
Academic Freedom and Tenure Committee

Statement on Williamson-Murray

January 1967



Canadian Association of University Teachers
Association canadienne des professeures et professeurs d'université

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In March 1966 the Academic Freedom and Tenure Committee of the Canadian Association of University Teachers was asked by Professor Colwyn Williamson and Professor David Murray of the Department of Philosophy at the University of Alberta, Edmonton, to inquire into their dispute with the University. Baldly stated, the facts of the dispute were these: Professor Murray was approaching the end of his fifth year and Professor Williamson the end of his fourth year at the University. The normal probationary period there being four years, a decision whether to grant tenure to the two candidates was necessary (indeed, in the one case was overdue). A committee was named to consider both candidates. It met in the latter part of December, and decided to recommend that both appointments be terminated August 31, 1966. The decision was conveyed to Professors Murray and Williamson at the beginning of January. Both candidates appealed to the Academic Welfare Committee of the Association of the Academic Staff of the University of Alberta, which after investigation, recommended that the tenure committee be reconvened with some change of its membership. The administration agreed to reconvene the Committee, but without changing its composition. The Committee met three times in January, considered statements by the two candidates as well as some additional material, and reaffirmed its earlier decision. The Academic Welfare Committee then recommended that the two candidates be offered extensions of their appointments to August 31, 1967. On February 23 the University made such an offer to each candidate, leaving it open until June 1.

The Academic Freedom and Tenure Committee requested and received accounts and documentation in connection with the dispute from Professors Williamson and Murray, from President Johns (and during the period of President Johns' illness, from Vice-President Wyman), and from the officers of the Staff Association; in addition, some individual faculty members volunteered statements. The Committee decided not to visit the University or carry out a more formal investigation. It has therefore not investigated the files of the University or heard the various faculty members. It has agreed on the following statement,

the substance of which was sent early in December, in confidence, to the principal parties to the dispute. Because of the great concern that the dispute aroused at the University of Alberta and elsewhere, and because of the importance of the principles involved, the Committee decided that the statement should be made available to all C.A.U.T. members.

It should be made clear to readers of the statement that in looking into a dispute such as the one in question, the Committee is not acting in the role of an impartial adjudicator. It acts in response to an appeal from C.A.U.T. members, and its intention is to act on their behalf and in the interests of the C.A.U.T. However, in order to do so, it must satisfy itself that their case warrants such action. This means that it must (a) make a sufficient informal investigation to enable it to decide whether the dispute has a basis in fact, and in this investigation the Committee attempts to be scrupulously fair to all concerned; (b) attempt to ensure that if in its opinion an injustice has been done, an appropriate effort to mitigate it is made; (c) initiate, if no such effort is made, a formal attempt to deal with the case. Such an attempt might, for example, mean the establishment of a special Committee of Enquiry which would conduct hearings, receive evidence from all parties to the dispute, and in short serve as an impartial tribunal. In the present case, the Committee felt that any injustice that might have been done had been sufficiently mitigated, and that to proceed to a formal enquiry would not be in the interest of any of the parties or of the university community as a whole.

In the Committee's view, further controversy over the specific case can also do no good to anyone. On the other hand, the principles involved - of the nature of probationary appointments and the means of protecting them, and of the basis of tenure and the procedures invoked in granting it - are enormously important. The Committee would welcome discussion of them, but suggests that it may most usefully be carried on in relation to the draft statement on Academic Appointments and Tenure which was recently sent to all faculty associations for study.

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Professor Williamson made five principal complaints. First, that in violation of procedures set out in the Staff Handbook, he was given no prior indication of any insufficiencies in his work. Similarly he was given no intimation of the possibility that he would be denied tenure and, indeed, received assurances to the contrary. Second, although the composition of his Tenure Committee was compatible with the purely legal regulations, it was, in the ordinary sense, rigged, by the exclusion from the Committee of two colleagues who he had been previously assured would be included. Third, false evidence concerning his teaching and technical competence was presented to the Tenure Committee. Fourth, the administration ignored a recommendation from the Staff Association that when a second Tenure Committee was convened, an additional member of the Philosophy Department should be present and that the Head of the Department should absent himself. Fifth, seriously contradictory accounts of the criteria employed by the Tenure Committee were presented by the chairman of the Committee and by the Head of the Department, showing (a) that Professor Williamson was misinformed as to the relevant criteria, and (b) that there was a certain arbitrariness in the criteria employed, such that they changed significantly from the first to the second meeting.

After a full but informal inquiry into these complaints, the Academic Freedom and Tenure Committee is satisfied that, having regard to the fact that Professor Williamson and Professor Murray were offered terminal appointments in the Philosophy Department for the academic year 1966-67, following a recommendation to that effect by the Staff Association, no more just or practical remedy could result from a more formal inquiry into the alleged mishandling of the consideration of these two appointments. The Committee desires, however, to make quite clear the grounds upon which it reached this conclusion.

In the most unfortunate publicity that has been given this matter it has frequently been said that Professor Williamson and Professor Murray were "dismissed", or, to use a more descriptive term, they were "fired".

