

July 23, 2009

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Dear Dr. Steele:

We are looking forward to welcoming you to Columbia in the coming weeks.. However, we are writing to you now to tell you about recent events that have caused us and many of our colleagues concern. Obviously, you have no responsibility for the past, but as Provost you will be responsible for protecting academic integrity.

As you may have heard, a few weeks ago, the decision to grant Professor Joseph Massad tenure at Columbia became public as a result of Jacob Gershman's article in the *New York Post*.<sup>1</sup> What is done is done. However, the process that led to the tenure decision appears to have violated Columbia's procedural rules. That is why we are concerned.

In all academic institutions, meticulous and uncompromising adherence to procedures and rules governing academic appointments, promotions, and awards of tenure is a *sine qua non* for integrity and excellence. We Columbia faculty members take pride in our institution's rigorous adherence to the rules published in the *Faculty Handbook*, which is available on line (<http://www.columbia.edu/cu/vpaa/handbook/>). Regarding the tenure review process, the Handbook states:

**Consideration for tenure begins with an evaluation by the Faculty in which the officer will serve. If the results of that evaluation are positive, the dean or vice president submits a nomination to the Provost, who establishes an *ad hoc* committee to conduct a second, University-wide review. . . . If the recommendation of the *ad hoc* committee is positive and the Provost concurs, or if the Provost decides not to accept a negative recommendation by the committee, the nomination is forwarded to the President. Upon approval by the President, the nomination is presented to the Trustees, who make the final decision on all appointments to tenure.**

We are concerned about the following:

1. *The rationale for the second review.* In early 2007, MEALAC nominated Massad for tenure, but our understanding<sup>2</sup> is that his *ad hoc* committee did not approve the nomination, and/or that the Provost Alan Brinkley did not forward it to President Lee Bollinger. In response to

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<sup>1</sup> J.Gershman, "Columbia tenures an Israel-basher," *New York Post*, June 29, 2009.

<sup>2</sup> R. Wilson, R. Byrne, "Closely Watched Tenure Case at Columbia University is Still Unsettled," *Chronicle of Higher Education*, v54 n39 pA13 June 6, 2008.

an appeal, a second review was conducted. Second reviews are rare<sup>3</sup>; as the *Faculty Handbook* states (our italics):

**In the absence of procedural irregularities, a candidate is reconsidered only in rare instances when the Provost is satisfied that there is evidence of substantial scholarly growth following the original negative decision. In support of such requests, the nominating school or department submits a statement that explains why it believes the new work meets the standard for a second review. That statement should deal only with the new materials and not with the work considered during the first review.**

2. *Lack of evidence of substantial scholarly growth following the original negative decision.* Professor Massad's Columbia web page lists his scholarly publications only through 2007, as does his entry in Wikipedia, which was updated in 2009. That entry lists Massad's op-ed pieces into 2009,<sup>4</sup> but the only "Books" and "Articles" dated after January 2007 are:

"Affiliating with Edward Said," in *Edward Said: Emancipation and Representation*, Adel Iskandar and Hakem Rustom, eds., (Berkeley: University of California Press, forthcoming), a contribution to a Proceedings honoring the late Edward Said, in which Professor Massad comments on his affiliation with the latter, and

*Desiring Arabs*. Chicago, IL: University of Chicago Press.( June 15, 2007)

In his March 2005 statement to a Columbia *ad hoc* committee investigating charges against him, Massad announced: "My recent work on sexuality and queer theory is also taught across the country and a book length study on the subject is forthcoming from Harvard University Press."<sup>5</sup> Hence, the book or at least the manuscript must have been part of the record considered by the first *ad hoc* committee. No other recent scholarly output is readily detectable, and the proceedings volume is still forthcoming.

Although *Desiring Arabs* received the 2008 Lionel Trilling Award (conferred by a group of Columbia students), the award was not for new work but recognition of the 2007 work.

3. *The second ad hoc committee and the forwarding of the nomination:* The *Faculty Handbook* stipulates that:

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<sup>3</sup> For example, to the best of our knowledge, in the past 30 years only one of more than 250 tenure cases at the Business School has gone through a second *ad hoc* review.

<sup>4</sup> For example, in "The Gaza Ghetto Uprising," *Electronic Intifada*, January 4, 2009 (<http://electronicintifada.net/v2/article10110.shtml>), Massad likens Israel's military operation in Gaza to the Nazi crushing of the Warsaw Ghetto, compares Palestinian Authority President Mahmoud Abbas to a Nazi collaborator, and proposes that he salvage his honor by committing suicide.

