

Connecticut State Conference
The American Association of University Professors,

AAUP

June 3, 2014

VIA U.S. AND ELECTRONIC MAIL

Dr. John L. Lahey
President
Quinnipiac University
275 Mount Carmel Avenue
Hamden, CT 06518

Dear President Lahey:

Our conference President, Professor Ira Braus, wrote to you on May 20 expressing our concern over the sudden and unexpected non-renewal of at least 16 full-time faculty members at Quinnipiac University. This matter was originally brought to our attention by Professor William Nordhaus, Sterling Professor of Economics at Yale University and President of the American Economics Association. Since that time our group, the Connecticut State Conference of the American Association of University Professors (CSC-AAUP), has continued to gather documents and information in order to monitor and assess the situation. The Conference Executive Committee held an emergency meeting last week and considered reports from a number of faculty members and reviewed many documents, including relevant letters and emails, the Quinnipiac University Faculty Handbook, Quinnipiac University Faculty Evaluation Guidelines, the Manual of Institutional, Academic and Personnel Policies, and all of the relevant AAUP statements and policies. The information we have gathered has only deepened our concerns, and we are writing to articulate some of those concerns. We have offered our advice and assistance to the affected faculty members and, perhaps even more important, we are offering our advice and assistance to Quinnipiac's elected faculty leaders in order to help them strengthen shared governance at Quinnipiac, which at present appears to be shared governance in name only, essentially non-existent.

We understand that at least five of the faculty members who had been informed that their employment at Quinnipiac would end effective May 31 have been reinstated. While this is a welcome development for those individuals, even this positive action seems to have been undertaken unilaterally by the administration. From what we are able to ascertain, these

P.O. Box 1597, New Milford, Connecticut 06776-1597
Web Address <http://csc.csuaaup.org/>
Telephone 860-354-6249 Facsimile 860-355-2208

precipitous non-renewal decisions and the subsequent reinstatement decisions were made with no consultation with appropriate faculty bodies not only as called for in AAUP statements and policies but also in apparent violation of Quinnipiac's own Faculty Handbook.

The interest of our AAUP state conference in the current situation at Quinnipiac stems from the longstanding commitment of the AAUP to academic freedom, tenure, and due process as well as its articulation and promotion of shared governance in American institutions of higher education. The Connecticut State Conference is the embodiment of AAUP at the state level. As such, we promulgate in Connecticut the standards and fundamental principles promoted by the national AAUP, and assist our colleagues in promoting these principles and standards. Our organization has about 4500 members in Connecticut, including at Quinnipiac, and chapters at many Connecticut institutions. At this point, the Quinnipiac situation is the talk of the higher-education community in Connecticut, and we stand ready to assist our colleagues at Quinnipiac—we stand ready to assist the affected faculty members concerning academic due process in non-renewal, and with equal importance we stand ready to assist the continuing faculty at Quinnipiac—in order to address what we see as very serious problems in the shared governance environment. The problems that have been brought to our attention fall into roughly these two categories—(1) academic due process in non-renewal and (2) shared governance—with much overlap, since it appears to be the serious problems in shared governance that allowed the administration to utterly disregard the standard procedures of academic due process in the non-renewals.

Academic Due Process in Non-renewal.

As Professor Braus noted in his May 20 letter, the basic tenets of our Association's longstanding commitment to academic freedom and tenure are set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*. That document was co-authored by the AAUP and the Association of American Colleges and Universities and has received the endorsement of more than 200 educational and scholarly organizations. Derivative principles and procedural standards are found in the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure (RIR)*. In addition, standards applicable to full-time faculty members, regardless of whether or not they are on the tenure track, are in the *Statement on Procedural Standards in the Renewal or Nonrenewal of Appointments*. These standards are the norm for academic administrations throughout the United States. All these statements are enclosed/attached, but we enumerate here our understanding of the most egregious violations of these statements as well as of Quinnipiac's own governance documents.

In short, it is our understanding that on or about **May 8**, at least 16 full-time faculty members were informed that their employment would be terminated at the end of the academic year due to a **"decrease in undergraduate enrollment numbers."** In meetings that day, deans and/or department chairs referred to **"lay-off quotas set by the University."**

CT State Conference-AAUP
P.O. Box 1597, New Milford, Connecticut 06776-1597
Web Address <http://csc.csuaaup.org/>
Telephone 860-354-6249 Facsimile 860-355-2208

RE: notification of termination on May 8

Recommended Institutional Regulation 2c states that “Regardless of the stated term or other provisions of any appointments, written notice that a probationary appointment is not to be renewed will be given to the faculty member in advance of the expiration of the appointment as follows: (1) not later than March 1 of the first academic year of service if the appointment expires at the end of that year...(2) not later than December 15 of the second academic year of service if the appointment expires at the end of that year...(3) at least twelve months before the expiration of an appointment after two or more years of service at the institution.”

