

## **Response to the Provost's Proposal for Academic Renewal from Senate Ad Hoc Committee on Academic Renewal (May 2, 2018)**

### **Executive Summary**

The Senate Ad Hoc Committee on Academic Renewal (AHC) deliberated extensively on the Provost's Proposal for Academic Renewal. As a result of our deliberations, we submit our report to the Academic Senate based upon the feedback that we have received from members of the CUA community. The recommendation we make in this report takes into account the economic realities the University is facing, the merits of the Provost's Proposal, and the concerns of the community—all for the goal of the common good of CUA. In this process, the guiding principles for our deliberations have been the Mission of the University and the Faculty Handbook. The Committee reaffirms that any decision made in the name of Academic Renewal first and foremost must be in strict accordance with these sources.

Given the significance of Academic Renewal for a university, the task assigned to this Committee was extremely difficult. The AHC had two major challenges before it: the short time in which to provide a report and a lack of access to key documents, such as financial information and the data from the Kennedy and Company consultants. To fulfill our charge, the AHC carefully considered the reports from three of the Academic Senate's Standing Committees: the Academic Policy Committee (APC), the Budget and Planning Committee (BPC), and the Committee on Faculty Economic Welfare (CoFEW).<sup>1</sup> Furthermore, the AHC collected feedback from a variety of stakeholders across campus, including administrators, faculty, staff, and students. This feedback was received through town hall discussions, interviews, a University-wide survey, and emailed contributions that included commentary, resolutions and proposed amendments. The AHC reviewed the relevant sections within the Faculty Handbook and received from the Faculty Handbook Committee (FHC) an authoritative definition of tenure.<sup>2</sup> The AHC fulfilled its charge in two weeks.

The AHC arrived at the following conclusions:

- The idea of Academic Renewal is laudable. The reorganization of specific units can positively impact the University. Moreover, the University must assess the quality of education it provides to its students and must achieve a balanced budget as careful stewards of tuition dollars, with policies that ensure accountability at all levels.
- There are three areas of major concern in the feedback the AHC received: (1) tenure, (2) termination of faculty involuntarily, and (3) teaching load structure.
- Transparency was lacking in the Academic Renewal process, resulting in confusion, suspicion, and division among faculty, staff, and students.

The AHC voted unanimously that the Senate not forward the proposal to the Board of Trustees without adopting the amendments in this report.<sup>3</sup>

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<sup>1</sup> See Appendix 3.

<sup>2</sup> See Memo from the Faculty Handbook Committee (FHC). The AHC encourages all members of the CUA community to read this memo.

<sup>3</sup> Vote on May 2, 2018: 9 in favor, 0 against, 0 abstentions.

## Three Issues of Concern

### 1. Tenure: A Permanent Appointment

The Provost's Proposal suggests the separation of 35 full-time faculty to realize a savings of \$3.5 million. The Proposal asserts that some of these separations will require the involuntary termination of tenured faculty. It is claimed, with the support of the Office of General Counsel, that "while our specific conditions are not envisioned by the Handbook, the existing Handbook procedures are general enough that we can and should adhere to them as closely as possible supported by and possible under the provisions of the faculty handbook." The AHC has not seen any legal opinion of the General Counsel to this extent, although the Provost was asked for it.

The Provost's position is that the procedures in the Handbook should be adhered to "as closely as possible;" it is the finding of this Committee that such an adherence must be according to specific procedures stated in the Handbook rather than general, unstated ones. In the case of the termination of faculty with tenure, the specificity of these procedures is clearly laid out. The Faculty Handbook Committee (FHC) identifies the Faculty Handbook as one of the governing documents of the University.<sup>4</sup> The Handbook defines tenure as "a permanent appointment" (II-B-2.017). As a permanent appointment, tenure is lost only by means clearly and explicitly enumerated in the Handbook: for cause, declared financial exigency, and the closure of a program. It is precisely because tenure is a permanent appointment that a strict interpretation of the circumstances allowing for the termination of tenured faculty is required.

Tenure is not identical with academic freedom. Although the two are related, the FHC memo states that "the concept of academic freedom is not included in the criteria for the grant or denial of tenure, thus emphasizing the distinction between the two."<sup>5</sup> In the FHC memo, the distinction between academic freedom and tenure, made by University counsel in the Curran case, was brought to mind: "a professor might be denied the ability to teach in a particular faculty but that denial does not remove tenure; the two are independent."<sup>6</sup>

In addition to the authentic interpretation given by the FHC, the AHC has received many statements and testimony on the issue of tenure. There is broad agreement in the University community that touching tenure beyond that which is provided for in the Handbook is like playing with fire.

