

American Association of University Professors-UVA
1521 Amherst St.
Charlottesville, VA 22903
(434) 825-1896

Robert Hardie, Rector, Board of Visitors
Members of the UVA Board of Visitors (via Secretary Harris)
James Ryan, President
Brie Gertler, Interim VP & Provost
James Lambert, Chair, Faculty Senate
University of Virginia

Sent by Email

March 11, 2025

Dear Rector Hardie, Members of the UVa Board of Visitors, President Ryan, and Chair Lambert,

On September 12, 2024, the University of Virginia (UVa) Chapter of the American Association of University Professors (AAUP) sent you a document entitled *Statement By American Association of University Professors-UVA Concerning Shared Governance and Academic Freedom at University of Virginia, School Medicine*. That statement came in the wake of reported allegations by more than 128 physicians delivered as cause for “no confidence” in the leadership of the Chief Executive Officer (CEO) of UVA Health and the Dean of the School of Medicine (SOM) and subsequently published in the Cavalier Daily on the same day.¹

In our previous communication we urged the Board to conduct an external and independent investigation of these allegations. Instead, the Board chose to use its legal firm on retainer to conduct the investigation.

We now understand that you have completed your review of the situation and have accepted a report from your law firm, Williams & Connolly about the matter. We also understand that you have accepted the resignation of the Medical Center’s CEO, Kent, and have appointed an interim CEO. However, upon receiving information from physicians at the SOM, we believe there are still outstanding issues to be addressed. Those issues are related to violations of AAUP shared governance and academic freedom principles and the role of the Dean in those violations. According to initial allegations, a resolution by the Faculty Senate of the SOM, an October 24, 2024 resolution from the UVa Faculty Senate (<https://facultysenate.virginia.edu/school-medicine-and-medical-center-resolution-0>), documents sent to us, and comments relayed to us by some SOM faculty, both the CEO and the Dean of the SOM created a culture of fear and retribution among faculty that undermined the role of faculty in a system of shared governance and academic freedom.

¹ <https://www.cavalierdaily.com/article/2024/09/UVA-health-faculty-demand-removal-of-health-system-ceo-school-of-medicine-dean>.

American Association of University Professors-UVA
1521 Amherst St.
Charlottesville, VA 22903
(434) 825-1896

The October 24, 2024 UVa Faculty Senate Statement on the matter resolved:

...that the UVA Faculty Senate:

1. affirms its support of SOM faculty;
2. understands the stated scope of the investigation to include 1) clinical care, 2) retaliatory behavior (including bullying, intimidation, threats, and retribution), and 3) spending and financial concerns, and the impacts of these on patients, faculty, staff, trainees, and students at the SOM and MC;
3. encourages the investigation to also include review of all allegations of efforts to silence SOM faculty complaints and delay awareness of institutional climate concerns;
4. recognizes the voluntary nature of participation in this investigation, encourages members of the SOM and MC community to participate, and requests resources for them to be able to retain their counsel during participation, if desired;
5. calls for the Audit, Compliance and Risk Committee of the Board of Visitors to commit to the timely public release of the report of the investigation with anonymity and redactions as required by law; and
6. calls for Senate and other peer-elected faculty involvement in decision-making regarding how to proceed based on the report.

It is not clear how you will act in response to all allegations of the efforts to silence SOM Faculty complaints and the delay in the awareness of institutional climate concerns, as these allegations included the Dean of the SOM. It is also unclear if you will provide resources for faculty who retained counsel during their participation in the investigation, release in a timely and public manner the report of the investigation, and involve the Faculty Senate and SOM faculty in decision-making regarding how to proceed based on the report. Accepting the resignation of the CEO, while important, does not go far enough to address the requests of the Faculty Senate or issues related to violations of shared governance and academic freedom.

Based on our recent discussions with physicians and review of relevant documents including AAUP principles and standards, we find the following outstanding issues involving breaches of shared governance by the CEO and Dean:

Ignoring faculty in the search committee and hiring processes for both administrators and SOM faculty and retaliating against faculty who have disagreed with hiring choices;

Bullying faculty senators who dissented and raised complaints by placing “letters of concerns” in their personnel files, removing faculty from chair positions, and retaliation and use of disciplinary hearings for faculty who questioned policies;

American Association of University Professors-UVA
1521 Amherst St.
Charlottesville, VA 22903
(434) 825-1896

Penalizing those faculty senators and other faculty who raised complaints by interrupting or threatening to interrupt their promotions and tenure processes;

Any potential interference by the Dean's office in the process by which faculty senators are chosen at the SOM as a form of retaliation for faculty senators who spoke up about these matters.

Second, regarding issues of academic freedom:

The violations of AAUP norms of academic freedom related to the interruptions of, and threats of denial of, promotions and tenure process, and demotions for senators and faculty members who raised complaints and dissented with the administrators' policies and actions. Evidence of intimidation of school-level faculty senate members or any faculty members engaged in shared governance constitutes violations of AAUP standards on the matter. We believe that you have been provided with such evidence.

