



FIRE

Foundation for Individual
Rights and Expression

January 6, 2023

Walter Wendler, Ph.D.
Office of the President
West Texas A&M University
Old Main 302
Canyon, Texas 79016

URGENT

Sent via U.S. Mail and Electronic Mail (wwendler@wtamu.edu)

Dear President Wendler:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,¹ is concerned by West Texas A&M's apparent retaliation against instructor Courtney Crowley after she expressed personal political views in the *Amarillo Globe-News*. While Crowley's opinions may be objectionable or even offensive to some, the First Amendment bars West Texas A&M from retaliating against faculty for protected expression.

I. WTAMU Punishes Crowley for Political Expression

Crowley is an instructor in the Department of History at WTAMU, where she teaches Contemporary World History, Israel and the Modern Middle East, and two American History classes.² Crowley's performance as an instructor is beyond reproach—no student or faculty member has ever filed a complaint about her or her teaching, and her course evaluations are “sky high across the board.”³

Integral to Ms. Crowley's success in the classroom is the 2021 textbook she authored, *America: An Optimistic Story Worth Celebrating*, which is required reading for her American History

¹ For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our recently expanded mission and activities at thefire.org.

² The following is our understanding of the pertinent facts based on information provided by Ms. Crowley. We appreciate that you may have additional information to offer and invite you to share it with us. To that end, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

³ See Email from Timothy Bowman, Department Head, to Courtney Crowley (March 8, 2022) (on file with author).

classes and has received positive reviews from her students.⁴ Faculty writing their own textbooks and assigning them to their students is common practice, in academia generally and at WTAMU specifically.⁵ The university even maintains an express policy on the practice, which allows for administrative review and limits the producer of the materials “to a maximum profit of 25 percent of the sale price.”⁶ Until recently, the price of Crowley’s textbook was \$70 and Crowley received a 10 percent royalty on each sale—well below the 25 percent maximum dictated by WTAMU policy.⁷

In March 2017, Crowley began writing a monthly opinion column for the *Amarillo Globe-News*, focusing on national culture, history, and politics. Crowley’s original byline made no mention of her affiliation with WTAMU beyond stating that she received her degree there; this was eventually changed in 2020 to read, “Courtney A. Crowley is an instructor of history at West Texas A&M University. The comments here represent her own opinions and not those of WTAMU.”

Some readers have evidently found Crowley’s views controversial, and she regularly fields aggressive and threatening messages in response to her columns. Emails questioning Crowley’s integrity and intelligence and suggesting she be fired or reprimanded have also been sent to WTAMU administrators and faculty.⁸ While Crowley has faced periodic criticism for her articles over the years, WTAMU administrators such as History Department Head Timothy Bowman, the Office of General Counsel, and Vice Chancellor of Academic Affairs James Hallmark have admirably defended Crowley’s right to express her opinions on matters of public concern.⁹

However, that institutional support wavered on March 1, 2022, when Crowley received word from Bowman that Dean of the College of Fine Arts and Humanities Jessica Mallard had prohibited Crowley from assigning her own textbook in class, claiming it could appear to be a

⁴ See Textbook Defense (enclosed). Words like “amazing,” “fun,” “outstanding,” and “awesome” are rarely used to describe any textbook but appear to be the norm for Crowley’s. One student wrote that “I can confidently say that the textbook used for this class has been my favorite textbook so far in my college career!”

⁵ According to one study, 67 percent of college students say they’ve bought a textbook written by their professor. Mack DeGeurin, *67% of college students say they’ve had to buy a book written by their professor*, INSIDER (Oct. 18, 2019), <https://www.insider.com/should-professors-be-able-to-assign-their-own-books-2019-10>.

⁶ W. Texas A&M Univ., *Faculty Handbook 2022* at 136 (Aug. 2022), https://www.wtamu.edu/_files/docs/academics/academic-affairs/Faculty%20Handbook%202022%20with%20sig.pdf [<https://perma.cc/XL7N-E3UU>].

