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TELEPHONE  
FACSIMILE

October 30, 2019

The Honorable Charles Grassley  
Chairman  
United States Senate  
Committee on Finance  
Washington, D.C. 20510

Dear Chairman Grassley,

This is in response to your letter of September 25, 2019, regarding Mr. Evan Charney.

I appreciate your interest in matters of academic freedom in general, and at Duke University specifically. I also appreciate that the purpose of your letter is not to “re-litigate Duke University’s decision not to renew Prof. Charney’s contract nor is it to question the adequacy of procedures afforded to Prof. Charney in the wake of that non-renewal,” since both of those matters are covered by Duke’s personnel policies and practices.

Before addressing your specific questions, I want to state clearly and unambiguously: there is no political litmus test for any Duke faculty member. Nor is there a religious litmus test, a cultural litmus test or an ideological litmus test. Such distinctions would be antithetical to the mission of a research university and, notwithstanding the frequent narratives on Twitter and cable TV, they simply don’t exist at Duke.

Faculty members of Duke University are protected by our strong and longstanding commitment to academic freedom, which covers our work as teachers and scholars. This commitment goes back to our predecessor institution, Trinity College, which in a famous case in 1903—known as the “[Bassett Affair](#)” after a professor who courageously spoke out against racism in the south—established a standard for academic freedom that has informed and inspired generations of faculty at Duke and many other universities.

Duke’s commitment to academic freedom is reaffirmed in policies and procedures that have been endorsed repeatedly over the years by the university’s Board of Trustees, leadership and faculty. For operational purposes, academic freedom is defined in the Faculty Handbook (the foundational document for academic matters at Duke) as the ability for faculty:

“To teach and to discuss in his or her classes any aspect of a topic pertinent to the understanding of the subject matter of the course being taught.

To carry on research and publish the results subject to the adequate performance of his or her other academic duties.

To act and to speak in his or her capacity as a citizen without institutional censorship or discipline.”

As you point out, our commitment to academic freedom is emphasized in the university’s [mission statement](#), which also requires that Duke must:

“... provide a *superior* liberal education to undergraduate students, attending not only to their intellectual growth but also to their development as adults committed to high ethical standards and full participation as leaders in their communities; to prepare future members of the learned professions for lives of skilled and ethical service by providing excellent graduate and professional education...” (emphasis added).

Providing a superior education to Duke students requires superior professors. Like Mr. Charney, all faculty members are evaluated to ensure they are excellent in the three areas of their work: teaching, scholarship and service to the Duke community. As explained in the responses to your questions below, excellence in a professor’s performance is expected; academic freedom cannot be used as a shield from this requirement.

Students learn from faculty and from each other in an environment that provides a wide range of perspectives and the opportunity to have civil debate about those perspectives even when they create discomfort or controversy. This, too, is a source of pride at Duke, which has faculty members who represent the widest possible array of political and ideological beliefs, and which hosts hundreds of speakers throughout the year with equally diverse viewpoints on historical and contemporary issues.

Following are our responses to your specific questions:

1. The partially reprinted statement authored by Mr. Charney contains a mixture of his opinion, conjecture and incomplete recitations of fact.

As this is a confidential personnel matter, Duke cannot provide specific information about precisely why Mr. Charney’s contract was not renewed. We can say, however, that all Duke faculty members, including those at the Sanford School of Public Policy, are held to the highest possible standards of excellence on their teaching, research/scholarship, and service. They are evaluated through a thorough and rigorous process that considers all aspects of their performance. For faculty members who are on term contracts with the Sanford School, that includes a review of each individual’s full range of work by a committee of peers followed by a discussion by the full faculty, which then makes a recommendation to the dean. There is an exhaustive university-wide appeals process to ensure that these

standards are fairly applied and upheld for all faculty members, which was followed in this case.

Mr. Charney was informed of this policy numerous times during his employment at Duke. He was also informed of the school's evaluations of his teaching, service and scholarship, which are the sole criteria for evaluation and determination of contract renewal and underwent several prior reviews that provided him with relevant feedback.

