we construct on campus a new Early Childhood Center that would house our current program, the Research Preschool Project of the Department of Psychology and the University's Day Care Program. A single site would not only provide considerable operational efficiency to these programs that have similar facility needs, but would enhance the opportunity for integrated training and research efforts.

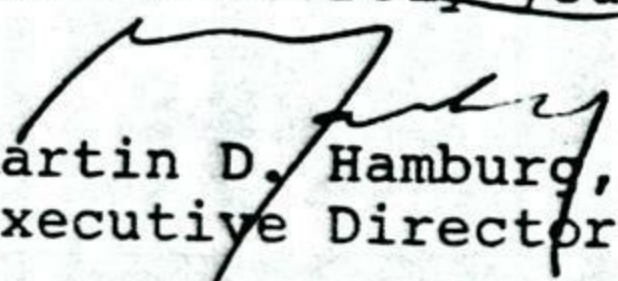
We have pledged to assist the University with solutions to some of its current day care problems as well as to work toward obtaining public and private funding for our proposed Early Childhood Center. We received considerable encouragement

A Research and Training Affiliate
of The State University of New York at Stony Brook

but no commitment back in 1985. We remain interested in establishing an Early Childhood Center which would clearly advance the University's mission and would also provide us with a permanent campus home.

Thank you for your kind interest in these matters.

Most sincerely yours,


Martin D. Hamburg, Ph.D.
Executive Director

MDH//pat

ANDREW E. ULLMANN
ATTORNEY AND COUNSELLOR-AT-LAW
P.O. BOX 270
NORTHPORT, NEW YORK 11768-0270
—
TELEPHONE ANDREW 1 -6066

October 9, 1986

Dr. John H. Marburger, President
SUNY at Stony Brook
2 Johns Hollow Road
Setauket, New York 11784

Dear Dr. Marburger:

This letter has been supplied both to yourself, Clifton Wharton and Donald Blinken on a personal and confidential basis.

Yours very truly,



ANDREW E. ULLMANN

AEU:vm
enclosure

ANDREW E. ULLMANN
ATTORNEY AND COUNSELLOR-AT-LAW
P.O. BOX 270
NORTHPORT, NEW YORK 11768-0270
TELEPHONE ANDREW 1 -6066

October 8, 1986

Clifton R. Wharton, Jr. Chancellor
SUNY
State University Plaza
Albany, New York 12246

John H. Marburger, President
SUNY at Stony Brook
Stony Brook, New York 11794

Re: Results of Discussion and Actions Taken
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Loretta Capuano
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Again, the Council takes no position with respect to the Committee's decision. We do, however, find the University's handling of Mr. Austin to be almost mind boggling. If, in fact, Austin Travel was not to be the designee, then at the very least it seems to us that he should have been entitled to a private discussion. Apparently the political fallout is quite extensive among Mr. Austin's friends, with several Assemblymen and State Senators, at least one of whom had a private luncheon with Dr. Marburger which resulted, I am told, in a rather unhappy ending.

6. The Suffolk Child Development Center is a school for the teaching of emotionally disturbed children. Since 1978, it has occupied approximately 8,000 square feet on the Stony Brook campus pursuant to a continuing lease which expires at the end of each academic year. The rental payment are \$4.90 per square foot per annum (one of our Council Members, Aaron Donner is attorney for the Center).

For the past several years undergraduate students and graduate students at Stony Brook, whose disciplines involve working with emotionally disturbed children used the facility as a laboratory in getting experience in teaching and handling of these children. The Development Center gives stipends of approximately \$30,000.00 per year to the student interns. Needless to say the Development Center has extensive backing from the Long Island community, political and otherwise.

By letter dated September 15, 1986, the Center was advised that (a) they would have to vacate their premises no later than June 30, 1987, and (b) that effective November 1, 1986, their rent would be raised to \$10.00 per square foot per year (the University's legal right to increase the rent is by no means clear). The Director of the Center suggested to the Administration that there were many square feet of vacant space on the campus in the immediate area and inquired as to why their space was required. To this inquiry no response was received. (Copies of the pertinent correspondence are annexed).

The Council takes no position on the merits of the University's position in evicting the Development Center and procuring the space. We do, however, find it particularly offensive to ask for an increase in rent when there is only a few short months left, particularly when emotionally disturbed children are involved and the Development Center's budget is, of course, tight. It has been suggested that there will be severe political fallout when this knowledge becomes public and again we feel that the Council could, if they had been asked, at least issued a warning to the Administration that trouble was ahead. We also note that the entire student training program in the Development Center is now in jeopardy because the Development Center must move.

In summation we offer the following comments:

The role of the Council is prescribed by law. However, we find that we are in fact the University's "window on the world." The inability or unwillingness, as the case may be, of the Administration to discuss important events and to seek our opinion even if it is not followed is particularly offensive. Unfortunately, we do not question an isolated course of conduct or an occasional mishap which is, of course, excusable. What we do criticize is a continuous course of conduct over a long period of time which is unexcusable. I repeat, that this document results from a unanimous decision of the Council members at the Executive Session.

It is our unanimous view that the Council has in recent years been in effect "shut out" from the University's major problems. We seek a quick and definite change and we await further developments.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'A. Ullmann', with a long horizontal flourish extending to the right.

ANDREW E. ULLMANN

AEU:vm

cc: Donald M. Blinken
277 Park Avenue
New York, New York 10017

Stony Brook

Office of the Provost
State University of New York at Stony Brook
Stony Brook, New York 11794-1401
telephone: (516) 632-7000

September 15, 1986

Mr. Peter Kelly
President of the Board of Directors
Suffolk Child Development Center
Hollywood Drive
Smithtown, New York 11787



Re: Notice of Cancellation

Dear Mr. Kelly:

Pursuant to the terms of the Revocable Permit dated October 24, 1978, please consider this letter a formal notice of termination. The provisions of that agreement allow the Developmental Center to remain at its present location on campus until the completion of your school year which is presently in progress.

Please be advised that it has been necessary to adjust the rental rate from \$4.90 to \$10.00. Your new annual rental will then be \$43,680 beginning November 1, 1986 and continuing until July 1, 1987. The same formula which is set out in the 1978 agreement has been applied to arrive at this figure.

We truly regret that these steps are necessary, but as you are probably aware, competing demands for the University's space are severe and we have no choice but to take this action. We are pleased that we were able to provide you with good, low cost space during a critical time in the evolution of your Center. The University also benefitted from this collaboration and we hope to continue to interact with you in the future.

I wish to thank you in advance for your cooperation and assistance in effecting this move in an orderly and timely way.

Sincerely,

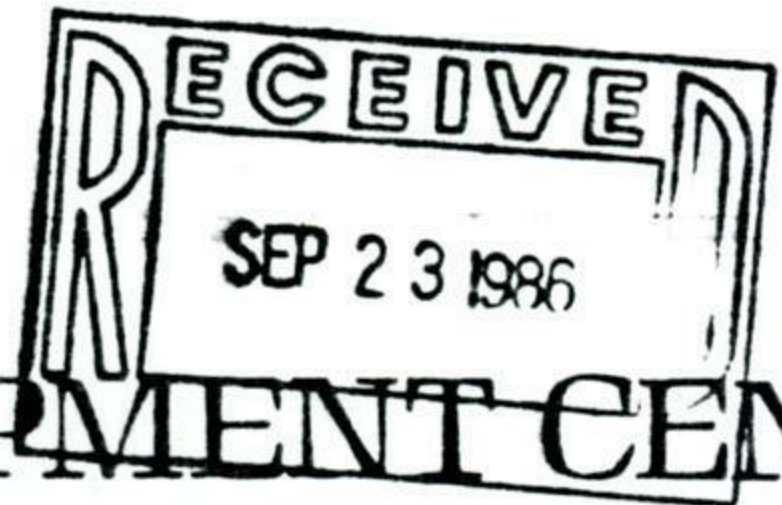
A handwritten signature in cursive script that reads "J.R. Schubel".

J.R. Schubel
Provost

cc: William H. Anslow
John H. Marburger
Aaron Donner
Martin D. Hamburg



SUFFOLK CHILD DEVELOPMENT CENTER



Hollywood Drive • Smithtown, New York 11787 • [516] 724-1717

Stony Brook Branch
[516] 689-9850

Meadow Glen Branch
[516] 265-3001

Martin D. Hamburg, Ph. D.
Executive Director

Dominic Romeo, Ph. D.
Director of Education

John Werner
Director of Therapy Services

Ray DeNatale, Jr.
Director of Day Treatment

Michael Darcy
Director of Ancillary Services

Elayne Gersten
*Director of Program
Development*

Tom Spinosa
Life Skills/Parent Training

Tillene Pinsker
*Early Childhood Direction
Center*

Renee Allen, C.S.W.
Mobile Intervention Program

Charlotte Jungblut
Infant Development Program

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Howard E. Smith
Pamela Tucker

September 23, 1986

Provost J. R. Schubel
State University of New York
SUNY at Stony Brook
Stony Brook, New York

Dear Provost Schubel:

We are in receipt of your letter of September 15, 1986, however, since our 1978 agreement with the University does not provide you with the opportunity to increase our rent unilaterally and in as much as you chose not to afford us even the courtesy of a discussion of these matters nor any attempt to negotiate, we therefore will refuse to pay any rent increase.

Most sincerely yours,


Martin D. Hamburg, Ph. D.
Executive Director

cc: William H. Anslow, Vice Chancellor of
Finance and Business
John H. Marburger, President
Aaron Donner



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A Research and Training Affiliate
of The State University of New York at Stony Brook



SUFFOLK CHILD DEVELOPMENT CENTER

Hollywood Drive • Smithtown, New York 11787 • [516] 724-1717

Stony Brook Branch
[516] 689-9850

Meadow Glen Branch
[516] 265-3001

Deer Park Branch
[516] 595-1444

Martin D. Hamburg, Ph.D.
Executive Director

Elayne Gersten
Deputy Executive Director

Michael Darcy
Director of Residential Services

Ray DeNatale, Jr.
Director of Day Treatment

Linda Paul, Ph.D.
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John Werner, Ph.D.
Director of Therapy Services

Terri S. Kivelowitz
Early Childhood Direction
Center

Renee Allen, C.S.W.
Case Management Project

Charlotte Jungblut, C.S.W.
Infant/Toddler Program

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Pam Tucker

October 6, 1986

Mr. Aaron Donner
Donner, Hariton & Berka
2115 Union Boulevard
Bay Shore, NY 11706

Dear Mr. ^{Aaron} ~~Donner~~:

Enclosed please find a report that we have been working on, and while it is still incomplete, I am forwarding to you this preliminary copy. A complete list of publications that have resulted from research at our Stony Brook site will be sent to you by Friday.

You may also be interested in the attached announcement. This is the first program of our new Department of Continuing Education, and we chose as our first partner the Department of Physical Therapy at Stony Brook. They and we are most enthusiastic about this program.

