

UNITED FACULTY

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FOR IMMEDIATE RELEASE

CONTACT:

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AAUP Warns University of Northern Iowa Over Violations of Fundamental Right to Due Process and Shared Governance

(CEDAR FALLS, Iowa) The American Association of University Professors (AAUP) has formally warned the University of Northern Iowa (UNI) that the administration's handling of sanctions against Professor Mary Catherine DeSoto violates the fundamental standards of academic due process and shared governance that define legitimate university discipline.

In an Oct. 14, 2025 letter to UNI President Mark Nook, the AAUP expressed grave concern that the UNI administration has "paused" Professor DeSoto's faculty-sanctions appeal in violation of the university's own Faculty Handbook and of long-established AAUP procedural standards. The Association emphasized that:

"Interrupting the process at this stage leaves the administration's findings and major sanctions indefinitely in place without their having been tested in a hearing before a committee of her peers. This not only deprives Professor DeSoto of a fundamental right to academic due process but also deprives the faculty of the University of Northern Iowa of its right to exercise its primary responsibility for assessing whether allegations against a colleague are true and severe enough to warrant major sanctions."

The letter also documents additional procedural violations, including a unilateral administrative grade change that bypassed required faculty review and the suppression of faculty grievance rights through administrative interference in the Faculty Petition Committee. The AAUP warned that such actions "deprive faculty of their initial, distinct, and independent voice in formal faculty grievance proceedings," undermining shared governance at UNI.

DeSoto, a 25-year award-winning teacher, researcher, and UNI Distinguished Scholar, sought for more than a year to resolve these issues internally before filing a federal lawsuit. Her case has drawn national attention because of its implications for faculty rights and governance at public universities.

"When the AAUP, the nation's pre-eminent authority on academic freedom tells a public university that it has violated basic due process, it should be a wake-up call for every faculty member, student, and taxpayer in Iowa. UNI must correct course immediately," stated United Faculty President Christopher R. Martin.

DeSoto's separate federal lawsuit concerns related due-process and retaliation issues, but the AAUP's notice stands on its own as a national warning that UNI's current disciplinary system fails to meet minimum professional standards.

United Faculty calls on UNI's administration and the Iowa Board of Regents to rescind the unlawful sanctions, restore full faculty-hearing rights, and restructure faculty committees to ensure that peer review, not administrative fiat, governs disciplinary and grievance procedures.

United Faculty, established in 1976 and representing more than 500 faculty members, is the chief negotiating agent for the University of Northern Iowa's faculty, and is affiliated with the American Association of University Professors/American Federation of Teachers (AAUP/AFT).

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October 14, 2025

VIA ELECTRONIC MAIL

President Mark Nook
University of Northern Iowa
1227 West 27th Street
Cedar Falls, Iowa 50614

Dear President Nook:

Dr. Mary Catherine DeSoto, a tenured full professor of psychology and biopsychology in the University of Northern Iowa's department of psychology with twenty-four years of service at the institution, has requested the advice and assistance of the American Association of University Professors.

On May 21, 2025, you sent Professor DeSoto a letter informing her that an administration-appointed decision maker had found that she had discriminated against a student in a spring 2024 course by failing to provide appropriate disability accommodations. On August 14, 2025, Provost and Executive Vice President José Herrera and Dean Brenda Bass sent Professor DeSoto two memoranda informing her that they had decided to impose several sanctions on her based on the decision-maker's finding, including a written reprimand, removal from her position on the student academic appeals board, a prohibition from serving on any student-related committees, and a \$6,230 fine.¹ The memoranda further informed Professor DeSoto that she could appeal these disciplinary actions under Chapter 13 of the University of Northern Iowa faculty handbook. Professor DeSoto reports that she requested such an appeal and, per paragraph 11.4b.7 of the faculty handbook, asked the faculty chair to empanel a faculty hearing board.