⁷ This price is below the average for comparable textbooks, which range in price from \$50–\$145. See Textbook Defense (enclosed).

⁸ See, e.g., Email from George E. Schwarz to Timothy Bowman, Department Head (Feb. 13, 2022) (on file with author).

⁹ See, e.g., Email from James R. Hallmark, Vice Chancellor of Academic Affairs, Texas A&M University System, to Courtney Crowley (March 3, 2017) (on file with author); Email from Timothy Bowman, Department Head, to George E. Schwarz (Feb. 14, 2022) (on file with author).

conflict of interest.¹⁰ This edict came shortly after publication of Crowley’s February column on the importance of remembering and learning from American history,¹¹ and just two weeks after one reader sent a particularly scathing email about Crowley to Dean Mallard.¹²

Crowley eventually came to an agreement with WTAMU that allowed her to continue assigning her textbook.¹³ She convinced the publisher to reduce the price to \$45 and agreed to forgo royalties on sales of her book.¹⁴ While Provost Neil Terry has ostensibly agreed to these terms, Crowley has no guarantee that he or future administrators will honor the agreement.

II. The First Amendment and University Policy Bar WTAMU from Retaliating Against Crowley for her Protected Political Speech

The First Amendment broadly protects government employees, particularly faculty members at public universities, when they speak as private citizens on matters of public concern, including Crowley’s extramural political expression in her articles. While WTAMU is free to criticize Crowley’s articles, it cannot take adverse action against her, including infringing her academic freedom by dictating which materials she can assign and stripping her ability to profit from textbook sales.¹⁵ Accordingly, actions in retaliation for Crowley’s clearly protected expression violate WTAMU’s binding constitutional obligations.

A. The First Amendment Protects Crowley’s Columns

It has long been settled law that the First Amendment binds public universities like WTAMU,¹⁶ such that its actions and decisions—including pursuit of disciplinary sanctions¹⁷

¹⁰ See Email from Timothy Bowman, Department Head, to Courtney Crowley (March 1, 2022) (on file with author); Email from Timothy Bowman, Department Head, to Courtney Crowley (March 8, 2022) (on file with author).

¹¹ Courtney Crowley, Opinion, *History is Meant to be Remembered, Embraced, and Appreciated*, AMARILLO GLOBE-NEWS (Feb. 13, 2022), <https://www.amarillo.com/story/opinion/2022/02/13/courtney-crowley-history-should-embraced-remembered-appreciated/6750904001>.

¹² See Email from George E. Schwarz to Timothy Bowman, Department Head, and Jessica Mallard, Dean (Feb. 15, 2022) (on file with author).

¹³ See Letter from Courtney Crowley to Timothy Bowman, Department Head (April 6, 2022) (enclosed).

¹⁴ *Id.*

¹⁵ According to the American Association of University Professors, academic freedom includes “[t]he right of individual professors to select their own instructional materials,” even when those materials are written by the professors themselves. In fact, in some cases “students enroll in courses because of what they know about the professor from his or her writings.” Am. Ass’n of Univ. Professors, *On Professors Assigning Their Own Texts to Students* (approved Nov. 2004), <https://www.aaup.org/report/professors-assigning-their-own-texts-students> [<https://perma.cc/DUP4-A9ZE>].

¹⁶ *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted).

¹⁷ *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973).

and maintenance of policies implicating student and faculty expression¹⁸—must comply with the First Amendment.

i. Crowley’s articles are written in her capacity as a private citizen and address matters of public concern.

Faculty at public universities do not “relinquish First Amendment rights to comment on matters of public interest by virtue of government employment.”¹⁹ A government employer cannot penalize an employee for speaking as a private citizen on a matter of public concern unless it demonstrates that its interest “as an employer, in promoting the efficiency of the public services it performs through its employees” outweighs the interest of the employee, “as a citizen, in commenting upon matters of public concern[.]”²⁰ No such government interest is asserted here.