The Committee considers this view a wrong one, both legally and administratively. In the absence of clearly established custom or express agreement the C.A.U.T could not ask Canadian universities to regard persons holding probationary appointments for a stated period as holding any security of appointment whatever after the end of the period. The purpose of a probationary appointment is to enable the university to decide whether it wants to offer an appointment with tenure to the candidate after it has had a reasonable opportunity to see him in action and assess his strengths and weaknesses - his suitability for permanent appointment. If for any honest reasons the university decides not to employ the candidate it is so entitled and no one should infer that the candidate has been dismissed. He simply has not been hired.

The Committee is satisfied that the substantial ground for the University of Alberta's refusal of tenure to Professor Williamson and Professor Murray was the belief, honestly held, that both men would bring a "disruptive influence" to bear in the administration of the Department of Philosophy. The Committee holds no opinion about the nature of the influence, disruptive or otherwise, good or bad, that Professor Williamson and Professor Murray might in fact have. They might have, in the long run, a highly desirable influence on the Department. It is the University's choice, not this Committee's, which of a variety of courses the University should follow when it sees what "disruptive influences" expose.

The Committee found no evidence to justify the view that Professor Williamson or Professor Murray could reasonably have been refused tenure on grounds of academic competence. Indeed, the material provided to this Committee in its informal inquiry clearly points the other way, and any responsible person asserting academic incompetence surely bears a heavy burden of proof. Although the grounds of academic competence appear to have been considered initially, the Committee does not believe that they were seriously entertained by the University after the first Tenure Committee report was questioned.

It is the opinion of this Committee that a faculty member who is denied tenure should be given, if he asks for it, a clear and unequivocal statement in writing, signed by the President, of the grounds on which it is denied. To the best of the Committee's knowledge, Professors Williamson and Murray were not given such a statement.

Whether the Tenure Committee was "rigged", as Professor Williamson puts it, and whether, as a result, the Tenure Committee gave bad advice to the University, seems to the Committee to depend largely on the interpretation put on the facts; and while the facts are not seriously disputed, the possible interpretations vary considerably. It is true, the Committee thinks, that two faculty members whom Professor Williamson expected to be on his Committee were excluded, but whether there was bad faith exercised in their exclusion is difficult to decide on the available evidence. Having in mind, however, that at the second meeting of the Tenure Committee any material biases of its members were probably fully apparent and could be allowed for, the Committee thinks that the majority of the Tenure Committee could quite honestly have reached the conclusion they did. The University did not want to dismiss the first Committee; but considering the dissatisfaction with this Committee that was expressed by the Academic Welfare Committee of the Staff Association, fairness to the university community generally, and to Professors Williamson and Murray particularly, would require the appointment of an entirely new Committee as the most desirable course.

This Committee should not be understood to condone arbitrary or irrational grounds for decision by a Tenure Committee. Any Tenure Committee must be fairly selected and is under a clear duty to act responsibly, in good faith, in the interests of the university. The purpose of a Tenure Committee's consideration is to ensure that the university reaches the wisest decision. The purpose is not to determine a candidate's "rights", since there is no previous commitment to the candidate unless it is in fact given in the particular case. The "packing" of such a Committee would be, therefore, an injury to the

university. It is of course clear that the distortion of honest procedure may lead to acute disappointment in the candidate.

If a candidate were denied tenure after a meeting of a Committee at which bad faith was evident, either in its selection or in its conduct, and the complaint were made in time, this Committee might insist by way of remedy that a proper meeting be held. But attitudes in this case had (in the opinion of the Committee) become so fixed by the time this Committee's aid was invoked that a different result could hardly be expected from any Tenure Committee except one that was "rigged" in favour of Professors Williamson and Murray. Apart from a proper Tenure Committee meeting, this Committee could only insist that Professors Williamson and Murray be given a reasonable length of time in the employ of the University thereafter to enable them to look about for other posts. This Committee considers that the reasonable length of time could not be less than one year in this case. Since Professor Williamson and Professor Murray were offered appointments for a further year, this remedy 'has been awarded to them. No other protection seems to arise from a probationary appointment. While there may be extreme cases where the Committee might suggest some more far-reaching remedy - where it might insist that justice demanded an appointment with tenure - as a general rule, and in this case, a year's appointment is a sufficient rectification of any injustice.

The Committee on Academic Freedom and Tenure was not primarily concerned to judge the fairness or sufficiency of the tenure procedures at the University of Alberta, but it has noted that the Staff Association has itself undertaken a review of the procedures as a result of the Williamson and Murray disputes. The status of the revised procedures should be clear and precise. The ambiguous status of some of the interim statements on tenure appointments in the Staff Handbook at the University of Alberta, upon which Professor Williamson may have been relying in his first complaint, makes application of the procedures so uncertain that they fail to serve their purpose of protecting faculty members.

The Committee hopes that the publication of this statement will promote a better understanding of the issues and the practical justice of the conclusion in this case. The Committee also hopes that the publication of the revised procedures at the University of Alberta will prevent the occurrence of similar cases.

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