We understand that on September 10, 2025, Professor DeSoto filed a lawsuit in federal court concerning, in part, several issues related to this case. We further understand that on October 8 an Iowa assistant attorney general informed Professor DeSoto's attorney via email message that the UNI administration "is invoking its authority to pause Prof. DeSoto's faculty sanctions appeal process, pending the resolution or outcome of her lawsuit." The message did not identify any basis for the administration's purported authority.

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¹ One of Drs. Herrera and Bass's memoranda states that the prohibition on committee service is for five years. The other does not specify a duration. In either case, the AAUP regards the restriction of a faculty member from performing core faculty duties as a major sanction. We also note that under UNI's disciplinary policies, a fine of more than \$2000 is a major sanction.

The interest of our Association in Professor DeSoto's case stems from our one-hundred-ten-year commitment to fundamental principles of academic due process, as enunciated in the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*, a document jointly formulated by the AAUP and the American Association of American Colleges and Universities and endorsed by more than 280 scholarly societies and higher-education organizations. Derivative procedural standards concerning faculty sanctions are set forth in Regulations 5 and 7 of the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* (also enclosed).

Under Regulation 7a of the *Recommended Institutional Regulations*, when an administration believes that a faculty member's conduct warrants the imposition of major sanctions, the subject faculty member must first be afforded an adjudicative hearing before a faculty hearing committee, whose members will either be directly elected or appointed by elected faculty representatives. In that hearing, the administration will have the burden of demonstrating adequate cause for its proposed action.

Similar procedures are found in the University of Northern Iowa faculty handbook. Chapter 13.3.b states, "In appeals of a major sanction that has been imposed without prior review by a Faculty Hearing Board"—as is the case for Professor DeSoto—"upon request by the faculty member the Provost will designate that the Faculty Hearing Board will hear the appeal pursuant to the procedures in Chapter 11." Under those procedures, the faculty member is entitled to a formal hearing of record before an ad hoc faculty hearing board consisting of three tenured faculty members selected by majority vote of the faculty handbook committee.² In that hearing, the administration will bear "the burden of proof to establish a preponderance of evidence that the faculty member engaged in misconduct."

Professor DeSoto's case highlights a substantial deficiency in UNI's procedures: they afford the faculty member with the requisite disciplinary hearing only after the fact. Framing such a process as an *appeal*, to be offered only after the administration has made its determination of misconduct and imposed major sanctions, disadvantages the faculty member by implying that the charges have already been demonstrated, leaving her to carry the opprobrium on her professional record until she can refute them.

This problem is compounded if this "appeal" hearing is indefinitely delayed or denied. As noted above, as of October 8 the administration has unilaterally "exercised its right" to

² Regrettably, UNI's faculty handbook committee is neither directly elected nor appointed by elected faculty representatives. Like the faculty petition committee discussed below, it consists of an equal number of administrators and faculty members. It is also chaired by an administrator. Since the faculty handbook committee is not a representative faculty body, the faculty hearing board members it selects are not faculty representatives, either. We would therefore recommend amending the faculty handbook to comport with the *Recommended Institutional Regulations* by ensuring that the UNI administration itself is in no way involved in the composition of the faculty committees charged with adjudicating its proposed disciplinary actions. Until the policy is amended, we would urge all administrators who serve on the faculty handbook committee to abstain from any vote concerning the composition or convening of the faculty hearing board.

stop the appeals process in Professor DeSoto's case.³ We see no basis for that purported right in UNI's institutional regulations or AAUP-supported standards. Interrupting the process at this stage leaves the administration's findings and major sanctions indefinitely in place without their having been tested in a hearing before a committee of her peers. This not only deprives Professor DeSoto of a fundamental right to academic due process but also deprives the faculty of the University of Northern Iowa of its right to exercise its primary responsibility for assessing whether allegations against a colleague are true and severe enough to warrant major sanctions.