Crowley writes her columns in her capacity as a private citizen, not as an employee of WTAMU. The “critical question” in determining this is “whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not whether it merely concerns those duties.”²¹ Here, writing an opinion column in the local newspaper—a forum meant for independent writers—is generally not within the job description of university instructors and is indicative of speaking as a private citizen.²² Even if others became aware Crowley works at WTAMU, mere knowledge of a speaker’s employment does not render their speech pursuant to their official duties.²³

As further indication that she is speaking as a private citizen, Crowley complied with all requests from WTAMU to make clear the views expressed in her monthly opinion column are not those of her employer. When she became a regular *Globe-News* contributor in 2017, Crowley’s byline made no mention of her affiliation with WTAMU beyond stating she received her degree there. In response to a letter from Provost Terry,²⁴ Crowley changed her byline in 2020 to read, “Courtney A. Crowley is an instructor of history at West Texas A&M University. The comments here represent her own opinions and not those of WTAMU.”

Further, Crowley’s articles address matters of public concern, which includes speech that “can be fairly considered as relating to any matter of political, social, or other concern to the community[.]”²⁵ Crowley’s columns have addressed a wide variety of such issues over the years—feminism, anti-Semitism, history, foreign policy, and other current events—all of which

¹⁸ *Dambrot v. Central Mich. Univ.*, 55 F.3d 1177 (6th Cir. 1995).

¹⁹ *Connick v. Myers*, 461 U.S. 138, 140 (1983).

²⁰ *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968).

²¹ *Lane v. Franks*, 573 U.S. 228, 240 (2014).

²² Even if it were, Ms. Crowley began writing her column in December of 2016, shortly *before* being hired by WTAMU as a part-time instructor in January of 2017.

²³ *See, e.g., Pickering*, 391 U.S. at 576–78 (appendix reproducing teacher’s letter to a local newspaper criticizing his employer, explaining that he teaches at the high school).

²⁴ *See* Letter from Neil Terry, Provost (Oct. 1, 2020) (enclosed).

²⁵ *Snyder v. Phelps*, 562 U.S. 443, 453 (2011).

are matters of public concern. They are thus fully protected speech under the First Amendment, regardless of her status as a public employee.

ii. The First Amendment protects subjectively offensive expression.

Crowley’s opinions are evidently controversial and some in the community disagree with the views expressed in her columns; a few may even find her opinions offensive. However, whether speech is protected by the First Amendment is “a legal, not moral, analysis.”²⁶ The Supreme Court has repeatedly, consistently, and clearly held that expression may not be restricted on the basis that others find it to be offensive.

This core First Amendment principle is why authorities cannot outlaw burning the American flag,²⁷ punish the wearing of a jacket emblazoned with the words “Fuck the Draft,”²⁸ or disperse civil rights marchers out of fear that white onlookers might resort to violence.²⁹ In ruling that the First Amendment protects protesters holding insulting signs outside of soldiers’ funerals, the Court reiterated this fundamental principle, remarking that “[a]s a Nation we have chosen . . . to protect even hurtful speech on public issues to ensure that we do not stifle public debate.”³⁰ Opposition to Crowley’s views, whether from students, faculty, administrators, or the general public, cannot justify WTAMU retaliating against Crowley expressing them.

B. WTAMU Policies Protect Crowley’s Expressive Rights

In addition to its constitutional obligations, WTAMU maintains policies that provide additional support for faculty members’ broad expressive rights. Section V of the Faculty Handbook provides:

The faculty member is, of course, also a citizen of this nation, state and community; and the faculty member possesses, in addition to academic freedom, the constitutional freedom which all citizens enjoy equally under the law. When a member of the academic community speaks or writes as a citizen, that member should be free from institutional censorship or discipline³¹

Policy 12.01 of The Texas A&M University System reiterates this commitment to academic freedom:

²⁶ *Animal Legal Def. Fund v. Reynolds*, 353 F. Supp. 3d 812, 821 (S.D. Iowa 2019).