Finally, Aaron I cannot help but mention some of our hopes for the future of our Stony Brook project. Stony Brook University now has the opportunity to create a training and research program of national significance in the area of normal and abnormal child development. In May, 1985, Suffolk Center proposed to the University that we construct on campus a new Early Childhood Center that would house our current program, the Research Preschool Project of the Department of Psychology and the University's Day Care Program. A single site would not only provide considerable operational efficiency to these programs that have similar facility needs, but would enhance the opportunity for integrated training and research efforts.

We have pledged to assist the University with solutions to some of its current day care problems as well as to work toward obtaining public and private funding for our proposed Early Childhood Center. We received considerable encouragement

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of The State University of New York at Stony Brook

but no commitment back in 1985. We remain interested in establishing an Early Childhood Center which would clearly advance the University's mission and would also provide us with a permanent campus home.

Thank you for your kind interest in these matters.

Most sincerely yours,


Martin D. Hamburg, Ph.D.
Executive Director

MDH//pat

ANDREW E. ULLMANN
ATTORNEY AND COUNSELLOR-AT-LAW
P.O. BOX 270
NORTHPORT, NEW YORK 11768-0270
—
TELEPHONE ANDREW 1 -6066

October 9, 1986

Donald M. Blinken
277 Park Avenue
New York, New York 10017

Dear Mr. Blinken:

I am taking the liberty of enclosing to your attention a copy of a letter addressed by me, at the direction of the Stony Brook Council, to Dr. Wharton and Dr. Marburger.

Naturally I am prepared to discuss this with you at any time.

Yours very truly,


ANDREW E. ULLMANN

AEU:vm
enclosure



STATE UNIVERSITY OF NEW YORK
STATE UNIVERSITY PLAZA
ALBANY, NEW YORK 12246

DONALD M. BLINKEN
CHAIRMAN, BOARD OF TRUSTEES
466 LEXINGTON AVENUE
NEW YORK, NEW YORK 10017

October 14, 1986

Andrew E. Ullman, Esq.
Chairman
The Council of the State University at Stony Brook
P.O. Box 270
Northport, New York 11768-0270

Dear Mr. Ullman:

This will acknowledge receipt of your letter of October 9, enclosing a copy of a letter and supporting material of the Stony Brook Council, recently sent to Dr. Wharton and Dr. Marburger.

With all good wishes, remain,

Sincerely,

A handwritten signature in black ink, appearing to read "Donald M. Blinken", written over a large, stylized oval flourish.

Donald M. Blinken



State University of New York
State University Plaza
Albany, New York 12246

Office of the Chancellor

January 30, 1987

Certified Mail

Professor Ernest F. Dube
Apartment 3-E
523 East Fourteenth Street
New York, New York 10009

Dear Professor Dube:

Your case and appeal present a complex and difficult set of issues. I have considered the matter most carefully and wish to share my thoughts and conclusions.

First, it is clear that employing the tenure criteria for teaching, research and public service stipulated by the SUNY Board of Trustees and using the weights assigned to each by the University Center at Stony Brook, they have correctly found you deficient in the area of scholarly publications. While all three elements are involved in each tenure decision on each individual SUNY campus, it is quite clear that research receives a much larger weight on a graduate/research comprehensive university campus than on a four-year arts and science campus, and even less on a two-year community college campus. Your strong record in teaching and in public/community service was not sufficient to offset the deficiency in scholarly publication. This is a conclusion which was made by all parties in the process, including the most recent Chancellor's Advisory Committee.

Second, it is clear that the circumstances surrounding consideration of your tenure and the human environment in which it is taking place is not neutral or purely academic. Although the Stony Brook faculty committee/senate found that you had acted properly and within your academic rights in the conduct of your teaching, there are segments of the university and wider community who do not agree. Moreover, these extraneous issues -- irrelevant to the tenure decision per se -- will be used both by your critics and defenders to interpret whatever tenure decision is made. If an adverse tenure decision is made, your critics will claim that it is a vindication of their charge of impropriety in your teaching and your advocates will claim that the decision was based upon racial/religious biases. If a positive tenure decision is made, your critics will claim that it represents a reaffirmation of the content of your teaching and your advocates will claim a victory against racial/religious bigotry and for the content of your teaching. In neither case will the true bases of the decision be seen as the traditional ones, that is, the quality of your performance in teaching, research and public service.

January 30, 1987

I believe that either decision would be detrimental both to you and to the university. If an adverse tenure decision is made, your professional career could be affected by an erroneous and inaccurate perception. If a positive tenure decision is made, the proper weights and basis of a campus judgment on the criteria employed in a tenure decision would be undermined. Stony Brook should be allowed to exercise its judgment that research be given proper weight; you, however, should not be penalized professionally for inaccurate perceptions of such an adverse decision.

I believe that the State University of New York bears some responsibility not to allow these external issues to intrude improperly upon such tenure decisions; we also have a responsibility to provide reasonable protection to our faculty from external excesses which could do damage to their careers.

I have, therefore, concluded that the State University of New York should offer you an opportunity for a continuing appointment at another campus within the system providing that such a campus is willing to do so. The nature of the appointment will be determined by the campus after appropriate faculty/departmental review of credentials and personal interviews. In order to facilitate this, the appropriate line and funding would be provided to the campus.

If you wish to pursue the possibility of appointment at one of SUNY's four-year campuses, you should be in touch with Dr. Joseph Burke, Provost, State University of New York. Dr. Burke would be pleased to have your resume and supporting material sent to any and all of the other SUNY campuses you might be interested in and inform them of the conditions of this letter.

During this period of exploration, your current appointment will be extended through August 3, 1987.

Sincerely,

Clifton R. Wharton, Jr.
Chancellor

cc: ✓ SUNY Board of Trustees
President Marburger
Dr. Liao
Dr. Ames
Dr. Bramel

Professor in Zionism Affair Is Denied Tenure

By HOWARD FRENCH

A professor at the State University at Stony Brook, L.I., embroiled in controversy since he told students in 1983 that Zionism is a form of racism, has been denied tenure by the Chancellor of the State University.

In a two-page decision issued Jan. 30, two days before he resigned as Chancellor, Clifton R. Wharton Jr. rejected Professor Ernest F. Dube's appeal of an August 1985 decision by Stony Brook's president denying tenure.

Many students and faculty members have criticized the decision, saying it violates the principle of academic freedom. Four faculty committees had

recommended that Professor Dube be granted tenure, a permanent teaching post at the university. Critics of the decision say that he was not forcing his opinions on his students, but was setting out topics for debate.

The chairman of the school's history department, Professor Joel Rosenthal, headed an executive committee to review charges that Dr. Dube's course "Politics of Race" was anti-Semitic. He said of the ruling, "It seems we gave in to external influences." He called the Chancellor "chicken" for "allowing extramural politics to be involved in a tenure decision."

According to faculty members who

have seen the decision, Professor Dube was informed that he would not be offered tenure at Stony Brook, but would be allowed to remain in the state university system if another campus offered him a "continuing position."

Mr. Wharton has refused to comment on the matter. But the Stony Brook president, Dr. John H. Marburger 3d, issued a statement praising the decision because it "acknowledged the responsibility the school has to protect its faculty from inappropriate external influences."

Mr. Dube, who has often denied his remarks were inappropriate, refused to comment on the decision.

Chancellor Wharton's decision not to grant tenure to the South African-born professor, who has taught in the school's Africana Studies department since 1977, overruled the recommendations of four separate committees that have considered the case since 1985.

The president of the Graduate Student Organization at Stony Brook, Chris Vestudo, called the denial of tenure for Professor Dube "outrageous," and said student leaders are "prepared to stand behind the professor in whatever he decides to do, including whatever protests might be necessary."

The controversy began in mid-1983, when a visiting Israeli professor complained in a letter to the administration that the linking of Zionism to racism in the class was "sloganeering that is practiced by the anti-Semite."

A university senate investigation in

August 1983 concluded that Professor Dube's course had not overstepped the bounds of academic freedom, unfurling a wave of criticism from Jewish groups in the area. Governor Cuomo condemned the teachings on Zionism as "intellectually dishonest."

Joseph Topek, president of the Stony Brook chapter of Hillel, a national group of Jewish campus organizations, said he objected to Professor Dube's characterization of Zionism as "one of the three forms of racism, along with Nazism and apartheid." But he said the Jewish community on campus "did not want to see this matter politicized."

The director of the Long Island chapter of the Anti-Defamation League, Carin Katz, said that the organization's role in the decision was "to expose the anti-Semitism" and "whatever action taken by the university was their own."



The New York Times photo
Prof. Ernest F. Dube



State University of New York
State University Plaza
Albany, New York 12246

CORRECTED COPY

Office of the Chancellor

January 30, 1987

Certified Mail

Professor Ernest F. Dube
Apartment 3-E
523 East Fourteenth Street
New York, New York 10009

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January 30, 1987

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Sincerely,

Clifton R. Wharton, Jr.
Chancellor

cc: ✓ SUNY Board of Trustees
President Marburger
Dr. Liao
Dr. Ames
Dr. Bramel

A Tenure Decision That Hurts Free Inquiry

New York Times 2/8/87

Professor Is Denied Tenure in

By HOWARD FRENCH

A professor at the State University at Stony Brook, L.I., embroiled in controversy since he told students in 1983 that Zionism is a form of racism, has been denied tenure by the Chancellor of the State University.

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Many students and faculty members have criticized the decision, saying it violates the principle of academic freedom. Four faculty committees had

recommended that Professor Dube be granted tenure, a permanent teaching post at the university. Critics of the decision say that he was not forcing his opinions on his students, but was setting out topics for debate.

The chairman of the school's history department, Professor Joel Rosenthal, headed an executive committee to review charges that Dr. Dube's course "Politics of Race" was anti-Semitic. He said of the ruling, "It seems we gave in to external influences." He called the Chancellor "chicken" for "allowing extramural politics to be involved in a tenure decision."

According to faculty members who have seen the decision, Professor Dube was informed that he would not be offered tenure at Stony Brook, but would be allowed to remain in the state university system if another campus offered him a "continuing position."

Mr. Wharton has refused to comment on the matter. But the Stony Brook president, Dr. John H. Marburger 3d, issued a statement praising the decision because it "acknowledged the responsibility the school has to protect its faculty from inappropriate external influences."

Mr. Dube, who has often denied his remarks were inappropriate, refused to comment on the decision.

Chancellor Wharton's decision not to grant tenure to the South African-born professor, who has taught in the school's African Studies department since 1977, overruled the recommendations of four separate committees that have considered the case since 1985.

The president of the Graduate Student Organization at Stony Brook, Chris Vestudo, called the denial of tenure for Professor Dube "outrageous," and said student leaders are "prepared

Zionism Affair



The New York Times

Prof. Ernest F. Dube

to stand behind the professor in whatever he decides to do, including whatever protests might be necessary."

The controversy began in mid-1983, when a visiting Israeli professor complained in a letter to the administration that the linking of Zionism to racism in the class was "sloganeering that is practiced by the anti-Semite."

A university senate investigation in August 1983 concluded that Professor Dube's course had not overstepped the bounds of academic freedom, unfurling a wave of criticism from Jewish groups in the area. Governor Cuomo condemned the teachings on Zionism as "intellectually dishonest."