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Two further issues in Professor DeSoto's case are of concern to our Association. Each regards apparent instances of administrative overreach and unilateral action in violation of key tenets of academic due process and shared governance. We have previously addressed both issues in correspondence with leaders of the United Faculty. Although we understand that these letters have previously been shared with you, we enclose copies for your reference.

First, Professor DeSoto reports that the administration unilaterally changed the student's course grade without going through the appropriate procedures specified in UNI's "Student Academic Grievance" policies and in the enclosed statement *The Assignment of Course Grades and Student Appeals* from the AAUP's Committee A on Academic Freedom and Tenure. As we noted in our April 16, 2025, letter to United Faculty leadership, the latter document articulates the following principle, which is reflected in UNI's policy:

Under no circumstances should administrative officers on their own authority substitute their judgment for that of the faculty concerning the assignment of a grade. The review of a student complaint over a grade should be by faculty, under procedures adopted by faculty, and any resulting change in a grade should be by faculty authorization. (Emphasis added)

Second, Professor DeSoto reports that she has repeatedly and unsuccessfully asked UNI's faculty petition committee to review grievances related to this case, including concerns about how the disability accommodations office handles exam materials and about the unilateral grade change addressed above.

As Regulation 16 of the *Recommended Institutional Regulations* notes, faculty members should have access to an elected faculty committee to review their grievances on any matter. However, Professor DeSoto reports that the faculty petition committee has not

³ We understand from reports from United Faculty leadership that, prior to this unilateral decision, a member of the administration exerted pressure on the faculty chair in an attempt to persuade him to "delay or stop" Professor DeSoto's appeal, urging him to "go home and sleep on" his decision whether to convene a faculty hearing board and to "consider the institution as well as the student."

been given the opportunity to review hers, allegedly because of administrative interference made possible by the composition of that body.

As we noted in the enclosed letter to United Faculty leadership of December 13, 2024, under Regulation 16, a committee charged with reviewing faculty grievances should comprise only faculty representatives—that is, faculty members who have either been elected to that body or appointed by another, directly elected faculty body.⁴ However, two of the four faculty petition committee members are either administrative officers or administrative appointees. Professor DeSoto and United Faculty leaders report that an administrator serves as the de facto chair of the committee and that she has declined to submit Professor DeSoto’s petitions to the rest of the committee for review. If that is so, it would constitute exactly the kind of “administrative influence or gatekeeping” we warned against in our letter, depriving Professor DeSoto the right to consideration by her peers and depriving the UNI faculty of its “initial, distinct, and independent voice in formal faculty grievance proceedings.”

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Our information in Professor DeSoto’s case comes to us primarily from her and from United Faculty leadership, and we appreciate that you may have further information that would contribute to our understanding of events. We would therefore welcome your comments. However, assuming that the above account is essentially accurate, we urge the administration to rescind its findings and major sanctions in Professor DeSoto’s case, unless and until she is afforded a timely hearing before a faculty hearing board. We also urge that she be afforded all other appeal and grievance rights to which she is entitled under the UNI faculty handbook or the AAUP-supported standards cited in this letter and its enclosures.

We look forward to your prompt reply.

Sincerely,



Mark Criley
Senior Program Officer
Department of Academic Freedom, Tenure, and Governance

Enclosures by email attachment

Cc: Dr. José Herrera, Provost and Executive Vice President for Academic Affairs
Dr. Amy Nielsen, Associate Provost for Faculty
Dr. Brenda L. Bass, Dean, College of Social and Behavioral Sciences

⁴ See footnote 2 above for a related point concerning the faculty hearing board.

President Nook
October 14, 2025
Page 5

Professor Kenneth Elgersma, Chair of the Faculty
Professor Alexa R. Clements, Chair, Faculty Senate
Professor Adam Butler, Head, Department of Psychology
Professor Christopher R. Martin, President, United Faculty AAUP/AFT
Professor Michael P. Prophet, Advisor
Professor Mary Catherine DeSoto