²⁷ *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (burning the American flag was protected by the First Amendment, the “bedrock principle underlying” the holding being that government actors “may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable”).

²⁸ *Cohen v. California*, 403 U.S. 15, 25 (1971).

²⁹ *Cox v. Louisiana*, 379 U.S. 536, 557 (1965).

³⁰ *Snyder*, 562 U.S. at 461 (2011).

³¹ Faculty Handbook at 74.

[I]t is essential that each faculty member be free to pursue scholarly inquiry, and to voice and publish individual conclusions concerning the significance of evidence that the faculty member considers relevant. Each faculty member must be free from the corrosive fear that others, inside or outside the academic community, because their vision may differ, may threaten the faculty member's professional career or the material benefits accruing from it.³²

As discussed above, Crowley writes her opinion columns as a private citizen, not a WTAMU employee, and cannot face adverse employment action for authoring them. She is due the same academic freedom as any other faculty member to choose the best textbook available for her students—even one she authored herself. WTAMU prohibiting Crowley from selecting the teaching materials of her choice clearly violates these principles, and doing so on the apparent basis of her extramural columns only exacerbates that violation.

C. Retaliatory Administrative Actions Violate the First Amendment

Administrative actions taken in response to constitutionally-protected speech—such as investigations, increased scrutiny, and selective policy enforcement—may themselves violate the First Amendment, even if those actions fall short of formal punishment or ultimately resolve in favor of the speaker. The question is whether the institution's actions “would chill or silence a person of ordinary firmness from future First Amendment activities[.]”³³ Here, evidence suggests WTAMU sought to punish Crowley for her controversial speech by prohibiting her from assigning her popular textbook and preventing her from profiting off her work.

While Crowley had previously assigned her textbook without resistance from WTAMU, Dean Mallard suddenly objected after receiving messages critical of Crowley's February column. Consequently, Crowley was forced to fight for her right to assign pedagogically appropriate material to her students while other faculty members do the same without issue. And the University's actions do not even comport with its own policy—Crowley was originally contracted to receive a 10 percent royalty on each sale, well below the maximum 25 percent.³⁴ WTAMU's actions send the unmistakable message that Crowley's continued publication of her opinion column jeopardizes her academic freedom, her job, and the “material benefits accruing from it.”

III. Conclusion

Although some may find Crowley's opinions objectionable or even offensive, her speech is clearly protected and WTAMU cannot retaliate against her for extramural commentary on public issues. This principle does not shield the speaker from every consequence of his or her

³² Texas A&M Univ. Sys., *Academic Freedom, Responsibility and Tenure* (Nov. 2021), <https://policies.tamus.edu/12-01.pdf> [<https://perma.cc/FFV7-DSRK>].

³³ *Mendocino Env'tl. Ctr. v. Mendocino Cty.*, 192 F.3d 1283, 1300 (9th Cir. 1999); *see, e.g., White v. Lee*, 227 F.3d 1214, 1228 (9th Cir. 2000).

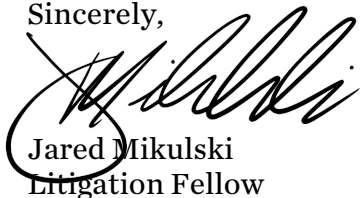
³⁴ Faculty Handbook at 136.

expression—including criticism by students, faculty, the broader community, or the university itself. Criticism is a form of “more speech,” the remedy to offensive expression that the First Amendment prefers to censorship.³⁵ However, the First Amendment limits the *types* of consequences that may be imposed and who may impose them.

FIRE calls on WTAMU to reverse its decision and allow Crowley to continue assigning her textbook under her original publisher agreement, and to refrain from any future retaliatory actions against Crowley for her protected speech. WTAMU must also reaffirm it will meet its legally binding obligations to honor all faculty’s academic freedom.

We request a substantive response to this letter no later than the close of business on Friday, January 13, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Mikulski", is written over a circular stamp or seal.