RE: “decrease in undergraduate enrollment numbers”

Regulation 4d is probably the most relevant (although the lack of available information makes this difficult to assess). This regulation discusses Discontinuance of Program or Department for Educational Reasons. Here, the decision to formally discontinue must be based on educational considerations as determined by the faculty, and the regulation is specific in that educational considerations “do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.” If reduction or discontinuance is determined by the faculty to be appropriate, the faculty members in the affected program would be promptly notified and given the opportunity to respond to the articulated educational considerations. Before issuing notices of termination, the institution would make every effort to place the faculty member in another suitable position, providing training and other support as needed. A faculty member contesting a proposed relocation would be entitled to a full hearing before a faculty committee.

A “decrease in undergraduate enrollment numbers” would not normally constitute a severe financial crisis that cannot be alleviated by some other means. Moreover, the only public and official statement by the University [Lynn Bushnell, “University spokeswoman” in *Inside Higher Ed* 5/14/2014] does not in any way indicate budgetary problems are behind the non-renewals. But, even in the much more severe case of “demonstrably bona fide financial exigency,” Regulation 4c calls for an elected faculty governance body to participate in the decision as to the extent of the financial crisis and to be deeply involved in decisions and judgments concerning the necessity of terminations. If terminations were deemed necessary (in the much more severe case of financial exigency), Regulation 4c (1) includes that “Judgments determining where within the overall academic program termination of appointments may occur involve considerations of educational policy, including affirmative action, as well as of faculty status, and should therefore be the primary responsibility of the faculty or of an appropriate faculty body. The faculty or an appropriate faculty body should

CT State Conference-AAUP
 P.O. Box 1597, New Milford, Connecticut 06776-1597
 Web Address <http://csc.csuaaup.org/>
 Telephone 860-354-6249 Facsimile 860-355-2208

also exercise primary responsibility in determining the criteria for identifying the individuals whose appointments are to be terminated....”

RE: “lay-off quotas set by the University”

Clearly, this does not meet the standard for robust faculty participation envisioned in the regulations. In addition, “lay-off quotas set by the University” would indicate “inadequate consideration” of the particular individuals selected for termination; Regulation 2g calls for review by an appropriate faculty body if the faculty member alleges that the decision against renewal was based on inadequate consideration.

Notwithstanding the fact that the non-renewal decisions were made with no meaningful faculty participation, Regulation 2e states “When a decision not to renew an appointment has been reached, the faculty member involved will be informed of that decision in writing by the body or individual making the decision; the faculty member will be advised upon request of the reasons which contributed to that decision. The faculty member may request a reconsideration by the body or individual making the decision.”

Moreover, Quinnipiac University’s own *Faculty Handbook* envisions a crucial role for the faculty in these matters through the Department Evaluation Committee. Of even more relevance, the official process described under “Department/Program Discontinuance or Reduction” (page 10) appears to have been completely ignored. It is a violation of the Quinnipiac University Faculty Handbook for the determination to reduce faculty numbers to have bypassed the appropriate faculty bodies at every stage—departments and programs, schools and colleges, and, astonishingly, even the Faculty Senate.

On an individual level, the Quinnipiac University Faculty Handbook articulates (page 14) that non-renewal decisions “shall not be arbitrary or capricious.” Given the time frame (at most 36 hours) in which the individuals chosen for non-renewal were selected, your administration’s decisions appear to be arbitrary and capricious.

Severance.

It is our understanding (again with limited information) that faculty members were offered no severance, then severance packages were offered, then some recipients received revised severance packages. Here we note Regulation 8, which states minimum expectations as follows: the faculty member “will receive three months [salary], if the final decision is reached by March 1 of the first year...at least six months [salary], if the decision is reached by December 15 of the second year...at least one year [salary] if the decision is reached after eighteen months of probationary service....”

