

# **STATEMENT OF CLAIM AGAINST EMMANUEL COLLEGE**

I, Richard J. Beauchesne, have been a full time faculty member at Emmanuel College (Boston) since 1976, tenured since 1991, and full professor since 1993. I am 66 years of age. I was presumably the oldest full time faculty member until the events described in this statement.

On March 2, 1999, the Dean of the College offered me a retirement package of one year's salary, with benefits, following the end of the academic year, until August 31, 2000, with the title of Professor Emeritus. On March 16, I asked the Dean if the package could include \$15,000 per year for part time

academic work I could do for the College until age 70 to supplement my social security and pension. On March 30, the Dean informed me that the College could meet that request. I asked the Dean for time to consider, as I wanted to consult a retirement expert. I did speak with a retirement advisor and, on April 19, 1999, I advised the Dean that I wished to continue teaching since I enjoy teaching and needed a full-time salary till age 70 before receiving Social Security and teacher pension benefits (TIAA).

On May 7, 1999, the President of the College called me to her office and read me charges concerning statements I had made as a participant in three faculty tenure appeal proceedings, removed me

as a participant in those proceedings, suspended me "indefinitely," and dismissed me from the College. She told me that I could appeal the "indefinite suspension" or accept the dismissal with one year's salary. The statements I had made in the tenure appeal proceedings may have been controversial, but they were well within the doctrine of academic freedom protected by the College's faculty handbook.

I asked the President for a copy of the charges she had read against me, but she declined. Furthermore, she told me that all this was to remain confidential.

The faculty handbook includes provision that "in unusual circumstances

the President may take disciplinary action or initiate dismissal proceedings without previous citation or warning." When the President imposes disciplinary action under that provision the handbook provides for review by the faculty Equity Board, which can make a recommendation, but the President's decision after such review is final.

On May 10, 1999, I sent a fax to the President, asking for a copy of a letter from the Faculty promotion and tenure committee wherein I was criticized, a copy of the charges the President read to me on May 7, and a copy of the termination package. In response, the President telephoned me at home and said she was faxing me a "package" that I

had to accept or refuse by 4:30 P.M. the following day. I again asked for copies of the document on which the indefinite suspension was based. She said that she would respond to me *after* the 4:30 P.M. deadline the following day.

On May 10, the President faxed me a letter stating that I was offered a "voluntary retirement package" of one year's salary and compensation benefits paid through August 31, 2000. The letter stated that I was required to notify the President by 4:30 P.M. on May 11.

Because the President had (1) suspended me from my position indefinitely subject only to an appeal process in which she would make the

final determination, (2) refused to provide me with copies of the charges against me and with a copy of the letter from the promotion and tenure committee, (3) given me only one day to accept or reject the May 10 offer, and (4) prohibited me from discussing the matter with faculty colleagues, I felt I had no choice but to accept the "voluntary retirement" offer, and I did so by a written response on May 11, prior to the 4.30 P.M. deadline. The President continues to refuse to provide me with copies of the charges and with a copy of the promotion and tenure committee letter that preceded the charges.

The action of the President—in coercing me under threat of dismissal to

accept a "voluntary retirement" on terms inferior to those I had earlier rejected—was unlawful age discrimination in violation of federal and state anti-discrimination laws. The allegations of misconduct in the tenure review proceedings were a pretext for discrimination.