Jared Mikulski
Litigation Fellow

Cc: Ray Bonilla, General Counsel, The Texas A&M University System
Timothy Bowman, Head of the Department of History, West Texas A&M University
Jessica Mallard, Dean of the College of Fine Arts and Humanities, West Texas A&M University
Neil Terry, Provost, West Texas A&M University

Encl.

³⁵ *Whitney v. California*, 274 U.S. 357, 377 (1927).

Authorization and Waiver for Release of Personal Information

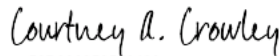
I, Courtney A. Crowley, do hereby authorize West Texas A&M University (the "Institution") to release to the Foundation for Individual Rights and Expression ("FIRE") any and all information concerning my employment, status, or relationship with the Institution. This authorization and waiver extends to the release of any personnel files, investigative records, disciplinary history, or other records that would otherwise be protected by privacy rights of any source, including those arising from contract, statute, or regulation. I also authorize the Institution to engage FIRE and its staff members in a full discussion of all information pertaining to my employment and performance, and, in so doing, to disclose to FIRE all relevant information and documentation.

This authorization and waiver does not extend to or authorize the release of any information or records to any entity or person other than the Foundation for Individual Rights and Expression, and I understand that I may withdraw this authorization in writing at any time. I further understand that my execution of this waiver and release does not, on its own or in connection with any other communications or activity, serve to establish an attorney-client relationship with FIRE.

If the Institution is located in the State of California, I request access to and a copy of all documents defined as my "personnel records" under Cal. Ed. Code § 87031 or Cal. Lab. Code § 1198.5, including without limitation: (1) a complete copy of any files kept in my name in any and all Institution or District offices; (2) any emails, notes, memoranda, video, audio, or other material maintained by any school employee in which I am personally identifiable; and (3) any and all phone, medical or other records in which I am personally identifiable.

This authorization and waiver does not extend to or authorize the release of any information or records to any entity or person other than the Foundation for Individual Rights and Expression, and I understand that I may withdraw this authorization in writing at any time. I further understand that my execution of this waiver and release does not, on its own or in connection with any other communications or activity, serve to establish an attorney-client relationship with FIRE.

I also hereby consent that FIRE may disclose information obtained as a result of this authorization and waiver, but only the information that I authorize.

DocuSigned by:

52D386959550439

Signature

1/2/2023

Date

Textbook Defense

Crowley, Courtney A. *America: An Optimistic Story Worth Celebrating*. Dubuque, IA: Great River Learning, 2021. www.grlcontent.com

PURPOSE: Tailored to the modern student, this engaging, multimedia resource is designed for use in both traditional, lecture-based courses as well as those online (asynchronous; hybrid/hyflex), making the teaching experience easier and the learning process enjoyable.

PRODUCT: The text is succinct and broken into bite-size pieces, with web and video links sprinkled throughout. Surveys and polls, images, student activities, and reading quizzes are likewise included, as is a semester-long thematic writing project.

PRICE: At \$45 per student¹ (when purchased directly from the publisher), the book comes in at a comparable, if not lower price than many standard history textbooks. Moreover, this resource is fully live, interactive, and accessible on multiple platforms.

AMERICAN HISTORY TEXTS: A COST COMPARISON:

Title: *Building a Democratic Nation: A History of the United States 1877 to Present*,
Volume 2

Publisher: Kendall Hunt

eBook Price: \$145

Year: 2017

Title: *US History*

Publisher: Cengage

eBook Price: \$120

Year: 2019

Title: *American History: Connecting with the Past*, 15th Edition

Publisher: McGraw-Hill

eBook Price: \$95

Year: 2015

¹ Originally priced at \$70, but reduced with publisher's consent.