Joseph Topek, president of the Stony Brook chapter of Hillel, a national group of Jewish campus organizations, said he objected to Professor Dube's characterization of Zionism as "one of the three forms of racism, along with Nazism and apartheid." But he said the Jewish community on campus "did not want to see this matter politicized."

The director of the Long Island chapter of the Anti-Defamation League, Carin Katz, said that the organization's role in the decision was "to expose the anti-Semitism" and "whatever action taken by the university was their own."

Prof. Ernest Dube won't be teaching at the State University's Stony Brook campus after the current academic year, and part of the reason is that some of his ideas offended some New Yorkers.

To the extent that the decision denying him tenure at Stony Brook was influenced by off-campus politics — which former SUNY Chancellor Clifton Wharton as much as admitted — it was unworthy of a university system that aspires to being among the nation's best. Dube may be offered a job at another SUNY campus, but that can't undo the damage to SUNY's academic integrity.

Few knowledgeable people would argue that tenure decisions are apolitical. But faculty politics are an understood part of campus life, and they're more likely to involve differences among personalities or disagreements over the use of resources than hostility to particular ideas.

The SUNY decision on Dube is different. His proposition that Zionism has a racist aspect was offensive not to scholarship but primarily to the sensitivities of off-campus Jewish groups. And the hue and cry was, regrettably, taken up by Gov. Mario Cuomo.

Although a faculty committee backed Dube, Stony Brook President John Marburger denied him tenure. A faculty appeals committee recommended tenure anyway, but its report was nullified by Wharton on the questionable ground that a committee member had spoken to the press.

Wharton concluded last month — just before he left the chancellor's job — that yet another review of Dube's credentials indicated he lacked enough scholarly publications to qualify for tenure. But Wharton acknowledged that the decision was "not merely academic." That's as close as an administrator is likely to get to admitting that politics tainted Dube's chances.

The purpose of tenure is to protect the careers of scholars with controversial ideas. Dube is being denied that protection — at least in part — precisely because his ideas were controversial.

Perhaps astute academics keep their more unconventional ideas to themselves until they have tenure. But they shouldn't have to; that would ultimately frustrate the goal of free inquiry.

It may be that, even without the public flap, Dube would have been refused tenure purely on academic grounds. There's no way to know that now. But under the present circumstances, the Dube decision can't help but suggest that SUNY is an unsafe place to advance ideas that may have negative political reactions. And that's bad for SUNY.

Jewish World 2/13 - 2/19/87

Stony Brook axes Dube, who blames (guess who?)

By WALTER RUBY

A controversial professor who taught his students at the State University of New York at Stony Brook that Zionism is a form of racism angrily denounced a decision last week to deny him tenure, contending that his impending dismissal from Stony Brook has been engineered by "right wing Zionists."

Prof. Ernest Fred Dube, a South African-born black scholar in the Africana Studies program at Stony Brook, spoke out last week after it was announced that he had been denied tenure by SUNY Chancellor Clifton R. Wharton Jr. Nevertheless, Dube would be allowed, Wharton said, to continue teaching in the State University system if another campus offered him a tenured "continuing position."

Wharton's announcement confirmed a 1985 decision by Stony Brook President John H. Marburger 3d, denying tenure to Dube. The professor is now consulting with his lawyer, before deciding whether to take legal steps to challenge Wharton's ruling.

In comments to the *Jewish World*, Dube charged, "Despite all the disclaimers by Marburger and others, the reality is that this decision gives people outside the university the right to open the door of academia and to make academic decisions. The lesson here is that if you see someone teaching something you don't like, just go in and make a lot of noise and you'll win."

In response to Dube's charges, Marburger told the *Jewish World*, "From the very beginning of the review process, we have sought to insulate (consideration of Dube's tenure application) from outside pressures. Almost all press accounts have indicated that there was a connection (between anti-Dube pressures from outside and the denial of tenure). That was very unfortunate, because there was, in fact, no such connection. I never felt under pressure."

While expressing doubt that the angry response to Dube's teaching by much of the local Jewish community will have a chilling effect on academic freedom at Stony Brook, Marburger said he thought "the community reaction was an unfortunate one." He added, "The effect of the outcry was less

than many believe, but the effect has been mainly negative. At the university there is a widespread feeling of being wronged and misunderstood."

The long dormant Dube controversy, which convulsed the Stony Brook campus during the 1983-84 academic year, was revived by last week's announcement. Wharton, who left his position as chancellor Feb. 1, issued a decision dated Jan. 30 denying Dube's appeal for tenure. Wharton's decision means that Dube, who also serves as a representative at the mission of the African National Congress (ANC) at the United Nations, will not be able to teach at Stony Brook after August 1987. Wharton declined to comment on his decision.

According to Kevin Ireland, a spokesman for Stony Brook, Wharton has agreed to make available the budget line to pay Dube's salary if another campus picks him up. Ireland said there is a strong possibility Dube's salary would be paid during the first year at another school with funding from Stony Brook.

Wharton informed Dube in a letter that he had a strong record of community service, but lacked enough scholarly publications to qualify for tenure. But Wharton noted, "It is clear that the circumstances surrounding consideration of your tenure and the human environment in which it is taking place (are) not neutral or merely academic."

In a statement released after Wharton's decision became known, Marburger commented, "I think Chancellor Wharton's decision is a thoughtful one that acknowledges the high standards of scholarship Stony Brook sets for its faculty. It also acknowledges the responsibility the university has to protect its faculty from inappropriate external factors."

Wharton's decision on Dube was strongly criticized by some students and professors on the Stony Brook campus last week, who noted that the Marburger and Wharton decisions denying Dube tenure overruled the recommendations of four separate faculty committees which had been considering the case since 1985. History Professor Joel Rosen-

thal, who headed a faculty committee which ruled in 1983 that Dube's teachings on Zionism in his course "The Politics of Race" were within the bounds of academic freedom, told *The New York Times* that Wharton's ruling made him believe that "we gave in to external influences." He called the chancellor "chicken" for "allowing external politics to be involved in a tenure decision."

The president of the Graduate Student Organization at Stony Brook, Chris Vestudo, called the denial of tenure for Dube "outrageous" and said student leaders are "prepared to stand behind the professor in whatever he decides to do, including whatever protests might be necessary."

The angriest protest came from Imamu Amiri Baraka, a well known black poet and militant leader in the 1960s, who today serves as chairman of the Africana Studies Program at Stony Brook. Baraka termed Wharton's decision "mealy mouthed and hypocritical" and charged that such a decision would only have been made in the case of a black man. Wharton, who had been state university chancellor since 1978, before leaving his post last week to accept a managerial position in a private firm, is also black.

Rabbi Joseph Topek, director of the Stony Brook chapter of Hillel, stressed that the denial of tenure to Dube "was based exclusively on the question of his academic credentials." Noting that he did not want "to see this matter politicized," Topek said that the denial of tenure to Dube "ought not be an occasion for gloating or breast-beating in the Jewish community."

However, Rabbi Arthur Seltzer, former director of the Long Island chapter of the Anti-Defamation League of B'nai B'rith (ADL), who played the most prominent role in the organized Jewish community's campaign to insist that the teaching of 'Zionism is racism' not be allowed at Stony Brook, said he was "gratified" by Wharton's decision. According to Seltzer, the denial of tenure to Dube "seems to vindicate our concerns that there was a serious lack of professionalism and an abuse of the classrooms of the state univer-

sity."

The Dube controversy began in the summer of 1983, when a visiting Israeli professor, Dr. Selwyn Troen, accused Dube in a letter to Marburger and members of the faculty of using his course "The Politics of Race" as a propaganda forum against Israel and Zionism, and of engaging in "sloganeering that is practiced by the anti-Semite."

Dube, who was imprisoned in South Africa in the mid-1960s, taught his class that mainstream Zionism, as exemplified by both of Israel's major parties, Labor and Likud, is a form of "reactive racism," which he defined as a form of racism practiced by a people who were once themselves victims of racism. Dube referred to Zionism on a syllabus that accompanied his "Politics of Race" course during the summer semester of 1983 as "one of the three forms of racism, along with Nazism and apartheid," and asked his students to respond to a test question which read, "Zionism is as much racism as Nazism was racism." However, Dube stressed in interviews that he did not consider all Zionists to be racists, referring to Argentine journalist Jacobo Timmerman as a non-racist Zionist.

A faculty committee headed by Rosenthal cleared Dube of charges that he violated academic ethics, but an aroused Jewish community and many state politicians pressured Marburger to forbid the teaching of 'Zionism is racism.' Gov. Mario Cuomo denounced the Stony Brook faculty for not speaking out against Dube's teachings.

A statement by Marburger in October 1983 "divorcing" Stony Brook from Dube's teachings on Zionism led to campus demonstrations by third world students. This was followed by a brief visit to the campus by several members of the militant Jewish Defense Organization, who demanded that Dube be immediately fired.

The university eventually set up a special faculty committee to ensure that professors would adhere to certain standards of academic responsibility as well as to academic freedom. Meanwhile, a series of academic committees considered Dube's application for tenure, leading to Marburger's announcement in August 1985 that tenure had been denied. Dube then appealed Marburger's decision to Wharton.

Continued

New York Times 2/24/87

Academic Not-So-Freedom at SUNY

To equate Zionism with racism has become a cliché of anti-Israel animus. But is acceptance of this belief, even if bigoted, grounds to deny a professor tenure? It apparently was at the State University of New York at Stony Brook, dealing a blow to academic freedom, a concept meant to encompass even the most bitter differences of opinion.

In a decision issued just two days before his resignation as SUNY chancellor on Feb. 1, Clifton Wharton affirmed the Stony Brook president, Dr. John Marburger, in denying tenure to Ernest Dube, an assistant professor of Africana Studies. The Marburger decision, in August 1985, was taken against the recommendation of four faculty committees. It also came after Professor Dube had characterized Zionism as a form of racism, along with Nazism and apartheid. That inspired a wave of protests by Long Island Jewish organizations and Governor Cuomo.

A native of South Africa who has taught at Stony Brook since 1977, Professor Dube used the characterization in a course syllabus. In 1983 a visiting Israeli professor objected, charging Professor

Dube with the kind of "sloganeering that is practiced by the anti-Semite." An investigation by the university senate concluded that Mr. Dube had not exceeded the bounds of academic freedom.

Dr. Marburger contends that his decision was completely unrelated to the 1983 flap. He says he felt Mr. Dube's scholarly publications were not up to the standard customarily required for tenure at SUNY and the professor's teaching and public service did not compensate for that. He said the Wharton decision vindicated his judgment.

Perhaps. But the chancellor, even as he affirmed the denial, offered Mr. Dube a chance at a job on another SUNY campus if one could be found. Spokesmen for the university admit that was highly unusual and say it was done out of concern that Mr. Dube might suffer because of a possible "misperception" of his tenure case. Maybe it was also done to induce the professor to accept it more readily.

That, apparently, is not to be. Professor Dube says he will fight the tenure decision in court. Pending the outcome of that suit, the question lingers about academic freedom at Stony Brook: how free?