2. Yes.
3. See #1 and #2.
4. Yes.
5. Mr. Charney lists two teaching awards on his CV: The David L. Paletz Award for Innovative Course Enhancements, Spring/Fall, awarded in 2015 and 2016; and the Susan A. Tift Undergraduate Teaching and Mentoring Award, Sanford School of Public Policy, awarded in 2010.
6. Duke does not calculate or recognize a "Duke University average" score for teaching evaluations. The *Duke Chronicle* is an independent student newspaper. Duke does not track the surveys conducted by the *Chronicle*, nor does the student newspaper play a role in the formal evaluation process for faculty.
7. As part of the university's commitment to academic freedom, Duke faculty have wide latitude to determine their teaching methods and course materials, and update their materials and methods over time.
8. Mr. Charney's statement is not correct. The decision not to renew Mr. Charney's appointment as an associate professor of the practice of public policy was made after a thorough review conducted by the faculty of the Sanford School of Public Policy in accordance with the policies governing such appointments, which include excellence in teaching, scholarship and service to the Duke community. The faculty's evaluations of his performance in each of these areas were communicated to Mr. Charney in writing at various times throughout his employment at Duke, as well as the actions he would have to take in order to meet the standards required for the renewal of his appointment. No single issue or incident determined the outcome of the review; rather, the Sanford School faculty committee considered the totality of Mr. Charney's performance as a teacher, scholar and in service before making its decision.
9. As is his right as a faculty member whose appointment had not been renewed, Mr. Charney appealed this decision to the [Faculty Hearing Committee](#), whose jurisdiction is procedural, not substantive. Thus, the Faculty Hearing Committee had no authority, nor mandate, to review the substance of the Sanford School faculty committee's findings, nor could it independently develop and assess new information. Its sole purpose is to determine whether Mr. Charney's rights to due

process were observed. While the Faculty Hearing Committee offered an opinion about one aspect of a multifaceted review process, it ultimately recommended no further action on the decision not to renew Mr. Charney's appointment.

10. Again, the decision not to renew Mr. Charney's appointment as an associate professor of the practice of public policy was made after a thorough review conducted by the faculty of the Sanford School of Public Policy in accordance with the policies governing such appointments, which include excellence in teaching, scholarship and service to the Duke community. The Faculty Hearing Committee considered two issues: whether Mr. Charney's academic freedom was violated and whether his academic due process rights were violated in the decision not to renew his contract. The Faculty Hearing Committee concluded that neither were violated as stated in response #9.
11. This statement is Mr. Charney's opinion, not a fact. We know of no empirical data to support Mr. Charney's specific assertions about either students or faculty at Duke or any other university.
12. Mr. Charney's statement and the quotes in it were produced after the decision not to renew his appointment was made and communicated to him. Thus, they were not factors in the decision-making process.
13. The decision not to renew Mr. Charney's appointment as an associate professor of the practice of public policy was made after a review conducted by the faculty of the Sanford School of Public Policy in accordance with the policies governing such appointments which include upholding the highest standards of excellence in teaching, scholarship and service to the Duke community as a whole.
14. The decision not to renew Mr. Charney's appointment as an associate professor of the practice of public policy was made after a review conducted by the faculty of the Sanford School of Public Policy in accordance with the policies governing such appointments, which include upholding the highest standards of excellence in teaching, scholarship and service to the Duke community. It was not precipitated by a "report" to any individual or committee.
15. As noted on the [website](#), the Bias Response Advisory Committee advises the Vice Provost and Vice President for Student Affairs when allegations of bias-related incidents may impact the Duke community. The Bias Response Advisory Committee has no authority or mandate to investigate, adjudicate or otherwise intervene in bias-related incidents, other than to make recommendations to the Vice Provost and Vice President for Student Affairs.
16. The members of the Bias Response Advisory Committee are selected by the Vice Provost and Vice President for Student Affairs from the Student Affairs staff.
17. The Bias Response Advisory Committee advises the Vice Provost and Vice President for Student Affairs when allegations of bias-related incidents may impact the Duke community. The Bias Response Advisory Committee holds no

authority to investigate, adjudicate or otherwise intervene in bias-related incidents other than to make recommendations to the Vice Provost and Vice President for Student Affairs. Duke Student Affairs defines a bias incident as follows:

A bias incident is an act or behavior motivated by the offender's bias against the facets of another's identity. Bias occurs whether the act is intentional or unintentional. Bias may be directed toward an individual or group. Bias may contribute to creating an unsafe/unwelcoming environment.