Title: *The Unfinished Nation: A Concise History of the American People*, 9th Edition
Publisher: McGraw-Hill
eBook Price: \$65
Year: 2021

Title: *Learning US History*, Semester 1
Publisher: Pearson
Price: \$50
Year: 2017

Title: *America: An Optimist Story Worth Celebrating*
Author: Courtney A. Crowley
Publisher: Great River Learning (GRL)
eBook Price: \$45² (Reduced from \$70)
Year: 2021
Royalties: As yet, none received; originally contracted at 10 percent³

Title: *The American Yawp*
Publisher: Standard University Press
Price: Free
Year: 2021

WHAT THE STUDENTS ARE SAYING⁴:

- “The book for this class was interactive and encouraged critical thinking throughout the reading while engaging me in the content.”
- “The online book included reading questions within the chapter which allowed me to further expand my thinking of what I was reading.”
- “The textbook was written by the instructor which helped me as a student understand the content much more clearly.”
- “The online textbook was amazing! It was so helpful that there was inaction’s [sic] built in!”
- “The book was written by the professor herself, so it was extremely helpful as it was in her own words.”
- “The book was fun to read and the interactions within it were really great.”
- “She made her own online textbook which I enjoyed a lot. I like how it made me interact with what I was reading and I learned way more than I actually thought I would.”

² GRL Contact: Tommy Sentovich (TSentovich@greatriverlearning.com)

³ **Contract can be renegotiated to replace royalties with a publisher-provided grant not based on sales. Such payment will in no way contravene rules as outlined in the Faculty Handbook, which limits proceeds earned to a maximum of 25 percent of the sale price. (See page 135 of WTAMU Faculty Handbook, 2021-2022. <https://www.wtamu.edu/files/docs/academics/Faculty-Handbook-2021.pdf>.)**

⁴ <http://wtamu.mce.cc/results/RecentEvaluations.aspx>

- “I loved the book she wrote and the format of it.”
- “Professor Crowley’s interactive textbook is outstanding. I love the format and how key terms and learning objectives are clearly laid out for each chapter. I also love that the textbook is more than just text—she provides illustrations, links for more information, audio clips, and more. I appreciate variety of learning styles this textbook appeals to and how the quizzes are directly at the end of each chapter. The only suggestion I have for the textbook is if there might be a way to make it more affordable, as this is just a core class for many students. However, I can confidently say that the textbook used for this class has been my favorite textbook so far in my college career!”
- “The online book is a MUST. You cannot pass the class without it. It was incredibly helpful and FULL of good content.”
- “I ABSOLUTELY loved this class!!! The interactive text was wonderful and the assignments were great and really helped me understand!”
- “I loved that the book hit all the main historical points without having any filler.”
- “The book is online it is awesome she wrote it herself and did a very good job the way it is set up.”
- “The text was an easy read, I appreciated the to-the-point nature. History textbooks have a way of drowning me out in the details but I had no problem keeping pace and staying interested.”
- “The book she provided was VERY helpful and it is very important because that is where you take your quizzes.”
- “The textbook for this class was great, with just the right amount of information without droning on too much on a single subject. Each week was consistent in the amount of reading required which was very nice to plan for.”

COURTNEY A. CROWLEY
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April 6, 2022

Timothy Bowman, Ph.D.
Associate Professor of History
Department Head, History
West Texas A&M University
Canyon, TX 79016

Dear Dr. Bowman,

In the fall of 2020, I began a significant writing project; my objective was to design and develop a digital and fully interactive textbook for students in my History 1302: America Since 1877 courses. I'm pleased to share that the book, entitled *America: An Optimistic Story Worth Celebrating*, was officially published and launched by Great River Learning in August 2021. It has since exceeded my expectations in the classroom. Indeed, having been utilized throughout this academic year, in both online and face-to-face formats, the book has resulted in more meaningful student engagement and comprehension; written assignments have certainly been more substantive, with a majority of students exhibiting a far greater degree of comprehension and critical thinking than ever before.

For their part, the students themselves have given the book high marks, one even calling it their "favorite textbook so far in my college career!"¹ Others remarked that using a book written by their instructor made the learning experience more meaningful and accessible.² As the author, nothing makes me happier than to hear from students that they both benefitted from and enjoyed the book; that was always my primary objective in writing.