Long Island Newsday 2/16/87

On the Issue of Tenure

Newsday's editorial, "A Tenure Decision That Hurts Free Inquiry" [Feb. 10] makes a commendable argument for academic freedom which I wholly support. Unfortunately, it also propagates a serious misreading of SUNY Chancellor Clifton Wharton's decision.

Your statement that "part of the reason" that Ernest Dube will not be teaching at Stony Brook next year "is that some of his ideas offended some New Yorkers" is false. The assertion upon which this conclusion is founded, namely that "former SUNY Chancellor Clifton Wharton as much as admitted" it, is also incorrect, as is the statement that "Wharton acknowledged that the discussion was 'not purely academic.'" A similar statement in a related news story, that "Wharton also acknowledged the decision was not purely based on academics" is equally incorrect.

The chancellor did not make such statements, nor did he conclude that nonacademic considerations played a role in my decision not to recommend tenure for Dube or his decision to support my action.

These errors appear to derive from a misreading

of Wharton's explicit recognition of the public controversy surrounding a course that Dube gave in 1983. There is no question that public criticism occurred and that supporters and detractors of Dube have cited it in reacting to the tenure decision. But the decision itself was made according to well-defined standards for promotion and tenure and was totally unrelated to Dube's course or the public discussion of it.

At no time has any review of the initial decision, including Wharton's review, suggested that my denial of tenure for Dube was based upon anything but the regular criteria of performance in teaching, scholarship and service that applies to every other member of our faculty.

Stony Brook has not and will not bow to political pressure in determining who it will hire and fire. To do so abrogates its responsibility to protect its faculty from external influences, and on a purely practical level, would repulse the exceptional faculty it continues to attract.

John H. Marburger, President
State University of Stony Brook
Stony Brook

Personal & Professional

Tenure Denial at Stony Brook Upheld by SUNY Chancellor

STONY BROOK, N.Y.

The chancellor of the State University of New York has upheld the decision of officials at the Stony Brook campus not to grant tenure to a faculty member who contends that pressure from local Jewish groups led to the denial.

Chancellor Clifton R. Wharton, Jr., said the university would try to offer the professor a tenured post at another campus within the system, according to senior administrators.

The faculty member, Ernest F. Dube, was turned down for tenure by the Stony Brook administration in 1985, despite the approval of various faculty committees.

Shortly before leaving office last month, Chancellor Wharton agreed to uphold Stony Brook's decision, while opening the possibility of a job elsewhere for Mr. Dube. The decision does not guarantee him a tenured appointment, but it would allow a department at another campus to offer him a post, administrators said.

Colleagues Express Dismay

Mr. Dube, who last week received notification of the decision in a letter, said he would not comment on the matter until he consulted with his lawyers.

Colleagues in the department of Africana studies, however, expressed dismay at the chancellor's ruling. "We're opposed to the decision, and we think the chancellor is cowardly and reactionary," said

Amiri Baraka, chairman of the department.

Mr. Dube, an assistant professor, had asked the chancellor to overturn the denial, claiming that the administration had bowed to pressure from Jewish groups that were outraged by what they saw as his anti-Semitism.

Senior administrators said Mr. Wharton had accepted Stony Brook's decision to deny tenure to the professor. However, the chancellor acknowledged that the review had been marked by unusual circumstances and said Mr. Dube should not be penalized.

Last fall, an advisory committee investigated Mr. Dube's appeal and made a recommendation to the chancellor. That report has not released.

In 1983, Mr. Dube was the focus of controversy on the campus because of a course he taught in which he cited Zionism as an example of racism. Several Jewish organizations urged university administrators to denounce the professor.

A faculty-senate committee eventually concluded that Mr. Dube had not overstepped the bounds of academic freedom in the course, and university administrators agreed.

The controversy resurfaced in 1985 after administrators turned Mr. Dube down for tenure. Earlier, two faculty groups had recommended that Mr. Dube receive tenure. An initial advisory committee that reviewed Mr. Dube's appeal agreed.

—LIZ McMILLEN

Stony Brook

Office of the President
State University of New York at Stony Brook
Stony Brook, New York 11794-0701
telephone: (516) 632-6265

February 24, 1987

TO THE EDITOR:

Your editorial "Academic Not-So-Freedom at SUNY" takes a cheap shot at a difficult decision whose basis has been persistently misconstrued in the press. While controversial beliefs are not grounds for denial of tenure, neither is being the center of controversy grounds for awarding tenure. The State University of New York at Stony Brook, like other research universities, seeks firmer foundations for its tenure decisions.

The "four faculty committees" that recommended tenure for Dr. Dube included one at the level of his program in Africana Studies, one College-wide committee, and two three-member appeals committees, the latter selected according to a process specified in the labor contract with United University Professions. None but the first committee recommended promotion in rank, and that not unanimously. The College-wide committee, by far the most important, recommended for tenure by one vote in a split ballot. The second of the two appeals committees recommended that either: (1) Professor Dube receive tenure without promotion, or (2) Professor Dube's contract be extended for an additional fixed period to strengthen his case. Both of the last two committees declared that there was no evidence of inappropriate external influence in my decision to deny tenure.

I decided to deny tenure to Dr. Dube based upon the entire record available to me, and not simply upon the result of committee votes. Unfortunately for the public understanding of such cases, but fortunately for the candidate, the details of this record are not made public. The few facts I have cited above, which were available to the Times, indicate that the case was not a simple one.

Your suggestion that the Chancellor's offer to Dr. Dube was made "to induce the professor to accept the decision more readily," is outrageous and unsupported by any evidence whatsoever. The SUNY tenure process is carried out with the utmost integrity and seriousness and has not been compromised in the case of Dr. Dube.

JOHN H. MARBURGER
PRESIDENT
STATE UNIVERSITY
OF NEW YORK AT STONY BROOK

Stony Brook

Office of the President
State University of New York at Stony Brook
Stony Brook, New York 11794-0701
telephone: (516) 632-6265

March 3, 1987

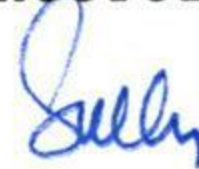
Mr. Donald M. Blinken
466 Lexington Avenue
New York, NY 10017

Dear Don:

Enclosed is Jack's response to the Times editorial, for your review prior to your luncheon on Thursday.

Jack asked that I also send you the reports from the two committees that reviewed the decision not to grant tenure to Dr. Dube and Jack's letters to Clif in response to the reports.

Sincerely,



Sally Flaherty
Assistant to the President

Enclosures

Stony Brook

Office of the President
State University of New York at Stony Brook
Stony Brook, New York 11794-0701
telephone: (516) 632-6265

March 2, 1987

Dr. Jerome B. Komisar
Acting Chancellor
State University of New York
State University Plaza
Albany, NY 12246

Dear Jerry:

When a New York Times editorial appeared last week criticizing SUNY for its unjust treatment of Dr. Ernest F. Dube, I determined to respond immediately. The Times piece gives legitimacy to the growing tide of indignation about how SUNY allowed its faculty evaluation process to be compromised by political pressure. Every press account since my original decision to deny tenure has drawn the same inference: that the decision was made as a result of Dr. Dube's controversial statements describing Zionism as a form of racism. The effect has been to raise serious questions about SUNY's independence as an institution in which faculty can discuss controversial topics openly without fear of punishment or reprisal through political pressure.

Unfortunately, there is much public evidence of attempts to apply political pressure on SUNY in this case. Since you witnessed them directly, I need not remind you of them specifically. But they were highly visible and they involved both the executive and the legislative branches of State government. As you know, I decided to grant Dr. Dube an additional year prior to his tenure review in order to distance the process from those unfortunate events. When my tenure decision was announced, the New York Times was the first to report it, citing the earlier controversy and linking it implicitly to the tenure decision. That set the tone for all subsequent press coverage. It is not surprising that the Times chose to slant their story as they did because there has never been anything in the public record about the basis for the decision other than what Dr. Dube's supporters have provided.

In crafting my response, I was strongly motivated by the need to provide some tangible evidence to the public that the integrity of our academic processes has not been compromised. I believe that this is an objective of such importance to our credibility with students, faculty and alumni as well as

within the world academic community that unusual steps are justified. Consequently, I chose to reveal aspects of the tenure process in Dr. Dube's case that are not ordinarily made public. The details I disclosed were the voting patterns of the faculty committees and the final recommendations of those committees. I did not disclose any correspondence or other material that contained judgments of the quality of Dr. Dube's work or suggested the basis for the recommendations. I did contact your office regarding this material and was advised not to disclose it. I asked for more detailed guidance on the consequences of revealing such information in varying degrees of detail, but did not receive it. After pondering the matter, I decided to proceed and sent off the enclosed.

I thought you should know that I deliberately acted contrary to advice that I received from your office and that I am willing to submit to whatever consequences you think may be appropriate under the circumstances. I assure you that I would do the same thing in the future under similar circumstances. If this is a case of unacceptable insubordination, please let me know. At least I can assure you that I will not act insubordinately or otherwise without letting you know ahead of time and giving your office a fair chance to talk me out of it.

By now you may be aware that as I was leaving SUNY Plaza last Thursday, a group of angry students was kicking a hole through the wall separating my office reception area from the corridor. A 'smoke bomb' tossed through the hole filled the area with smoke and disrupted business for the rest of the day. Destructive acts occurred only in the first onslaught following which the demonstration was relatively calm. My staff and other administrators on the spot acted in an exemplary fashion, and when I returned to campus on Friday, I had a civilized discussion with a representative group of 12 students. They are clearly concerned about the appearance that I denied tenure to Professor Dube because of his controversial statements.

In this connection, language in the new labor agreement with UUP provides for yet more process in this case. Will you please advise me explicitly of my responsibilities under the new agreement? I would of course prefer that with the Chancellor's response the case were to be closed within SUNY.

Sincerely,

John H. Marburger
President

Enclosure

cc: J. R. Schubel
P. J. Teed

bc: J. Krause

F

Office of the President
State University of New York at Stony Brook
Stony Brook, New York 11794-0701
telephone: (516) 246-5940

Stony Brook

April 10, 1986

Dr. Clifton R. Wharton, Jr.
Chancellor
State University of New York
State University Plaza
Albany, NY 12246

Dear Clif:

I am writing to provide you with my reaction to the report of the tripartite committee that reviewed Dr. Ernest F. Dube's appeal of my refusal to recommend him to you for tenure. Unfortunately, I strongly disagree with the recommendation of the committee. I do not believe that Dr. Dube measures up to the standards that Stony Brook expects of its faculty, and I think it would be a very serious mistake to grant him a tenured appointment at Stony Brook at any rank. Since I have been at Stony Brook, and apparently long before that time, our campus has never tenured anyone with such a limited publication record. If tenure were to be awarded in this case, it would make it impossible to consistently reject other marginal cases in the future.

A typical tenurable faculty member will have 8-10 articles in refereed journals or 3-4 refereed articles and a book. Professor Dube had only one article in a refereed journal, no book and one non-refereed paper. He has not developed any thesis or inquiry that has been subjected to the tests of scholarly review.

