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Letter to President H.A. Morgan From James D. Hoskins Including Record of the Deans' Meeting

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University of Tennessee - Knoxville

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Dr. H. A. Morgan, President,  
University of Tennessee,  
Knoxville, Tennessee

Dear President Morgan:

I regret that it becomes necessary for me to recommend that Mrs. A. M. Withers, Assistant Professor of Art in the University be not reappointed for the following reasons:

Mrs. Withers was employed two years ago to give instruction in Art, with the distinct understanding that she was to give most of her time to instruction in Applied Art. She was informed that special attention was to be given to that phase of the work which has to do with the application of Art to Home Economics. The Smith-Hughes Course in Home Economics requires certain courses in Applied Art. I learned sometime after Mrs. Withers began her work that she was neglecting the art work in the Home Economics courses. I had a conference with her and after considerable difficulty it was agreed that the instruction in Applied Art would be given according to the needs and requirements of the Home Economics Course. I found, thereafter, upon investigation that she continued to neglect this important phase of her work and that she refused to cooperate with the Home Economics Department.

The women students of the University who take the Smith-Hughes course in Home Economics are preparing to teach. This Smith-Hughes course in the public schools is rapidly increasing in importance. The Home Economics teacher must know something of the fundamental principles of Applied Art. We must, therefore, have an instructor in the subject who is able and willing to cooperate and to give the instruction required. I am, for this reason, recommending that Mrs. Withers be not reappointed.

Respectfully submitted,

James D. Hoskins, Dean

Record of the Deans' Meeting

June 20, 1923

Deans met in the office of Dean Hoskins on June 29, 1923, at 10:15 A.M. The following Deans were present: Porter, McDermott, Willson, Ferris and Hoskins. This meeting was called for the purpose of considering recommendations concerning the retention of certain members of the University faculty. Two previous meetings of these Deans had been held within the two weeks preceding. After careful deliberation it was unanimously decided that the following members of the faculty be not recommended for reappointment:

Dr. A. A. Schaeffer, Professor of Zoology  
Dr. R. S. Ellis, Professor of Psychology and Philosophy  
Dr. R. S. Radford, Professor of Latin and Roman Archaeology  
Prof. Maurice Mulvania, Dean of the Pre-medical Course and Associate Professor of Bacteriology

From time to time changes are made in the University faculty. These changes are made on the recommendation first of the Head of the Department, to the Dean of the College concerned, the Dean of the College transmits this recommendation to the Dean of the University and, if these three agree, the Dean of the University transmits the recommendation to the President. It became necessary about April 1st for the Head of the Department of Education and the Dean of the University to notify Dr. Jesse William Sprowls, Professor of Secondary Education, that he would not be recommended for reappointment for the reason that Dr. Sprowls was not adapted to the field work of his department.
and had failed to get satisfactory results in that work. After two and one-half years of trial, it was clearly demonstrated that Dr. Sprowls was not the man for the position. Hence the recommendation that he be not reappointed.

Following this announcement to Dr. Sprowls, the University began to be disturbed by the activities of certain members of the faculty in opposition to the Sprowls case. This disturbance grew and became more disquieting as time advanced. Some of the students became inflamed and an anonymous paper entitled "The Truth" was issued. Some of the Professors actively engaged in agitation and urged an investigation by the Association of American University Professors by writing to the Committee on Academic Freedom and Tenure. The disturbance was augmented by violent attacks made against the administration of the University through the columns of a local newspaper. This general disturbance continued until it became necessary for the Administration to enter into an investigation. This investigation began about the middle of June, was conducted by Dean Hoskins in the presence of Dean Porter and the questions and answers were taken in shorthand. The evidence was presented to the Deans and after thorough and careful consideration of the typewritten evidence and of evidence given by other professors besides the ones involved it was unanimously decided that the following professors were guilty of conduct in opposition to the organization and administration of the University and were so out of harmony with the operations of the institution as to justify a change: Dr. A. A. Schaeffer, Dr. R. S. Ellis, Dr. R. S. Radford and Prof. Maurice Mulvania. The following were specific reasons in each case:

Dr. A. A. Schaeffer, Professor of Zoology. Does not cooperate with the administration and has not done so for a long period of time. He has actively engaged in antagonism to the administration and has held meetings for the promotion of antagonistic opposition. Has invited professors to meet with newspaper representatives to arrange for the publicity of the antagonism. Has given to the newspaper representative statements for publication that were detrimental to the situation.

Dr. R. S. Ellis, Professor of Psychology and Philosophy. Engaged in antagonistic agitation both within and without the institution. Dissatisfied with the organization and operation of the University. Does not show a willingness to cooperate and is hostile in his attitude.

Dr. R. S. Radford, Professor of Latin and Roman Archaeology. As head of a Department called a meeting in opposition to the Administration without first informing himself about the acts of the Administration in the Sprowls case. Protests against method of employing and releasing professors. Wants a change in the organization of the University. Methods of conducting his work not satisfactory. Erratic and injudicious.