Having a structure of shared governance without a strong culture of shared governance that includes freedom from retaliation, the ability to dissent, or independence of faculty decision making from administration interference in such a structure of shared governance, is tantamount to having no structure of shared governance, a fundamental principle for the effective operation of any university. Without shared governance there is no solid foundation for academic freedom.

AAUP guidelines on Shared Governance² clarify the expectations of the faculty role in university governance, and the areas in which faculty have primacy as opposed to secondary roles, such as promotions and tenure, faculty hiring through search committees, and academic issues that pertain to the SOM. AAUP standards on academic freedom³ and the relationship of shared governance to academic freedom⁴ set the expectations to be met at the university and school levels.

In addition, we would again also call to your attention the following statement in the UVA Faculty Handbook: "Faculty academic freedom is the freedom to teach; to explore all avenues of scholarship, research, and creative expression and to disseminate the results; and to speak or write on any matter of public concern and any matter related to professional duties *and the functioning of governance of the University.*" We find the actions of both the former CEO and the Dean of the SOM as reported by faculty to be antithetical to this UVA policy.

Retention of Administrators Found Wanting by Faculty Standards

² <https://www.aaup.org/report/statement-government-colleges-and-universities>

³ <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>

⁴ <https://www.aaup.org/report/relationship-faculty-governance-academic-freedom>

American Association of University Professors-UVA
1521 Amherst St.
Charlottesville, VA 22903
(434) 825-1896

In our previous statement, we asserted that the CEO and Dean deserved due process as AAUP recommendations on this issue state:

“Concerning other academic administrators, sound practice dictates that the president should neither retain an administrator found wanting by faculty standards nor arbitrarily dismiss an administrator who meets the accountability standards of the academic community (Faculty Participation in the Selection, Evaluation, and Retention of Administrators).”

Retention of SOM administrators found wanting by faculty standards remains at issue here.

It is clear from discussions with affected physicians and documents shared, that the Dean engaged in actions detrimental to shared governance and academic freedom. We urge you and the President to not “retain an administrator found wanting by faculty standards.”

The Culture and Structure of Faculty Participation in Shared Governance

Since the culture of trust in shared governance has been publicly undermined by such activities of administrators at the SOM, we are now hearing from some faculty that this culture of fear and disregard for principles of shared governance and academic freedom may very well exist in other schools and departments at UVA. The work of our Complaint Committee over the past year further supports this.

In our previous communication, we outlined the history of the problems at the SOM that indicated the President, Provost, and Faculty Senate Chair were aware of the problems at the SOM for almost a year before action was taken by the Letter of No Confidence. It is apparent that UVA administrators were made aware of the problems addressed in the no confidence letter in January of 2024 and reminded of the problems again in March of 2024. They were provided with documents illustrating the problems alleged. Yet there was no intervention, prompting the drastic measure of issuing a no confidence letter.

Effective shared governance depends on a balance among the roles of the Board, the Administration and the faculty. This requires a positive working relationship and some modicum of independence for the Faculty Senate from the administration. While we applaud the Faculty Senate’s October, 2024 resolution supporting the faculty at the SOM, we are concerned that the disposition of the leadership of UVA Faculty Senate and its leadership to view themselves as extensions of the administration, conflicted with their obligation to represent and secure the interests of faculty members at the SOM undermining faculty participation in shared governance. Had the mechanisms of shared governance been operating effectively, the SOM faculty concerns would have spurred corrective actions by the University Faculty Senate and the President much earlier, circumventing the need for a “Letter of No Confidence” and a process that has undermined the reputation of the University of Virginia. Violations of shared governance, academic freedom or violations of professional ethics by administrators must be investigated and corrected promptly.

American Association of University Professors-UVA
1521 Amherst St.
Charlottesville, VA 22903
(434) 825-1896

In conclusion, we ask that you address all allegations of the efforts to silence SOM faculty complaints and the delay in the awareness of institutional climate concerns as these allegations included not only the CEO of the Health Systems, but also the Dean of the SOM. We ask that you provide resources for faculty who felt it necessary to retain counsel during their participation in the investigation. We ask, in the spirit of transparency, that you release promptly the report of the investigation. We ask that you involve the Faculty Senate and the SOM Faculty Senate in decision-making regarding how to proceed based on the report, including the appointment of faculty representatives to serve on the search committees for the new CEO and Dean. Accepting the resignation of the CEO, while appropriate, does not go far enough to address the requests of the Faculty Senate and members of the SOM Faculty Senate. Furthermore, with regards to hiring for future administrators at the SOM, we urge you to follow AAUP guidelines on the role of faculty in searches for senior administrators including having a significant portion of such search committees be constituted of elected faculty and that in the final decision-making process the vote of faculty on those search committees be determinative.

Finally, since the culture of trust in shared governance has been undermined by these activities at the SOM, we ask that the Faculty Senate partner with the AAUP-UVa Chapter in an investigation of the culture and structure of shared governance across the University. We must learn from our mistakes and ensure that they are not repeated.

Yours truly,

The Executive Committee
American Association of University Professors -UVA

Cc: Susan Harris, Secretary, UVA Board of Visitors sgh4c@virginia.edu
Mark Criley, AAUP Department of Academic Freedom
Executive Council, Faculty Senate