



MEMORANDUM

DATE: Monday September 13, 2021
FROM: Members of the Faculty Senate Faculty Affairs Committee
TO: John Zomchick, Provost
COPY: Donde Plowman, Chancellor
Louis Gross, President of the UTK-UTIA Faculty Senate
SUBJECT: Questions Regarding the Case of Dr. Amning Hu

The Faculty Senate Faculty Affairs Committee has drafted the questions below for initial presentation at the September 13th Faculty Senate Executive Council meeting and request a response in writing in preparation for the September 20th Faculty Senate Meeting.

We are pleased to learn that Dr. Amning Hu was acquitted by Federal Judge Thomas A. Varlan on September 9th of fraud charges in the espionage investigation conducted by the FBI, and are glad to hear that the university is beginning to take steps to make it possible for him to return to the faculty. Many faculty members are troubled by the implications of his case, not only the misrepresentations by the FBI, but also the role of the university in the poor treatment of Dr. Hu. One aspect of the case as reported in the September 9th, 2021 *Knoxville News Sentinel* is that "After Hu refused to work as a spy for the U.S. government, federal agents harassed him for more than two years." Based on the outcome of this trial, we regard Dr. Hu as a respected colleague seeking to do his research, teaching and service who was the victim of governmental harassment and a failure of our own university to presume his innocence, or to defend his tenure.

We hope Dr. Hu's acquittal will lead to full reinstatement of his position on the UTK faculty and provide an opportunity for our university to examine our administrative procedures, as well as to make changes to the *UTK-UTIA Faculty Handbook* that provide greater protections for faculty.

In your letter to the faculty from August 4 you stated that you followed the "letter and spirit of the Faculty Handbook," and that "should Dr. Hu be acquitted and have his work authorization restored, I plan to form a faculty committee to review his employment status and advise me on what further actions, if any, are appropriate." You also indicated your willingness to respond to questions at the first meeting of the Faculty Senate on September 20. Below are a set of questions informed by the [APA Justice website about this case](#), that seek clarification regarding your letter and the broader implications for university policies and procedures that stem from this case.

1. Are the principles of academic freedom and due process the same for all UT faculty regardless of their citizenship?

2. What is your understanding of consultation with the Faculty Senate President or Faculty Senate Executive Council in cases that involve the suspension or termination of a tenured member of the faculty? Does this clause mean simply advising the President of what you plan to do, or would the Faculty Senate President have a meaningful opportunity to impact the decision?
3. The UTK-UTIA Faculty Handbook (3.12.3.1 Suspension or Reassignment Pending Completion of Termination Proceedings) does not obligate your office to enact a suspension without pay. What evidence of misconduct would be required to initiate such an action against a tenured member of the faculty? How does the presumption of innocence play into this decision?
4. Given that Dr. Hu has been acquitted, how might our faculty handbook language provide better protections against false indictment by a state or federal grand jury?
5. If the suspension without pay provides cause for the Federal government to revoke a tenured faculty member's work visa, why does this obligate the university to fire that individual? In such a context, didn't the university's decision contribute to the revoking of the work visa? Is this outcome consistent with the letter and spirit of the Faculty Handbook?
6. The UTK-UTIA Faculty Handbook (3.12.3.1 Suspension or Reassignment Pending Completion of Termination Proceedings) states that "If the university's final determination after either a UAPA proceeding or an ad hoc hearing committee proceeding is favorable to the faculty member and concludes both that the faculty member's employment should not be terminated for Adequate Cause and that the faculty member should not have been suspended without pay pending completion of termination proceedings, then full restitution of salary, academic position and tenure lost during the suspension without pay will be made." Now that Dr. Hu has been acquitted, UT must act immediately to help to renew his work visa and to reinstate him with full back pay. How soon will this be done?
7. Through the China Initiative the FBI has targeted a number of Asian faculty members at universities in the United States. Has your office provided the FBI with personnel files and other information on faculty members other than Dr. Hu?
8. Do you believe the handbook should be revised to ensure that faculty are informed if any of their communications, personnel files, or work product are the subject of a criminal inquiry or freedom of information request?
9. In January 2021, President Rafael Reif of MIT issued [a strong letter supporting Prof. Gang Chen](#), who is in a similar situation under "China Initiative." Why wouldn't UT issue such a statement to support faculty who are members of the Chinese and Chinese American community?
10. In your August 4th memo you write "UT fully supports its diverse and talented faculty and will continue its strong commitment to international collaboration across our academic, research, and outreach initiatives." However, many perceive the failure of the university to presume Dr. Hu's innocence as a lack of support for international faculty. What steps will the university take to address these concerns?

The Faculty Senate Faculty Affairs Committee:

Beauvais Lyons, School of Art (chair)

Thomas Berg, College of Nursing

George Dodds, School of Architecture

Cheryl Greenacre, College of Veterinary Medicine

Justin Jia, Haslam College, Department of Business Analytics and Statistics

Judson Laughter, Department of Teacher Theory and Practice in Education

Mary McAlpin, Department of Modern Foreign Languages and Literature

Kai Sun, Min H. Kao Department of Electrical Engineering and Computer Science

Jessica Westerhold, Department of Classics