All that having been said, I would like to formally request permission to continue using the book in my History 1302 courses. Competitively priced at \$45.00, the book includes a wide variety of learning activities—quizzes, polls, video links, short answers, and so forth—designed to meet the needs of all students, regardless of learning style. Furthermore, the text is consistently maintained and updated for not only quality control purposes, but also in an effort to keep the book relevant and relatable to this new, ever-changing generation of students. For my part, I neither have nor will receive any compensation based upon sales; the publisher has agreed to provide a grant to help defray my own costs and commitment, but again, such payment is in no way connected to student purchases. Further still, such recompense will comply with standards outlined in the WTAMU Faculty Handbook.³

Let me end by saying that the entire writing process was an absolute thrill for me. Although only an instructor, whose job description does not expressly require research or intellectual contributions, I nonetheless believe that, as an employee tasked with teaching primarily

freshmen in core classes, I should, first and foremost, strive to meet their particular needs. Having been unable to find a resource that fully engaged my students, I thus created my own. Given its success, I wish to continue producing my own materials in the years ahead. As such, I hope you will not only approve the continued use of this book, but will support similar projects in future.

As always, thank you for your support and time. Please let me know if there are any questions I can answer or concerns I might allay.

Sincerely,

A handwritten signature in blue ink that reads "Courtney A. Crowley". The signature is written in a cursive, flowing style.

Courtney A. Crowley
Instructor, Department of History

CC: Dr. Jessica Mallard, Dean
Dr. Neil Terry, Provost

¹ <http://wtamu.mce.cc/results/RecentEvaluations.aspx>

² Ibid

³ See page 135 of WTAMU Faculty Handbook, 2021-2022.

(<https://www.wtamu.edu/files/docs/academics/Faculty-Handbook-2021.pdf>.)



Office of Executive Vice President and Provost

October 1, 2020

Greetings, and thank you for your efforts this fall. This semester has been a challenge, and any success we are having is a function of the work put forth by the faculty and staff. Again, thank you. As we transition to October, let me update a few issues that might be of interest.

First, let me share a few things related to COVID19. To this point, we have been able to manage the situation without shutting down campus courses. In addition, the positive cases we have observed appear to be connected to social interaction and not an outbreak based on classroom engagement. The number of WT positive cases has been pretty consistent, ranging from 10 to 20 a week. The range is not overwhelming, but it is a concern. There is also a challenge of self-isolating those who have not tested positive but were in close contact with friends who test positive. For transparency, the positivity rate (i.e., number of positive cases divided by the total number of tests) from WT testing in the first five weeks of the semester have been as follows:

- Week 1 – 2.61%
- Week 2 – 9.91%
- Week 3 – 1.47%
- Week 4 – 3.01%
- Week 5 – 4.15%

We have reached a stage where several people testing positive in the first few weeks of the semester have recovered and released from quarantine. Moving forward for the remainder of the fall term, we will pay close attention to the number of positive cases and positivity rates. The deans plan to transition some departments online should the need arise, although we hope to navigate the semester without drastic actions.

Second, I am informing faculty and college administration within 24 hours of any positive test involving a campus student where faculty have information to assess the situation and engage college administration about the prospect of going online or virtual for a week, should the need arise. If a student (faculty or staff) contacts you and claims they have tested positive for COVID19, please encourage them to share the information with WT officials at COVID19@wtamu.edu. From a health and safety perspective, the university needs to know about all positive cases to investigate possible clusters. We are also concerned that some students may self-diagnose and be incorrect. Faculty members are going out of their way to accommodate students at this time. Helping those in need is essential, but there is reason to believe a few students might try to take advantage of the

situation. In the end, it is helpful if COVID information matriculates through the formal university channels. There has been a significant and concerning increase in activity within the last week (i.e., including eleven new verified positive cases within the most recent 48 hours), and we want to make sure accurate information informs all decisions.