Prof. Maurice Mulvania, Dean of Pre-medical Course and Associate Professor of Bacteriology. Engaged in agitation showing his dissatisfaction with the organization and operation of the University. Conducted propaganda for a change in the organization, including the Board of Trustees, the Faculty and the provisions for student government.

Reference is here made to his letters addressed to the President as the best statement of his attitude. Although an administrative officer, he participated in a campaign of publicity against the University.

It is the desire and intention of the Deans to assist their colleagues in every consistent way in the security of their positions in the University. This, however, depends upon the assumption that those colleagues will prove themselves worthy of continued employment by manifesting interest above all else in the harmonious development of the work of their departments and of the University as a whole, will have no interest incompatible therewith and will
give the utmost of their powers at all times to the promotion of those ends. We regret to say that these men, according to their actions and admissions, are out of harmony with the policies of the institution. We therefore unanimously recommend that they be not reappointed.

Dr. H. A. Morgan, President,
University of Tennessee,
Knoxville, Tennessee

Dear President Morgan:

I am submitting the recommendation of Dean Malcolm McDermott of the College of Law that Dr. John R. Neal, Professor of Law, be not reappointed. I concur in this recommendation, for the reasons stated by Dean McDermott.

Respectfully submitted,

James D. Hoskins, Dean

Dean James D. Hoskins,
University of Tennessee,
Knoxville, Tennessee

My dear Sir:

I hereby submit to you a detailed statement of my specific reasons for recommending in my final report of June 5, 1923, that Dr. John R. Neal be not reelected to the Faculty of the College of Law.

1- He invariably delays in meeting his classes at the beginning of each term, and almost without exception has closed his classes and left the city before the end of the term. As examples of this fact I mention specifically that in February 1923, he was some three days late and in February 1922 he was at least one week late in beginning the second term's work. On both of these occasions he was absent on pleasure trips. In February 1921 he was likewise several days late but I have no knowledge of the cause of his absence. These same delays have occurred at the opening of the University in the Fall. He has also deliberately left his classes toward the close of the term's work and departed the city, usually upon the ground that some relative was ill or that he was anxious to meet some friend. It is, of course, of utmost importance that instructors be on hand at these important periods.

2- He has on numerous occasions left the city and his classes during the course of the term, without any explanation or without any arrangements being made for his absence.

3- He will not hold his examinations in accordance with the schedule prepared. Without a single exception during the past three years, he has without consultation and contrary to repeated requests, changed the time of holding his examinations to enable him to condense them into a brief period, and then he leaves the city. It thus happens that students are often given two or more final examinations in one day, and the schedule disarranged.

4- He will not hold his final examinations in accordance with the regulations of the University. He will not remain in the examination room, as required by the University regulation. For example, prior to the last
examination period he was expressly notified in writing of this regulation (see copy of letter attached) and asked to observe it, but almost invariably I found him out of the examination room, on one occasion seated in his office smoking a cigar and reading a newspaper, while the students were left quite alone.

5- His final examinations are in large measure a farce. Frequently they consist of not more than four brief questions. In some instances his final examination papers have never been graded. For example, in January and February 1922, when he left the Law School for a two weeks' tour of Muscle Shoals, the final examination papers turned in by his students during his absence were left unlocked and scattered about his office which was open to everyone. A final examination in the University is supposed to occupy a three hour period and to test, in a fair degree, the students' knowledge of the term's work. His examinations are practically always over in less than an hour, only a few meager questions being put to the students.

6- He insists upon his classes being scheduled so that he will spend as little time at the University as possible. During the session 1920-21, he undertook, without any consultation, to change the hours of his classes so as to be able to leave the University earlier in the day. Despite requests that this be not done, he again, in the session 1921-22, undertook with his students to vary the published schedule until he was notified in writing that we would insist before authorities, if necessary, that the published schedule of classes be adhered to. So unpleasant has this matter become that during the year just passed, his classes have been scheduled as he wished so that he spends as little time at the University as possible.

7- He either cannot or will not make an effort to grade the ability of the students in his various courses. During the entire period of his connection with the Faculty, not a single student, so far as I have been able to ascertain, has failed or even been conditioned in his courses. Any instructor knows that this is an impossible record if students are graded with any degree of accuracy. Students who rank low in all other courses are given highest grades in his. It has frequently happened that he has turned in reports giving to every member of the class an identical grade of highest rank. Reference is here made to the records on file in the Registrar's office where, for example, it will be found that all his students in certain courses were given the identical grade of 95. There is but one conclusion from these facts and that is that students are merely given grades in his courses without any relation to their merit.

8- He will not keep an attendance record of his classes. At the beginning of each year he has been asked to keep accurate attendance records and the importance of so doing has been impressed upon him. It is, of course an important rule of the University that an accurate report of student attendance be filed each week. It has been impossible to get him to keep such a record. For a few weeks at the beginning of each year the report comes in but then it ceases. He does not even call the roll at his classes and for months during the session just closed made no pretense of keeping an attendance record. This is the habitual course.