<sup>5</sup> However, the book was not published by the Harvard University Press. Harvard either never agreed to publish the book or canceled its agreement, If the former is true, Massad misrepresented the status of the work in 2005; if the latter, why was the agreement canceled?

**When the rationale for the new review is scholarly growth, the Provost normally reconvenes the original ad hoc committee to conduct a second review, replacing only those members who are not available.**

According to Gershman's article: "the professor who led the first review of Massad refused to serve again."<sup>4</sup> As you know, most faculty members take tenure committee responsibilities very seriously. We therefore wonder why a tenure committee chair refused such responsibilities. We also wonder whether or not the Provost reversed his prior position and forwarded the second nomination to the President or, given his lame duck status, stuck to his guns. In either case, somehow the nomination must have come to the President, because it then went to the Trustees for endorsement.

4. *The duration of Massad's service as an untenured faculty member.* Again, according to the *Faculty Handbook*:

**Under the University's Code of Academic Freedom and Tenure, full time officers of instruction in some grades of appointment are limited to a maximum of eight counted years of full-time continuous service, unless they are granted tenure....An exception to the eight year rule is made only when by prior and special permission of the provost, a review for tenure is deferred until the officer's eighth year. If the outcome of the review is negative, the officer is reappointed for a ninth and terminal year."**

The *Faculty Handbook* defines "counted years of service" and exceptions to them as follows:

**Up to one full year of appointment in a nonprofessorial rank (i.e., instructor, senior lecturer, lecturer, associate, or assistant) or one year of a leave of absence is routinely excluded from the eight-year limit. . . Ordinarily, no more than one year of full time appointment may be excluded. . . . However, when a leave of absence is granted for medical reasons, child care, military service or personal hardship, the Provost may rule that it will not be counted in calculating the up-or-out date.**

Professor Massad was first appointed in 1999 and has been on the Columbia faculty ever since. His (initial) ad hoc review took place in 2007, which, by the above rules, must have been his seventh or eighth year of service.<sup>6</sup> In either case, the following year 2007-2008 should have been the terminal year of appointment, with *no option for further extensions, whether in the form of paid service or unpaid leaves of absence.*

More disturbing than any individual award of tenure, and perhaps more disturbing than the possibility that the award was based on procedural irregularities, is Gershman's account of what happened, when the Trustees raised questions about Professor Massad's dossier:

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<sup>6</sup> With adjustment for leaves, the 2006-2007 year would have been the 7<sup>th</sup> year of service. Since neither child care nor military service apply to Massad, only a medical leave might modify this count.

the administration refused to share with the trustees any list of who was on the two tenure committees. The board was also kept in the dark as to why Massad failed the first review. Bollinger and Brinkley also refused to discuss in detail why Massad was permitted another shot. Instead, the administration -- apparently more interested in managing public relations than dealing with the substance of the underlying problem -- simply provided the trustees with a set of talking points with "helpful facts" about the university's Jewish student center. When I tried contacting trustee Esta Stecher, a senior administration official alerted the board about my inquiries and reminded the trustees that the university doesn't comment on tenure cases. In the end, Columbia's board of trustees approved Massad's tenure appointment before ever getting answers.

If accurately described, the administration's response implies a belief that the questions about the procedural correctness of Professor Massad's tenure reviews were motivated solely by concern for the comfort of Jewish students. Such a belief in turn implies contempt, not only for the questioners and the constituency the questioners were thought to represent, but for academic due process itself.

Our impression that procedural irregularities occurred may be incorrect, but correcting that impression requires facts. It can be argued that we are not entitled to those facts. In theory, faculty who are not involved in a specific tenure review have no right to any information about it. However, all our information comes from published sources. In the electronic era, secrecy is difficult, and it may never have been easy. Certainly, the Trustees charged with endorsing the tenure decision were entitled to truthful and responsive answers to their questions about the process.

If the irregularities we enumerate above occurred but are not unique to this case, we are even more concerned because then they are part of a series of precedents that may return to haunt us in the years to come. Professor Massad's review is history, but new faculty come up for review every year.

When you arrive in New York to start your new job, may we (say, three of us) meet with you to discuss these issues?

Sincerely,

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