Much of Professor Dube's support on campus has come from numerous public talks he has given. I do not believe that such presentations should form the basis for tenure. Nor am I persuaded that Professor Dube's knowledge to which Dean Neville refers constitutes grounds for tenure, and Dean Neville did not suggest that it does.

It is important to understand that the recommendation of the Personnel Policy Committee, which the tripartite committee endorses, was split as badly as it could be. The vote was 4 to 3 in favor of tenure, with no support at all for promotion. The very positive tone of the tripartite

cc: H. Neal
T. Mannix
bc: Human Resources
[Signature]

✓

committee report does not reflect the deep reservations that our faculty have regarding the granting of tenure in this case. In its deliberations, the tripartite committee did not discuss the materials in the file with anyone other than Professor Dube, and certainly not with any of those who made decisions affecting the case.

I regret that the tripartite committee decided to recommend tenure for Professor Dube. His is the weakest case I have seen advanced in my nearly six years at Stony Brook.

Sincerely,

John Marburger
President

February 21, 1986

Chancellor Clifford Wharton
State University of New York
State University Plaza
Albany, N.Y. 12246

Re: Article 33 - Appeal of Dr. Ernest F. Dube

Dear Chancellor Wharton:

The Chancellor's Review Committee studied the materials in the file of Dr. Dube, interviewed him, read some of what he had written and attended a lecture given by him. After five meetings, the committee voted unanimously to endorse the recommendation of the Faculty Senate's Personnel Policy Committee to grant Professor Dube tenure without promotion.

We enclose the following materials to substantiate our decision.

1. A biography of Dr. Dube.
2. Campus Review of the Africana Studies Program of 1984.
3. The finds of the Committee. The findings were organized and written chiefly by Eloy A. Carlson with input and emendations from Leslie H. Owens and Aaron W. Godfrey.

Respectfully,


A. W. Godfrey, Latin & Classics
Comparative Literature Dept.

AWG:eh
enc.

cc: President John Marburger ✓
Professor Ernest Dube

May, 1985

PERSONAL

Place of Birth: Johannesburg, South Africa

Address: University: State University of New York at Stony Brook
Africana Studies Program
Long Island, New York 11794-4340
Telephone: (516) 246-3352

Home: 523 East 14 Street, Apt. 3E
New York, New York 10009
Telephone: (212) 477-4769

EDUCATION

Ph.D. Cornell University Psychology Department, September 1976.
Dissertation title: "A Cross-cultural Study of the Relationship
between 'Intelligence' level and Story Recall." Major area at
Cornell was Cognitive Psychology (Information Processing--Memory
and Cognition). Minor areas were Personality and Social Change.

Bachelor of Social Science, Natal University, Durban, South
Africa. Major areas were Psychology and Sociology with Minors
in Social Anthropology, Economics, Business Administration, and
Roman Dutch Law (1959-1962...1966).

Diploma in Social Work, Jan H. Hofmeyr School of Social Work,
Johannesburg, South Africa (1951-1953).

WORK EXPERIENCE

Between 1954 and 1957, worked as a Director of Community Social
Work in Lamontville, Durban. Duties included: Coordination of
social services, formation of youth and adult clubs, casework,
formation of Play Centers for non-school-going age children,
and Creches for small babies of working mothers.

Between 1958 and 1963, was employed by the Psychology Department,
Natal University as a Research and Technical Assistant to the
head of the Department, Professor Ronald Albins. My work
included construction of equipment used for experiments,
assisting both lecturers and graduate students in their research
on African subjects or informants, ordering of books and
equipment, and administering the funds of the Department.

Between 1963 and 1967, I was the guest of the State. Reasons
for this were my membership in the African National Congress and
carrying on with the activities of a banned organization.

Between 1970 and 1976, was a graduate student at Cornell
University where I was Teaching Assistant to Drs. U. Neisser
(Memory and Attention), T. A. Ryan (Motivation), and James
Maas (Introductory Psychology).

From Fall, 1977 to the present, Assistant Professor, Africana Studies Program and Department of Psychology, State University of New York at Stony Brook.

For the academic year, 1981-1982, I served as the Acting Chairman of the Africana Studies Program, State University of New York at Stony Brook.

HONORS

Toc. H. (South Africa) Scholarship to study Social Work at the Jan H. Hofmeyr School of Social Work (Johannesburg, South Africa)

Mabel Palmer Award, for tuition at Natal University (Durban, South Africa)

Cornell University Humanities and Social Science Fellowship

National Science Foundation Doctoral Dissertation Research Grant

United Nations Scholarship, for living expenses in Africa

Honored by the New York Institute for Social Therapy and Research as being one of twelve effective teachers on Social Issues, October 1984.

DISSERTATION TOPIC

An investigation of the definition of "intelligence" by non-literate Africans and a test of such a definition for its predictive value in experimental psychology. The main study was, however, a study of performance by two cultural groups and a non-literate group on a memory task. The main study was undertaken to test four hypotheses: a) the author's hypothesis that there are wide individual differences within cultural and educational groups in the ability to recall stories and other cognitive tasks, and that these differences can be predicted on the basis of subject's rated "intelligence"--thus validating the rating procedure; b) the literacy and modernization hypothesis that absence of books and illiteracy lead to reliance on memory, thus compelling a development of superior memory skills as compared to literates who do not have to develop such skills (Porter, 1868; Reisman, 1956; and others); c) Bartlett's hypothesis that there are no overall differences in memory ability between literate and non-literate subjects, but that people tend to have better memory for information that is culturally familiar and relevant to them than what is novel; d) Scribner and Cole hypothesis that formal schooling develops particular skills of learning and memorizing, which result in higher performance by formally educated subjects as compared to unschooled or non-literate subjects.

Subjects in this study consisted of: non-literate African young adults, African adolescents attending junior high school, and Americans also attending junior high school. The results in this

study indicate a strong "intelligence" effect and a "cultural" effect, with both African groups recalling more than the American group.

RESEARCH INTEREST

The research conducted in Botswana (Africa) and in the U.S. has raised some old and new questions. For example, the non-literate African's view of "intelligence" is similar to a western layman's view as reported by Vernon (1959). Does this mean all people have basically the same view of "intelligence"? or was this a mere coincidence? The superior performance by the high "intelligent" group in this study raises the questions whether the usual poor performance by non-literate subjects does not reveal a weakness in our research methods which seem to have taken for granted that our tasks' methods are understood by non-literate subjects. The question raised by these results is whether our tasks are not biased in favor of schooled subjects. The questions raised by these results seem to require further investigation with some other tasks which may be different from memory task.

PUBLISHED WORKS

- Dube, E. F. "The Relationship Between Racism and Education in South Africa," in Harvard Educational Review, March/April, 1985.
- Dube, D. F. "The Reagan Administration's Policy Toward South Africa: Misunderstood or Understood," New World Review, June/July, 1984.
- Dube, E. F. "Literacy, Cultural Familiarity, and 'Intelligence' As Determinants of Story Recall," in Ulric Neisser (ed.) Memory Observed: Remembering in Natural Contexts. W. H. Freeman and Co., San Francisco, 1982.

UNPUBLISHED WORKS

At present I am working on a book (as yet untitled) which is to be on Racism.

- Dube, E. F. "A Study of Story Recall Among Literate and Non-Literate Botswana." This paper was presented to an E.P.A. Conference held in New York City in April, 1976.
- Neisser, U. and Dube, E. F. "Selective Attention of Visually Presented Information," presented to E.P.A. Conference in Washington in April, 1978.
- Dube, E. F. "Is Peaceful Change Still Possible in South Africa?" Paper presented to a conference on Apartheid held in Kingston, Jamaica, sponsored by the Jamaican government and the University of the West Indies, June 18, 1978.

- Dube, E. F. "A case against foreign investment in South Africa." Paper presented to the National Conference of Black Lawyers during their 10th year anniversary in New Orleans, August 22, 1978.
- Dube, E. F. "An African View of Intelligence," presented at Amherst College, June 3, 1979.
- Dube, E. F. "History of Liberation Movement in South Africa," presented to African Liberation Party in Chicago, July 10, 1979.
- Dube, E. F. "Sports under Apartheid," presented to University of Oregon at Corvallis, October 19, 1980.
- Dube, E. F. "Cross Cultural Study of Memory," in U. Neisser (ed.) Studies in Story Recall, 1981.
- Dube, E. F. "Present American Policy on Southern Africa," presented at U.C.L.A., May 24, 1981.
- Dube, E. F. "State of Internal Situation in South Africa and the Role of African National Congress," paper presented at the State University of Oregon, Portland, June 3, 1981.
- Dube, E. F. "Western Attitude to South Africa's Destabilization of Front Line States in Southern Africa," paper presented to an International Conference on National Resources held at Escuela Superior Politecnica del Litoral, Guayaquil, Ecuador, November 18, 1981.
- Dube, E. F. "Education in South Africa," presented to an African National Congress seminar in Morogoro, Tanzania, January 8, 1982.
- Dube, E. F. "African Education in South Africa and New Laws Required to Correct its Abuses," paper presented to an International Conference on Curriculum Development, organized by the African National Congress and the Dag Hammarskjold Foundation, Morogoro, Tanzania, August 21-25, 1981.
- Dube, E. F. "The History of the Concept of Race and its Relationship to Racism," lecture to the graduate students and faculty, Department of Psychology, Rutgers University, October 18, 1981.
- Dube, E. F. "The South African Invasion of Angola: Its Meaning and the future of the struggle in South Africa and Namibia," presented to foreign students at the University of Southern Illinois, February 12, 1982.

- Dube, E. F. "The Meaning of 'Constructive Engagement' to the Liberation of South Africa and Namibia," lecture given to Northwestern University, African Studies Department, April 6, 1982.
- Dube, E. F. "The Western States' Collaboration with South Africa in Nuclear Arms Development," paper presented to a Conference of Concerned Academics to Stop Nuclear Arms Race, held at City University Graduate Center, New York, June 14, 1982.
- Dube, E. F. "The Utilization of Concrete Teaching in 'Abstract' Subjects," paper presented to an African National Congress Education Council on Curriculum Update, Morogoro, Tanzania, August 17-23, 1982.
- Dube, E. F. "Violence or Peaceful Change in South Africa: The Two Chances," paper presented at SUNY at Albany, to the Afro-American and African Studies Department, September 24, 1982.
- Dube, E. F. "The Three Forms of Racism," lecture given at Rutgers University to the graduate students and staff of the Department of Psychology, October 18, 1982.
- Dube, E. F. "The Uses of I.Q. Tests in U.S. Racism," lecture presented to Afro-American and African Students Association, two-day conference in Wesleyan College, Connecticut, November 30-December 1, 1982.
- Dube, E. F. "The Role of Minorities and Progressive White Americans in Namibian and South African Struggle for Liberation," lecture presented to the Political Science Department, Oregon State University at Corvallis, February 4, 1983.
- Dube, E. F. "The Negative Role of the AFL/CIO in South African Trade Unionism," paper presented to District 65, New York, February 15, 1983.
- Dube, E. F. "How Multinational Companies help to Perpetuate Racism: Reason for Divestment," paper presented to the University of North Carolina at Chapel Hill, June 3, 1983, and Duke University, June 4, 1983. Meetings organized by students and staff on the issue of divestment from South Africa.
- Dube, E. F. "The Collaboration between Multinational Companies, the U.S., and the AFL/CIO in Perpetuating Oppression in South Africa," presented at a dinner to honor Nelson Mandela and other political prisoners of conscience, organized by the Labor Research Institute, November 19, 1983.