9- He frequently spends the lecture hour in discussing topics wholly unrelated to the law subject at hand. My office opens into a class room occupied by him one hour each morning and I cannot but hear the topics discussed. On numerous occasions the entire period has been devoted to a discussion of current events or to some bit of political gossip appearing in the morning papers. All of this is no doubt interesting to students and may be in some degree valuable, but it is not giving instruction in law. It also frequently happens that his classes are dismissed before half of the hour has been used.
10- In matters of discipline, while he has always championed the cause of the students and counselled with them, he has never counselled with the head of this department in regard to such matters.

11- He has discussed with students and others criticism of the operation of the College of Law. It is not contended that the present administration is free from criticism but it is a fact that he has never come to the head of this department with such criticisms or with suggestions for betterment.

12- He appears to have no sense of responsibility and is utterly careless in respect to University matters. For example, two years ago this department was asked by the President to submit to the Supreme Court a brief in a certain case testing the constitutionality of the Torrens Act in which it was said farmers of the State were deeply interested. Dr. Neal, an instructor in Constitutional Law, was asked to prepare this brief and he agreed to do so. The record and briefs already filed were turned over to him. He was repeatedly asked to keep his promise but never did so. He allowed the record to lie around the building in which the Law School was then housed, for over five months and left at the close of the session never having touched the matter. He later claimed that the record was lost during the following summer. This is a matter of keen embarrassment to this department to have lost a Supreme Court record under such circumstances. Again, last year, the Association of American Law Schools, of which this college is a member, undertook to publish a list of all the professors serving in member schools and asked for data for each member of the various faculties. Dr. Neal received a questionnaire from the Association but never returned it, later saying that it had been misplaced. At the request of the Association I supplied him with another copy, but this was never sent in. It thus happens that the published list of faculties did not contain the name of one of our full time professors. These incidents indicate the general carelessness of the man which is reflected in his personal appearance.

13- He has little regard for the regulations of the University. For example, he has endeavored to give students credit for work not done as required by regulations. He undertook to give credit to a law student in certain subjects merely by accepting the students statement that he had read certain books during the preceding summer, and this was done without ever examining the student. Reference is here made to the minutes of the Committee on Degrees where this matter came up and the student was denied credit. Giving a student passing grades in subjects under such conditions is not only contrary to the rules of this University but also those of the Association of American Law Schools, and in fact to every idea of modern educational methods.

Again, he was notified as were all other members of the University Faculty that smoking would not be allowed in Ayres Hall and members of the Faculty were urged to cooperate in this matter in order to set students a proper example. It has been with considerable difficulty that law students have been led to abandon the use of tobacco in the University buildings. Despite these facts Dr. Neal habitually smokes in Ayres Hall.

14- He gives to the College of Law as little of his time as possible. As above stated, he leaves the University as soon as possible in the mornings. He spends practically no time in the Law Library and fails to contribute to the atmosphere of scholarship which must be in the Law School if it is to develop. According to my observation it appears that the College of Law and his work therein is a side issue with Dr. Neal.

In conclusion, permit me to make several general observations.
I wish to emphasize that there is not the slightest ill will or personal feeling involved in this matter on my part. It is by no means a pleasant task to take a stand against one's associate. Dr. Neal has some likeable traits, and it is only a sense of duty which has impelled me to make this recommendation.

In the second place, I call your attention to the fact that these complaints as to Dr. Neal's action during the past three years have not been passed over and are not being adverted to merely for the present occasion. You will recall, I am sure, that repeatedly have I made complaint to the administrative authorities as to his methods. Each year that I have been here I have suggested the advisability of not reelecting him to the Faculty, but did not make the express recommendation because it was deemed advisable to give him further trial.

To sum up the situation, it is this: according to my best judgment, which I must exercise as the head of this department, Dr. Neal's policy is to let the students do as they please; give them all good grades; and let the College of Law drift along with as little attention from the Faculty as possible. I am unalterably opposed to such a policy and am constrained to ask that he be no longer retained on this Faculty.

Sincerely yours,

Malcolm McDermott

Knoxville, Tennessee
May 3, 1923

To The Members of the Law Faculty:

Enclosed herewith is a copy of the final examination schedule as appears posted in the Law Library.

In conducting these examinations members of the faculty are requested to bear in mind the following:

1st-All Senior grades should be reported not later than Saturday, June 2, in order to enable this office to determine the prize winners and the candidates for graduation.

2nd-All other grades should be reported not later than Monday, June 4th, in order to enable us to make the award of the Faculty Prize Scholarships at Commencement, to members of the First and Second year classes.

3rd-Please hold the final examinations in accordance with the schedule.

4th-Please hold your classes in regular session up to and including Tuesday, May 22. It is requested that this be done even though the book being studied may have been completed and it becomes necessary to devote some of the time to review.

5th-The examinations should be designed to occupy three hours' time. While no fixed number of questions is stipulated, the usual number is ten.

6th-Under the regulations of the Student Honor System and of the University, the instructor holding the examination is expected to remain in the examination room throughout the examination period.

Your cooperation in respect to the above matters will be greatly appreciated.

Sincerely yours,

Signed-Malcolm McDermott
Certain petitions, memorials and letters on this subject were presented from individuals and organizations and ordered filed with the papers of the Board.