Third, this summer Academic Affairs worked with Faculty Senate to provide faculty with a concern about teaching on campus an outlet to request transitioning to online courses this fall. Unfortunately, health and safety concerns are still present today. Most departments have completed a draft of the spring schedule, but we can make changes at this time. If you would like to request changes to your spring teaching schedule, please complete the attached form and forward it to Dr. Babb (Faculty Senate President) and me by October 15th. We assume spring schedule arrangements for most faculty were made with a high degree of flexibility at inception. That said, the challenge of managing classroom efforts this fall might increasingly be more of a challenge than faculty anticipated. The notification messages sent by Risk Management, Student Services and my office might also create undue stress. Bottom line, if you believe it is in your best interest to change the spring schedule based on health and safety concerns, please let us know within the next couple of weeks, and we will do our best to facilitate. It is hard to make changes once students create schedule plans and enroll. Hence, this is the window of time for making prospective changes.

Fourth, we will not hold a Freshman Convocation ceremony this academic year. In the future, the event is likely to be something that is integrated with Buff Branding instead of a stand-alone effort in early October. Once the pandemic concerns are behind us, Deans Council will review and finalize future Freshman Convocation efforts.

Fifth, we plan on holding a virtual and some version of a campus commencement ceremony this December. In the first week of November, we will assess the health and safety landscape to make an informed decision on how to proceed. Options include six different college ceremonies to reduce event population density, an outdoor effort in the football stadium (yes, we know it is cold in the Panhandle in December), scheduling a walk-through option for students at specific times, and other considerations. Regardless of how we proceed, there will not be a faculty attendance requirement. The deans will probably request some faculty representation from each college, but the general approach is to encourage you to upload a short video supporting the virtual ceremony.

Sixth, the institution's official final enrollment numbers this fall are approximately the same as the previous few years. Graduate enrollment was up a couple of percentage points, and undergraduate was essentially the same as last year. Most preliminary reports on national averages for enrollment are showing a decline of approximately 3%. WT outpacing the national trend is nice, but current university infrastructure will require eventual progress from an existing enrollment base of 10,000 students to a more robust 11,000. The additional enrollment over time will allow us to provide the needed resources to programs that are growing, consistently support a merit/equity pool, address debt service, and pursue a few new initiatives. To the extent you are interested in reviewing historical enrollment data for your area by headcount or student credit hours, the following

dashboards are useful tools:

- (1) Headcount - <http://analytics.wtamu.edu/headcounts/index.html>
- (2) Student Credit Hour - <http://analytics.wtamu.edu/CourseSCH.html>

The enrollment dashboards provide important trend information but is of limited use without context. We will be working across campus to identify programs and strategies that will drive future enrollment growth.

Seventh, there is increasing evidence across the academic community that the pandemic creates significant issues concerning faculty research output. There was an increase in journal article submissions at the start of the pandemic as campus closures resulted in several faculty members completing working papers. Starting new research projects has been a challenge for many, as the pandemic has made it challenging to manage work and family obligations. There have not been any requests for an extension during the current year promotion and tenure cycle. That said, there is reason to believe there will be a need for an extension in the future. Please feel comfortable requesting a one-year extension for third-year reviews, promotion/tenure, or post-tenure review for the next two to three years. In the same spirit you have been asked to help students navigate this difficult time, it is essential you can also access appropriate flexibility.

Finally, there have been a couple of situations where we have reached out to the Texas A&M System about faculty writing op-ed articles. The general concern relates to an individual's ability to express a normative perspective while identifying an institutional title via WT as an employer. As a best practice, the System suggestion is to put forth a qualifying statement if the university and faculty title are listed in the article. A generic example of a qualifying statement includes the following: *The comments in this article are the author's personal opinions and should not be attributed to West Texas A&M University.* To be clear, the faculty should feel free to write op-eds, which is widely viewed as a positive.

Approximately 35% of the faculty members are not on campus with any regularity because of COVID-19 concerns. My apologies for the long message, but I hope sharing information can play a small role in keeping everyone connected. On behalf of President Wendler and Deans Council, we genuinely appreciate your efforts.

Best wishes,

Neil

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