- Dube, E. F. "The Effects of the Continuing Devastating Drought in Africa (1977-1983) South of the Sahara," paper presented to Emory University staff and students, November 11, 1983. (Abstracts of this paper were later published in Newsday, March 28, 1984.)
- Dube, E. F. "Race and Racism," paper presented to a conference organized by the November 29 Coalition on Racism, January 12-13, 1984.
- Dube, E. F. "The Reagan Administration's Policy Toward South Africa: Misunderstood or Understood," paper presented to the History and Political Science graduate students and staff at the City University Graduate Center, New York, February 26, 1984.
- Revised version of the above paper presented to International Studies Association Silver Anniversary, Atlanta, Georgia, March 28, 1984. (This also appeared in the New World Review, June/July, 1984.)
- Dube, E. F. "Israel's Collaboration with South Africa," sponsored by Faculty and Students for Palestinian Rights, University of Chicago, September 13, 1984.
- Dube, E. F. "The Meaning of the Present Student Uprisings in South Africa," presented to All African Peoples Party, Kansas City, November 11, 1984.
- Dube, E. F. "Political Prisoners and Their Families in South Africa," presented at the 62nd Annual Meeting of the American Orthopsychiatric Association, April 20-24, 1985, New York Hilton Hotel, New York.
- Dube, E. F. "The Effect of Racism on African Children," to be presented at the Annual Meeting of the American Public Health Association, to be held in Washington, D.C., November, 1985.

REFERENCES

- Dr. Ulric Neisser, Department of Psychology, Uris Hall, Cornell University, Ithaca, New York 14853; telephone (607) 256-6305
- Dr. William W. Lambert, Department of Psychology, Uris Hall, Cornell University, Ithaca, New York 14853; telephone (607) 256-6390
- Mr. J. Congress Mbata, Africana Research Center, Cornell University, Ithaca, New York 14853; telephone (607) 256-4625

Report of the Chancellor's Article 33 Committee

The Chancellor's Review Committee for evaluating the tenure and promotion of Professor Ernest Dube endorses the Academic Senate's Personnel Policy Committee recommendation for tenure without promotion. Professor Dube would retain his present rank as assistant Professor with opportunities for promotion as his future scholarly work merits. Our decision was unanimous and based on a detailed examination of his personnel file and the following questions:

- 1) What should be the faculty composition of a major University supported by the taxpayers of New York?
- 2) What academic contributions have been made by Professor Dube since he came to SUSB in the fall of 1977?
- 3) Were the procedures used to evaluate Professor Dube fair, thorough, and cognizant of the circumstances under which Professor Dube carried out his professional responsibilities?
- 4) What are the short term and long term consequences of granting or not granting Professor Dube tenure at SUSB for the University itself and for the academic community in the U.S. and abroad who have been following this case?

Background Information

Professor Ernest Frederick Dube was born in Johannesburg, South Africa in 1929. He received a diploma in the Hofmeyer School of Social Work in 1953 and was a social worker in South Africa for several years before obtaining a B.S. in Psychology and Sociology in 1967 at the University of Natal. He openly supported the movement to abolish apartheid and was subsequently arrested for his outspoken political views. He was imprisoned from 1963 to

1967 on South Africa's Robben Island and was released on condition that he would leave the country. He left South Africa for exile in London and in 1970 was admitted to Cornell University where he studied cognitive psychology and received his Ph.D. in 1976. He joined the SUSB faculty a year later.

During his years in South Africa, Professor Dube became conversant in five languages (English, Zulu, Afrikaans, Sotho, and Xhosa) and gained intimate knowledge of comparative educational differences of the British, Afrikaans, and black communities. Familiarity with the diverse ways children learn and how learning habits are shaped by cultural peculiarities have played a major role in Professor Dube's approach to cognitive psychology and teaching.

Professor Dube's uncle was a founding member of the African National Congress (ANC) in 1912 and the airport in Soweto is named after him. The name Dube is prominent in Africa, carrying much the same public recognition as the name King or Kennedy in the U.S.

Professor Dube's Contributions

Professor Dube's career at SUSB should be understood in context. He was recruited by the Africana Studies Program. This is an undergraduate Program that was initiated in 1968 in the wake of a nation-wide drive to provide courses on black culture and history for the university community. At the time that Professor Dube began with the Africana Studies Program, it was not considered a serious discipline and had dubious academic standards. It was viewed by many members of the University community as a vehicle for minority students without adequate skills to obtain degrees. Professor Dube never accepted this hypothesis and from the very beginning of his time at Stony Brook, sought to improve the academic standards of the discipline and help students perform in accordance with their academic ability. Professor Dube

introduced courses on African History, African Politics, contemporary Africa, and Racism.

To change the image of the Africana Studies Program, Professor Dube has initiated a number of independent readings courses in which he supervised the students approach and evaluation of articles from the periodical literature. About 15 to 20 students a year, usually drawn from his lecture courses, take these independent readings courses. Professor Dube meets with them every other week until they are comfortable with their project. The approach he uses stimulates their interest to learn more and the independent study permits a more effective development of scholarly habits of reading and writing.

Professor Dube claims that through this emphasis on scholarly courses, the Africana Studies Program has increased the range of students participating in its courses as well as the quality of minority students in them. (See enclosed documents) At present about one-sixth of Professor Dube's students are black, about one-eighth are Asian, and the rest are Caucasian.

Professor Dube was hired jointly by Psychology and Africana Studies. The most important aspect of his appointment, however, has been with Africana Studies, despite the fact that his training was in cognitive psychology. This necessitated a considerable amount of academic retooling on his part to meet the needs of Africana Studies.

The Africana Studies Program offers no graduate degrees; it is an undergraduate degree-granting unit. These administrative features make it difficult to do graduate level work. Because Professor Dube was not formally trained in Africana Studies, he had to put aside his interest in cognitive psychology when he started at SUSB so that he could educate himself as well as his students in African history and culture. Students from other universities sought to do graduate work with Dr. Dube wrote to him about obtaining a degree in cognitive psychology from the Psychology Department and not Africana Studies. He has not

accepted such students because he felt committed to the Africana Studies Program and could not put his primary effort in the Psychology Department.

If granted tenure Professor Dube hopes to bring stature to the Africana Studies Program by improving its scholarly standing and by attracting faculty so that a full department status can be assigned to it. When this is done he would like to work with master's candidates who are interested in interdisciplinary approaches. He believes his approach to cognitive psychology can be applied to U.S. urban and rural black children since many of the features he found significant in South African black communities may turn out to be important here.

Professor Dube has had inquiries (from Columbia University Press) about a scholarly project on race and racism that he has been working on for several years. He is still not certain whether it should be a single work on race and racism or two books. The racism aspect will stress two concepts he has developed through teaching his courses: covert racism and reactive racism. Covert racism includes policies in which minorities are blamed for their inadequate achievements or ignored while the inequalities of opportunity, education, and funding that contribute to these failings are minimized. Reactive racism includes minority bias against other minorities, sometimes not perceived as bias, in which a minority's need to survive after oppression often justifies comparably oppressive, neglectful, or illegal practices. Professor Dube believes that this work will be widely discussed because most authors writing about racism stress the open prejudices and tyranny of racism and they undervalue the importance of these other factors that are more likely to exist among educated populations.

Finally, Professor Dube has had a profound influence on his colleagues in the Africana Studies Program. He has been a consultant for them on issues of African affairs and he has introduced many of them to African authorities he personally

knows. He has also been a consultant for colleagues in the Department of Psychology who are interested in the applications of cognitive psychology to differences in achievement, talent, pace of learning, and intelligence.

Dr. Dube is a person with an international reputation and is highly regarded locally, nationally, and internationally. He has given about 300 speeches and participates in symposia nationally and internationally. Although his publications as yet are not extensive, he is a good teacher and gives a great deal of himself to students on an informal basis, as an advisor, and in directing independent study and readings.

Issues Raised by the Dube Case

The Dube case is a troublesome one because he is the subject of a controversy that had both national and local publicity over alleged racism (anti-semitism) in his course on racism. Professor Dube was cleared of those charges by an investigation of the Academic Senate. Unfortunately, during the time these accusations were first made, public figures (including the Governor), who assumed they were true, made judgments about Professor Dube that would never have been made if they had been aware of his life and his stand on racism. The subsequent harassment by the Jewish Defense League and the threats to him, his family, and the Africana Studies Program made it difficult for Professor Dube to focus on his studies of race and racism at a time when he should have been spending considerable energy on such projects. This included loss of his wife's job, burglary of his home, and fear for the safety of his children. He had to move from Long Island to New York City to achieve that safety.

While the controversy surrounding Professor Dube was minimized by Dean Neville in his recommendation against Professor Dube's tenure, it was, in our view, an important factor for us to consider in the development of his academic career. We recognize

that President Marburger delayed Professor Dube's tenure review an extra year to help him put his life back together, but it is not easy for one who has been the victim of oppression in South Africa to ignore the potential for violence and intimidation even in our own country.

We believe that all elements of the promotion and tenure decision were made without conscious bias against Professor Dube as a controversial figure. For this reason we have not compared similar decisions for tenure without promotion which were either accepted or denied by the Administration (both types of decision have precedent at SUSB). We cannot judge what the decision would have been had Professor Dube never been accused of anti-semitism. We are assuming in our recommendation that every decision made against Professor Dube's tenure or promotion was based on academic values that were unrelated to the notoriety generated by his course on racism.

We question the academic evaluation of Professor Dube for several reasons. We believe that his contributions to the Africana Studies Program have been underrated and lumped together as mere teaching. We believe that the circumstances of Professor Dube's career were not given the consideration they should have received. And we believe that too narrow a definition of scholarship was applied in his case.

We asked ourselves what a university should be. We all agreed that scholarship, teaching, public service, and university service are important components. We also recognize that few individuals are productive in all areas and that a person may shift emphasis over the years stressing one or another of those aspects. Some scholars become most productive in their later years, many lose their productivity several years after entering academic life. We all want to avoid that state of deadwood in which scholarship and enthusiasm for learning, teaching, and service fades.

We believe a university is strengthened, not weakened, when

it recruits former Cabinet members or other national figures whose major function is that of being a resource for students and other faculty rather than being scholars in the traditional sense of writing articles for refereed journals. A great university takes risks. It will choose scholars who lack a Ph.D.; it will recruit artists and writers who have no interest in the formal criticism of creative work; it will allow scholars to change fields and recognize that it will take time to develop skills in a new area; it will encourage interdisciplinary scholarship although a person may lack formal training in other disciplines.

In Professor Dube's case we note Dean Neville's admiration for Professor Dube as a "cultural resource." He notes that "few people now in the western world have been as involved as he in the affairs of Africa." He refers to him as "a walking library and video collection." In his most positive statement, he calls him "a national treasure."