The University takes seriously its responsibility to appropriately balance its core values of protecting individual freedoms (e.g., freedom of speech, artistic expression, freedom of association, academic freedom) and ensuring equal and fair treatment of all. These values may sometimes be in conflict. There are many considerations when determining whether bias-related conduct violates the University's expectations of members of our community. In so doing, the University is always mindful that academia is a unique place where the exchange of ideas, robust debate and artistic expression are critical to the University's teaching and research missions.

Duke University is committed to being a safe and welcoming atmosphere for all students, faculty and staff. Fostering this climate includes taking constructive action if one witnesses or knows about behavior perceived to be inconsistent with the Duke Community Standard, which may include violation of university policies.

18. Because the Bias Response Advisory Committee has no authority to investigate, adjudicate or otherwise intervene in bias-related incidents other than to advise the Vice Provost and Vice President for Student Affairs, there is no specific "training" regimen.
19. Duke has a number of [programs and initiatives](#) to educate members of the university community about bias issues and incidents. The Office of Institutional Equity administers the university's compliance with the relevant federal and state regulations. In addition, a large number of Duke departments offer training programs around specific issues and communities, such as the International House and the Center for Sexual and Gender Diversity.
20. The Bias Response Advisory Committee is an advisory group that exists solely to provide advice to the Vice Provost and Vice President for Student Affairs. It does not investigate complaints.
21. The Bias Response Advisory Committee is an advisory group that exists solely to provide advice to the Vice Provost and Vice President for Student Affairs. It does not investigate complaints. Any individual may submit a report of a bias incident to the Office of Student Affairs through an online form. Reports can also be



submitted anonymously.

22. The Bias Response Advisory Committee has no authority to investigate or adjudicate, and thus there have been no incidents that have resulted in sanctions from the Advisory Committee.
23. Duke has an extensive orientation process that begins when students are admitted and confirm their intent to enroll at Duke. It includes direct contact with Duke faculty and staff, webinars, videos, publications and summer activities, and extends to a week-long orientation program on campus that provides students with information about their rights and responsibilities as members of the Duke community, including the goal of a liberal arts education: “to teach the skills needed to work in teams and thrive, to think critically and explore different perspectives, to write persuasively, to analyze with precision and to develop higher-order reasoning and independent thought.” The [Blue Book](#) documents the orientation process and is provided to all students. Further resources are available at <https://studentaffairs.duke.edu/new-students>.

In addition, all incoming students learn about and commit to the [Duke Community Standard](#), which includes the following policies:

### **Academic Freedom**

Freedom of inquiry and the free exchange of ideas are essential for the fulfillment of the university’s mission. Academic freedom is a right and responsibility of students as well as faculty. Students who believe that their academic freedom has been abridged should submit a written complaint to their academic dean. The dean may enlist the faculty in establishing the merits or extent of the complaint by appointing a disinterested two-person subcommittee of the Faculty Hearing Committee to provide advice. Cases not resolved by the dean may be brought to the attention of the provost. Students may also seek advice of the student ombudsperson in resolving a complaint.

### **Pickets, Protests and Demonstrations**

Duke University respects the right of all members of the academic community to explore and to discuss questions which interest them, to express opinions publicly and privately, and to join together to demonstrate their concern by orderly means. It is the policy of the university to protect the right of voluntary assembly, to make its facilities available for peaceful assembly, to welcome guest speakers, to protect the exercise of these rights from disruption or interference.

The university also respects the right of each member of the academic community to be free from coercion and harassment. It

recognizes that academic freedom is no less dependent on ordered liberty than any other freedom, and it understands that the harassment of others is especially reprehensible in a community of scholars.

The substitution of noise for speech and force for reason is a rejection and not an application of academic freedom. A determination to discourage conduct which is disruptive and disorderly does not threaten academic freedom; it is rather, a necessary condition of its very existence. Therefore, Duke University will not allow disruptive or disorderly conduct on its premises to interrupt its proper operation. Persons engaging in disruptive action or disorderly conduct shall be subject to disciplinary action, including expulsion or separation, and also charges of violations of law.

Thank you again for your interest in Duke University. Please do not hesitate to contact my office if you need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Price", with a large, stylized initial "V" and a flourish at the end.

Vincent E. Price  
President