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The ordeal of Professor Maitland Jones at New York University has unsettling implications that the Academic Freedom Alliance is compelled to address. In August, NYU refused to rehire Professor Jones after 82 students signed a petition complaining about the rigorous grading practices in his spring 2022 organic chemistry class. Petitioners in the class of 350 did not call for Jones’ firing but accused him of grading harshly—19 students failed the course, while 60% received an A or B—making the course too hard, and of not providing sufficient assistance to students who were still roiling from the effects of COVID lockdowns. In defense, Jones pointed to several factors, including his distinguished and honored career as a researcher and teacher at Princeton before joining NYU as a Full Time Continuing Contract Faculty member; a general decline of student achievement and effort in his course in recent years; and the summary fashion in which the NYU administration made the decision to not renew his contract.

In response to NYU’s actions, numerous professors from around the world have protested Jones’ non-renewal, arguing that the decision and the way the decision was made undermine faculty freedom while diminishing respect for academic standards and longstanding effective teaching methods.

The Academic Freedom Alliance’s interest in this case pertains to the academic freedom implications of NYU’s action. We acknowledge that different pedagogic styles may be deployed in the teaching of even STEM subjects, which are necessarily demanding courses. We also acknowledge that individual teachers perform their evaluations within the frameworks set by academic policy. But we believe strongly that fundamental principles of academic freedom require assessment of individual student performance to be made by the teaching staff appointed to teach each course.

NYU is a private university, so AFA’s position is based not on the constitutional law regarding academic freedom, but rather on the basic philosophy of academic freedom that applies to any institution that makes academic freedom a core principle of its mission. Indeed, NYU’s *Faculty Handbook* itself affirms, “Academic freedom is essential to the free search for truth and its free expression. Freedom in research is fundamental to the advancement of truth. Freedom in teaching is fundamental for the protection of the rights of the teacher in teaching



and of the student in learning.” (NYU Faculty Handbook. Title I. Statement in Regard to Academic Freedom.”)

The pertinent question in Jones’ case is the extent to which fundamental principles of academic freedom should apply to the grading and evaluation of students.

Academic freedom is essential to higher education’s core mission of pursuing truth and transmitting knowledge in accordance with the expertise and intellectual skills and virtues that are needed for this mission to succeed. Academic freedom must also protect the rights that teachers need to enable them to fulfill their responsibilities to their students, the institutions they serve, the academic enterprise writ large, and the nation that relies upon properly educated graduates. To meet these obligations, teachers must honestly and accurately assess the intellectual progress and performance of their students.

Though vital in all courses, such assessment is especially called for in courses that necessitate high rigor of comprehension in preparing students for demanding professions upon which the public relies. This is a matter of public trust, and ultimately public safety.

Accordingly, instructors must be able to grade students based on what they honestly conclude, in their professional judgment, is the students’ intellectual achievement in the course, as determined by criteria that instructors conclude, again in their professional judgment, constitute the best means to truthfully assess proficiency. Instructors must not be punished or disadvantaged for living up to this responsibility. If the grading is done pursuant to an honest evaluation, sanctioning a professor for grading students too rigorously amounts to punishing him or her for being truthful about the quality of the students’ work—that is, punishing the instructor for fulfilling the institutional and fiduciary duty to honestly pursue truth. Giving students grades that a competent instructor has concluded, using his or her professional judgment, are not merited is a form of intellectual fraud.

There is also a more practical reason for placing judgment in the hands of the instructor. If not the instructor, then who shall make the judgment? Students who, by definition, lack the knowledge and experience of the instructor? Administrators, who usually lack any real knowledge pertinent to the class and of how to teach the



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subject? Angry parents? Instructor judgments can be imperfect, but the alternative to instructor responsibility for grades would be catastrophic for academic freedom, truthfulness, and the public trust.

The justifications given to the press for NYU’s action against Professor Jones—“a very high rate of student withdrawals, a student petition signed by 82 students, course evaluations scores that were by far the worst not only among members of the Chemistry Department but among all the University’s undergraduate science courses, and multiple student complaints about his dismissiveness, unresponsiveness, condescension, and opacity about grading”—are invoked as evidence of deficient teaching, but they are all at best indirect evidence of actual pedagogy and grading processes. No investigation of actual teaching and grading practices was ever conducted. Essentially NYU has set the precedent that, if students panic and stampede in fear about their eventual grades in a demanding course, the professor can be summarily terminated. These justifications make a mockery of academic standards.

Finally, NYU’s decision, including the haste and summary manner in which it was reached, appears to be another example of the trend in higher education to devolve more academic authority from faculty into the hands of administrative entities whose backgrounds and expertise reside elsewhere than pedagogy, research, and the pursuit of truth. This clear trend of devolution has obvious and unfortunate implications for academic freedom and the public good.

Academic departments typically have provided appeals processes for students who challenge grades on an individual basis. Such appeals may properly consider evident mistakes in grading or cases in which there is clear evidence of prejudicial, incompetent, or ideological grading. We render no judgment about such processes except to say that they are best reserved for clear mistakes or more or less manifest abuses, are best made by members of the faculty, and constitute rare exceptions to the deference to instructor judgment that academic freedom properly demands.