These are not the remarks one would make of a weak candidate for promotion and tenure. Those candidates who are turned down usually lack national, let alone international stature. Such candidates are not known for their efforts to shape a more scholarly program or department. They are rarely called upon to give invited talks or asked to participate in international conferences. In Professor Dube's case, we argue, those less tangible contributions, not measured by formal publication, are a valid component of the scholarly contributions a faculty member makes in and outside the institution. Whenever a faculty member from SUSB is accorded that recognition at national meetings, whenever such a faculty member invites foreign dignitaries to symposia at SUSB, or whenever that person is a guest at another university, our university benefits.

We also argue that Dean Neville's judgment of Professor Dube's potential is both premature and unwarranted. He states (p. 4) "I'm not sure that Professor Dube ought to seek scholarly maturity. His great contribution will be to write an auto-

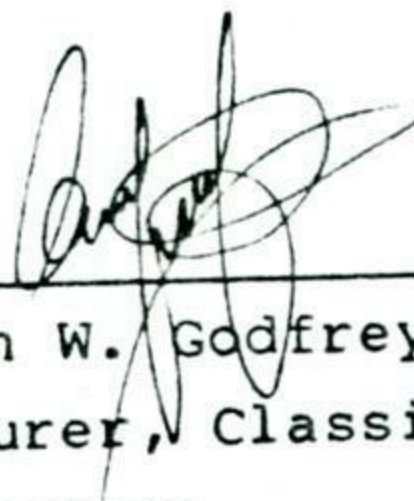
biography, and to extend out from his personal experience." This is an extremely narrow view of scholarly maturity. It would reduce Professor Dube to the status of an historical curiosity or event that needs to be recorded. It would deny to him the opportunity to influence a future generation of scholars interested in Africana Studies. It would prejudge the worth of his books on race and racism. Few of us can judge the future direction of a career on the basis of a few documents. A broader context must be used that includes personal familiarity by one's colleagues, awareness of a scholar's habits of mind from conversations with him, and other factors including the influence of a scholar on his students.

Professor Dube's contributions are in part confirmed by Dr. Neville when he says, "Regarding University service and teaching viewed in the ordinary ways, Professor Dube surely has done what would merit tenure in other cases, all things being equal." The committee certainly endorses this assessment. The committee also interviewed Dr. Dube and feels confident that once tenure is granted, Dr. Dube will be able to have a productive scholarly life. It is clear also that once the anxiety of tenure is removed, he can be more productive as a writer while continuing his impressive record of external lecturing and of teaching and service to the University and its students.

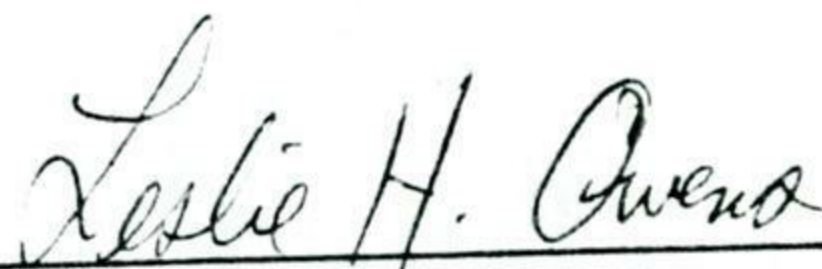
We also disagree with Dean Neville's views on the messages students will get if Professor Dube is awarded tenure at SUSB. Undergraduates do not see the issues as faculty do and we doubt that they would see the University perverted into a system that rewards teaching without scholarship. This is a false perception; we argue that the scholarship that Professor Dube has done is unconventional but nevertheless valid in a university. We fear that rejection of Professor Dube's tenure would be perceived by the Africana Studies Program as indifference to their efforts to attract more competent scholars or their demands for more work and skill by their students. We fear that the denial of tenure would

make black scholars at other universities in the U.S. shun SUSB as a school that casts out its treasures. And we fear that the denial of tenure would be misinterpreted by African scholars as covert racism.

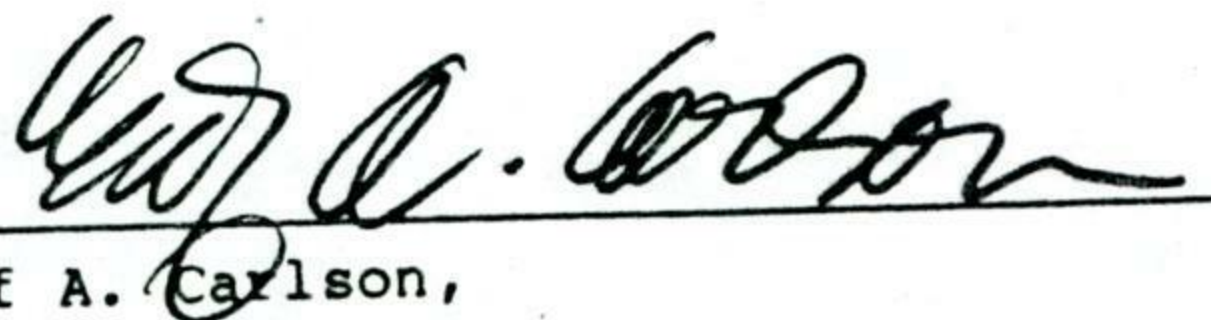
We endorse the Personnel Policy Committee's ruling because it reflects the recognition of Professor Dube's overall contributions to the University and it also acknowledges that formal scholarship should be a major part of the promotion decision. Tenure without promotion meets both of these complementary perceptions of the University. It is a place where those who have a positive scholarly impact on students, colleagues, and the world belong. It is also a place where those who make their scholarly work known, through scholarly books and refereed journal articles, reap the most rewards.



Aaron W. Godfrey,
Lecturer, Classics and Comparative
Literature



Leslie H. Owens,
Director, Africana Studies Program



Elof A. Carlson,
Distinguished Teaching Professor,
Department of Biochemistry



Stony Brook

Office of the President
State University of New York at Stony Brook
Stony Brook, New York 11794-0701
telephone: (516) 632-6265

December 10, 1986

Dr. Clifton R. Wharton, Jr.
Chancellor
State University of New York
State University Plaza
Albany, NY 12246

Dear Clif:

You now have the report of the second tripartite committee formed under Article 33 of the UUP Agreement regarding Professor Dube's promotion and tenure. I am writing to give you my reactions to this report. I continue to believe that Dr. Dube does not measure up to the standards that Stony Brook expects of its faculty and that it would be a very serious mistake to grant him a tenured appointment at any rank.

I have already expressed the reasons for my conclusion that Professor Dube should not receive either promotion or tenure. (See attached.) His teaching and service contributions are by no means strong enough to overbalance the exceptional absence of scholarly activity. This judgment has not been altered by any additional facts or observations brought forth by either committee.

This second report suggests strongly that the weakness in Professor Dube's case is lack of publications. The problem as I see it is rather the consequence of this lack, which is that his value to the University remains potential. We do not have a credible indication that more time will lead to the production of a body of material that can be subject to the scrutiny of the scholarly community. There is no question that the study of racism is important or that Dr. Dube's particular training and background ought to be valuable in pursuing it. The question is will he do it in such a way that others can read about it, study it, and evaluate what he has done. Based on what we have seen, I conclude he probably will not. I am not interested in quantities of published papers; I am interested in the quality of thought as tested in the only way we have available to us: the critical response of the intellectual community to one's work. "...being invited to give lectures for other scholars at prestigious universities" is not a substitute for a scholarly record.

The report says in his favor that "Professor Dube's file, letters of recommendation and personal interviews show that there is general agreement that he is a valued member of the Africana Studies Program." The first committee interviewed only Professor Dube. The second interviewed the chairman of the first committee and Professor Dube and, at my request, myself. My remarks to the committee questioned Dr. Dube's value to the program. The other tenured faculty in the program (there are only two) have immensely stronger histories of creative and analytical scholarly work.

On the question of mastery of subject matter, which the report declares "he certainly has", I must take issue with the committee. How does one tell? I cannot infer this from the material available to me. Nor can I find compelling evidence of the sort of outstanding performance in teaching that one should expect if the tenure case is to be based upon it.

The faculty Personnel Policy Committee was badly split over the question of tenure. The second tripartite committee also describes itself as divided on the question of "whether his strengths in teaching and service outweigh his weakness in scholarly contributions as measured by published papers." The committee gives an either/or recommendation that implicitly acknowledges that the verdict, even after ten years beyond his doctoral degree, is not yet clear. While I am sympathetic to the use of measures other than publications in conventional scholarly journals for some fields, I am not convinced that the study of racism is one of those fields or that an acceptable alternative has been found in Dr. Dube's case.

In conclusion, I believe that it is not in Stony Brook's best interest either to grant tenure now or to wait another three years for another tenure evaluation. I recommend termination of Dr. Dube's contract on August 31, 1987. This would give an extension of his current contract for the Spring semester and the summer during which he could arrange for other employment.

Sincerely,

John H. Marburger
President

Enclosure

cc: E. Dube
T. Liao

bc: J. Schubel
P. Teed

No.
Referred
(for...)
Follow-up
OK for

Stony Brook

*Response to
Chancellor Wharton
dated 12/10/86.*

Human Resources Department
State University of New York at Stony Brook
Stony Brook, New York 11794-0751
telephone: (516) 632-6145

November 24, 1986

M E M O R A N D U M

TO: President John H. Marburger
FROM: Professor T. Liao *T. Liao*
SUBJECT: Committee Report For Appeal of Ernest Dube

Enclosed is a copy of our committee's report to Chancellor C. Wharton. If you have any comments, they may be sent directly to the Chancellor or to me. If comments are sent to me, I will forward them to the Chancellor.

Thank you for taking the time to visit with the committee. The information that you shared with us was very helpful in the preparation of our report.

November 24, 1986

M E M O R A N D U M

TO: Chancellor Clifton Wharton

FROM: Advisory Committee for Appeal of Ernest F. Dube
Chairperson: Professor Thomas T. Liao
Committee Members: Professor Edward Ames
Professor Dana Bramel*Thomas T. Liao*

SUBJECT: Committee Report for Appeal of Ernest F. Dube

This memorandum reviews the tenure and promotion process of Ernest F. Dube, an Assistant Professor in the Africana Studies Program at SUNY/Stony Brook. This review was undertaken following the guidelines provided by Article 33 of the UUP-State Agreement. The committee's report was prepared and written according to the outline provided by Thomas M. Mannix, Associate Vice Chancellor, in his letter October 20, 1976.

I. Description of Review Process

During the months of October and November, 1986, the committee reviewed Professor Dube's tenure and promotion file and met five times to discuss the contents of the file and to interview three people to obtain additional information. To obtain a balanced perspective of this case, we interviewed the following people at three of our meetings:

October 23 - Professor Ernest F. Dube
October 30 - Professor Aaron Godfrey
November 6 - President John H. Marburger

II. Appointment Date and Prior Experience

Professor Dube was appointed to his current position in

September, 1977. He received his Ph.D. in Psychology from Cornell University in 1976. His doctoral dissertation was an excellent piece of work. It dealt with the problem of taking cultural differences into account when measuring the "intelligence" of students of widely differing backgrounds, specifically those of African and European students.