CT State Conference-AAUP
P.O. Box 1597, New Milford, Connecticut 06776-1597
Web Address <http://csc.csuaaup.org/>
Telephone 860-354-6249 Facsimile 860-355-2208

Given the lack of transparency and the dearth of information Quinnipiac has shared with its own faculty, we are not clear on how many of the non-renewed faculty members were officially on the tenure track and how many were not officially in a tenure-track appointment. Although it might be instructive to know this, this distinction is not particularly relevant. How AAUP policies apply to renewable-term appointments not specifically designated as probationary for tenure is clarified in *The Applicability of the Standards for Notice of Nonreappointment to All Full-Time Faculty on Renewable Term Appointments* [Academe 81.5 (Sep. - Oct. 1995), 47-54]. In short, the standards, as articulated above and clarified to be the “minimum of proper notification if faculty members are to have an adequate opportunity to secure the professional appointments for which they are qualified” apply. Specifically, “all full-time faculty members holding renewable term appointments, whatever their title or status, [are] entitled to notice of reappointment as called for in the Association’s recommended standards. We do not view it as necessary, or indeed as equitable, to deprive full-time ‘nontenure-track’ faculty members of the safeguards that the standards for notice are intended to provide.”

Shared Governance: the faculty’s role in institutional governance.

Of broader concern to the CSC-AAUP is the lack of shared governance evident in the entire process of the non-renewals. From the information we have received, no faculty bodies were involved in the decisions.

The 1966 *Statement on Government of Colleges and Universities* (attached/enclosed) was jointly formulated by the AAUP, the American Council on Education (ACE), and the Association of Governing Boards (AGB). Both the ACE and AGB have commended it to their member institutions, and it is recognized as the definitive statement on shared governance. The statement acknowledges the inescapable interdependence of governing board, faculty, and administration and recognizes that adequate communication and appropriate joint effort will result in increased capacity to solve educational problems, resulting in stronger institutions.

Long-range planning is understood to be one of the most important aspects of institutional responsibility and, as such, demands the broadest possible exchange of information and opinion, yet from the perspective of Quinnipiac University faculty, many of the recent decisions involving the institution appear to have been undertaken with a serious lack of planning and that lack of planning is exacerbated by the lack of information shared with the faculty and the lack of inclusion, as called for in the 1966 statement, of appropriate elected faculty bodies in planning processes. (See also *The Role of the Faculty in Budgetary and Salary Matters*, enclosed/attached.) It is noted in the 1966 statement that the building of a strong faculty requires careful joint effort and that joint action should also govern dismissals, according to the well-established principles noted here already. Many aspects of the 1966 statement would speak to current practices at Quinnipiac, but of most relevance to the main topic of this letter is that “[f]aculty status and

CT State Conference-AAUP
P.O. Box 1597, New Milford, Connecticut 06776-1597
Web Address <http://csc.csuaaup.org/>
Telephone 860-354-6249 Facsimile 860-355-2208

related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy.”

In my own work with other colleges and universities on developing shared governance, I am often asked to give examples of institutions with good shared governance, and my answer is always the same: look for academic excellence. Schools noted for academic excellence, typically, have the best shared governance. This is not a coincidence; shared governance may be difficult and slower than some might like, but ultimately it leads to thoughtful, well-researched decisions that serve an institution very well in the long run.

As you know, the state conference is in contact with National AAUP concerning the recent actions by the Quinnipiac University administration. We are not yet prepared to request that the national office undertake a formal investigation into these matters that could lead to censure or sanction of Quinnipiac, but we are continuing to monitor events. We will continue to assist the affected faculty members with advice and whatever support we are able to provide. We intend to communicate our concerns to our state and national legislators, particularly Senator Richard Blumenthal, a friend of our conference, who could not have known of the violations of academic due process at Quinnipiac when he received an honorary degree from the Law School on May 11. We look forward to working with elected faculty leaders at Quinnipiac to assist where we can in strengthening shared governance so that Quinnipiac’s reputation will not be permanently harmed by recent events.

Sincerely,

Irene Mulvey
CSC-AAUP Committee A, Acting Chair

CC (by electronic mail only):

Richard Howard, Chairman, Board of Trustees

Mark Thompson, Executive Vice President and Provost

Ronald Mason, Vice President for Human Resources

Stephen Straub, Chairman, Faculty Senate

William Nordhaus, Sterling Professor of Economics, Yale University

Judith B. Greiman, President, Connecticut Conference of Independent Colleges

Senator Richard Blumenthal

Greg Scholtz, Director, AAUP Department of Academic Freedom, Tenure & Governance

<p>CT State Conference-AAUP P.O. Box 1597, New Milford, Connecticut 06776-1597 Web Address http://csc.csuaup.org/ Telephone 860-354-6249 Facsimile 860-355-2208</p>