III. Chronology of Tenure and Promotion Review Process

Since Africana Studies is a "Program" and not a Department, his qualifications for promotion and tenure were initially reviewed (in 1984/85) by a committee specially appointed by the Dean of Humanities. This committee recommended (by vote of 4 to 3) that he be promoted to the rank of Associate Professor and (by a vote of 6 to 1) that he be granted tenure. This decision was then reviewed by the College of Arts and Sciences Personnel Policy Committee. They recommended (by vote of 4 to 3) that he be given tenure at the rank of Assistant Professor. The Dean of Humanities then recommended against Professor Dube's being granted either tenure or promotion. The Provost and the President also decided against tenure or promotion. On appeal, a committee such as ours was appointed in 1985. Its report recommending tenure as Assistant Professor was not acted on by the Chancellor.

Despite the three different recommendations made at the three steps of the review procedure, there is substantial agreement as to the facts in the case. These we may summarize as follows:

A. It is SUNY/Stony Brook policy to consider the accomplishments of candidates for tenure and promotion in the areas of scholarship, teaching, and service, with the first receiving the greatest emphasis.

B. Since the completion of his thesis at Cornell University, Professor Dube's publication record has been below the levels normally considered adequate for promotion and tenure at SUNY/Stony Brook.

C. Professor Dube has achieved a measure of national recognition as a speaker. For several years, he has spoken about once per month to various gatherings at American universities (including Chicago, Minnesota, and Berkeley). Some of these addresses have been "non-academic," but perhaps one-third have dealt with scholarly topics (unrelated to his dissertation and have been sponsored by university departments of Anthropology, Political Science, Psychology, and Sociology. If these addresses had been written down and published, they might have raised the usual problems faced by scholars pursuing interdisciplinary research, but they would be much more easily appraised than his actual record.

D. Professor Dube's record as an undergraduate classroom teacher has been above average. Not only has he attracted students to his own courses, but he has also spent a great deal of time and effort in supervising individual reading and research by undergraduates in the Africana Studies Program. Professor Dube has regularly had a teaching load which is greater than the load which most Stony Brook departments assign to faculty with active research programs.

E. Professor Dube has also been active in helping minority graduate students in Psychology develop and carry out their doctoral dissertation research, even though had has not been assigned teaching duties in the Psychology Department.

F. Professor Dube has achieved a measure of national recognition as one of the few Black scholars to have emerged from South African educational system. This fact would certainly make him a special kind of asset for Stony Brook. He serves on the editorial board of the African Urban Quarterly journal. In updating his professional achievements, the committee discovered that Professor Dube has written a paper dealing with racism that has been accepted for publication in the Philosophical Forum.

Given this non-controversial statement of the facts of the case, we note that the three levels of review of these records have reached different recommendations. The difference in

tenure and promotion decisions is due to the difference in weight given to Professor Dube's scholarship, teaching, and service record. A related factor is the difference in the assessment of the value of Professor Dube's contribution to the Africana Studies Program.

IV. Committee Findings and Recommendation

Professor Dube's file, letters of recommendation and personal interviews show that there is general agreement that he is a valued member of the Africana Studies Program. Besides being an effective teacher, many view him as "a Cultural resource" of the university. The key question is whether his strengths in teaching and service outweigh his weakness in scholarly contributions as measured by published papers. As with other review groups, we are also divided on this point.

In section III (D), we noted that Professor Dube's teaching load has been heavier than normal required at SUNY/Stony Brook. From 1977-83, besides teaching classes and supervising directed reading and projects, he also was chairperson for one year. It can be argued that the demand for his time limited his ability to publish more papers. From 1983-86, the problems that relate to his teaching about racism certainly interfered with his research and writing activities.

Two faculty review committees have recommended that Professor Dube be tenured because of his value to his department and the university. The main reason that some faculty reviewers and central administrators recommended no promotion or tenure was due to his weak publication record. We feel that publication of papers is only one measure of scholarship. Professor Dube has demonstrated scholarship by being invited to give lectures for other scholars at prestigious universities.

In final analysis, Professor Dube's record must be judged against the six criteria for promotion and tenure that are provided by the SUNY Board of Trustees. He certainly has mastery of subject matter and is an effective teacher. These

qualities combined with advisement work with students makes him a valued member of his program. Professor Leslie Owens, former Chairperson of the Africana Studies Program considers Professor Dube to be a key person in their program. His service record includes being his program's chairperson for one year.

In the area of scholarship, Professor Dube's record should be judged in a broader context. Although he has a weak publication record, his frequent invitations to address scholarly audiences is an indication that what he has to say is considered by many to be very important. Finally, we want to point out that Professor Dube has made significant contributions to enriching the life of the University by helping to correct discrimination and encouraging diversity in his courses.

Our judgment is that Professor Dube is greatly needed by the Africana Studies Program and is a valuable academic resource of our University. Thus we recommend that either:

- (1) Professor Dube receive tenure as an Assistant Professor, or
- (2) Professor Dube's contract be extended for an additional three years (1987-1990). This period of time would be used by him to demonstrate an ability to publish additional papers. During the 1989-1990 academic year, he should be considered for promotion and tenure again.

Stony Brook

Office of the President
State University of New York at Stony Brook
Stony Brook, New York 11794-0701
telephone: (516) 632-6265

March 9, 1987

Dube *Filo*



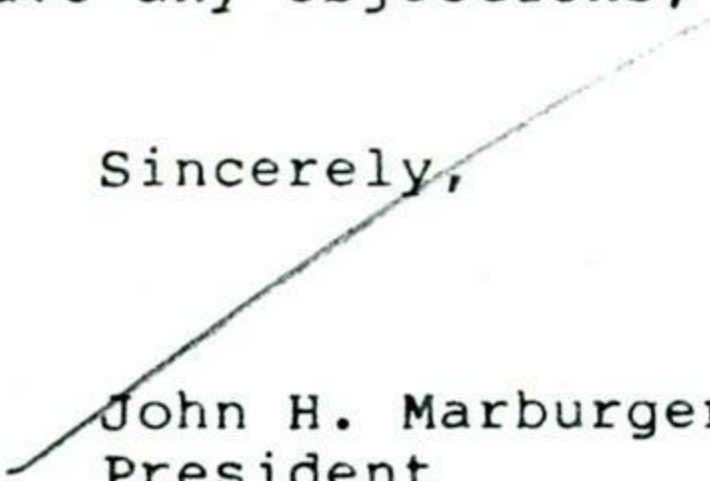
Professor Richard N. Porter
Department of Chemistry
Harvard University
12 Oxford Street
Cambridge, Massachusetts 02138

Dear Dick:

Thanks for sending me a copy of your letter responding to the New York Times editorial. I appreciate your rational and supportive comments. You may be interested in the attached response that I sent, also not yet published. I decided deliberately to take the unusual step of exposing the pattern of voting in the committees because I believe something of that sort is necessary to demonstrate to our public that the issue was a complicated one.

Since you have sent your letter to the Times, I assume you will not mind if I share it with others here on campus and at SUNY Central. If you have any objections, please let me know.

Sincerely,


John H. Marburger
President

Enclosure

blind copies sent to:

✓ D. Blinken
J. Komisar
J. Burke
S. Levine
Stony Brook Council
Vice Presidential Advisory Group
S. Petrey

Handwritten note



HARVARD UNIVERSITY

DEPARTMENT OF CHEMISTRY

12 Oxford Street
Cambridge, Massachusetts 02138
U.S.A.

February 25, 1987

The Editor
The New York Times

Your editorial of February 25, "Academic - Not-So-Freedom for SUNY." implies that President Marburger acted either capriciously or under external pressures and in defiance of "four faculty committees" in denying tenure at Stony Brook to Professor Ernest Dube. It is true that external forces did threaten Professor Dube's right to present provocative and unpopular ideas to his classes on racism, but that threat was effectively removed by the finding of Professor Rosenthal's ad hoc committee that Professor Dube had acted within generally understood principles of academic freedom. The task faced by the "four faculty committees" that made recommendations on Professor Dube's appointment to tenure was to insure that the process of evaluation be entirely shielded from outside pressures. As the chair of the Personnel Policy Committee of the College of Arts and Sciences, I can assure the readers of the Times that the faculty and administration succeeded in doing just that. It would be inappropriate to discuss the details of the case here, except to say that tenure cases at a University with strong mandates to produce knowledge, to educate, and to serve the public are with few exceptions complex. This case was one of our more complex ones, inviting honest disagreement among informed people of good will. It is therefore technically correct but entirely too simplistic to state that four faculty committees recommended tenure and that the President overruled them. At the time President Marburger made his initial decision on the case, he followed the custom of consulting with me as chair of the Arts and Science Committee making the tenure recommendation to the administration. It was my belief at the time, and remains so, that he acted in good faith, in an entirely academic context, and with thoughtfully reasoned support for his decision. In view of the underlying facts, your editorial is in my opinion a wholly unjustified misrepresentation of a great institution and its leader, and indeed uncharacteristic of your great newspaper.

Sincerely yours,

Richard N. Porter
RICHARD N. PORTER
Professor of Chemistry,
State University of New York, Stony Brook
(Visiting Professor of Chemistry,
Harvard University)

Tel: 617/495-4711
617/495-1895

Copy JHM

February 24, 1987

TO THE EDITOR:

Your editorial "Academic Not-So-Freedom at SUNY" takes a cheap shot at a difficult decision whose basis has been persistently misconstrued in the press. While controversial beliefs are not grounds for denial of tenure, neither is being the center of controversy grounds for awarding tenure. The State University of New York at Stony Brook, like other research universities, seeks firmer foundations for its tenure decisions.

The "four faculty committees" that recommended tenure for Dr. Dube included one at the level of his program in Africana Studies, one College-wide committee, and two three-member appeals committees, the latter selected according to a process specified in the labor contract with United University Professions. None but the first committee recommended promotion in rank, and that not unanimously. The College-wide committee, by far the most important, recommended for tenure by one vote in a split ballot. The second of the two appeals committees recommended that either: (1) Professor Dube receive tenure without promotion, or (2) Professor Dube's contract be extended for an additional fixed period to strengthen his case. Both of the last two committees declared that there was no evidence of inappropriate external influence in my decision to deny tenure.

I decided to deny tenure to Dr. Dube based upon the entire record available to me, and not simply upon the result of committee votes. Unfortunately for the public understanding of such cases, but fortunately for the candidate, the details of this record are not made public. The few facts I have cited above, which were available to the Times, indicate that the case was not a simple one.

Your suggestion that the Chancellor's offer to Dr. Dube was made "to induce the professor to accept the decision more readily," is outrageous and unsupported by any evidence whatsoever. The SUNY tenure process is carried out with the utmost integrity and seriousness and has not been compromised in the case of Dr. Dube.

JOHN H. MARBURGER
PRESIDENT
STATE UNIVERSITY
OF NEW YORK AT STONY BROOK