In the context of stating the Aims and Goals of CUA, our Mission Statement observes of this University that "As a member of the American academic community, it accepts the standards and procedures of American institutions and seeks to achieve distinction within the academic world." (Mission statement of The Catholic University of America). One of the standards of the American academic community refers to issues of tenure. The American Association of University Professors (AAUP) defines a tenured appointment as "an indefinite appointment that can be terminated only for cause or under extraordinary circumstances such as financial exigency and program discontinuation." This language is mirrored in the CUA Faculty Handbook (II.G).

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<sup>4</sup> See Memo from the Faculty Handbook Committee.

<sup>5</sup> Ibid., 3.

<sup>6</sup> Ibid.

The Committee therefore urges to remove from the Proposal all language related to the involuntary termination of tenured faculty and to firmly commit to upholding tenure as a permanent institution as described within and by the American academic community.

## **2. Termination of Faculty**

In addition to opposing the removal of tenured faculty, the committee finds it unjustified to terminate any full-time faculty solely on the basis of Academic Renewal. Full-time faculty are productive members of our University and as such are integral to its Mission. The amount of money that will be saved for the remaining individuals who have not already taken a buyout can be found in other places in the budget (*e.g.* by allowing the academic units to keep the profit they make on summer programs, by further consolidation of academic units to reduce administrative costs, or by short-term deficit spending while the University works out a new marketing and recruitment plan for new students).

## **3. Teaching Load**

The teaching load as proposed in the original Academic Renewal Proposal (3:3 and 2:2) in light of the classification of units as “doctoral,” “professional,” and “undergraduate,” was seen as unnecessarily divisive. The AHC also heard concerns regarding responsibilities associated with graduate student education outside of the classroom, which is currently not accounted for in teaching load consideration. Likewise, undergraduate research is an important yet time consuming endeavor that is currently not counted. These are only two examples of multiple and varied teaching activities not accounted for in teaching load determinations.

The AHC received a suggestion to establish a Unit Standards Committee (USC) to address inconsistencies in teaching loads across the University. Such a committee would achieve many of the objectives the Provost’s Proposal originally sought, without the need for the unit classification system. Instead, the 3:3 teaching load for tenured and tenure-track faculty as spelled out in the Handbook is confirmed, but the USC will set standards to recommend course reductions for tenured and tenure-track faculty and recommend course equivalencies in consultation with each unit. For example the supervision of doctoral students can lead to a 2:2 course load. The USC’s new workload equivalency system will be implemented in Fall 2019.

## **Overarching Theme: Lack of Transparency and Accountability**

Concerns on transparency and accountability are overarching themes in the feedback gathered by the AHC. Among these concerns were questions about finances, including administrative salaries, revenues, expenditures, and academic budget deficits. Other questions are centered around Kennedy and Company's methodology and findings. Furthermore, the lack of specificity in the Proposal itself led to questions about its implementation.

The Committee recognizes that the proposal has not only caused enthusiasm, but it has likewise—and regrettably—been the source for grief, anxiety, pain, and even division in the academic community. It is in this context that the introduction to the pastoral constitution *Gaudium et spes* of the Second Vatican Council comes to mind: "The joys and hopes and the sorrows and anxieties of people today, especially of those who are poor and afflicted, are also the joys and hopes, sorrows and anxieties of the disciples of Christ."<sup>7</sup> The AHC offers the following amendments in the hopes of beginning a process of healing.

## **Recommendations**

The AHC proposes a series of amendments to addresses the major issues of tenure, termination of faculty involuntarily, and teaching load that can be found in a separate attachment.

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<sup>7</sup> Vatican II, Pastoral constitution on the Church in the world *Gaudium et spes* 1.

## **Appendices (in separate attachments)**

### **Appendix 1: Committee Charge from the Academic Senate**

### **Appendix 2: Committee Activities and Timeline**

### **Appendix 3: Committee Reports and Resolutions sent to the Senate on 4/12/18**

- Academic Policy Committee (APC)
- Budget and Planning Committee (BPC)
- Committee on Faculty Economic Welfare (CoFEW)

### **Appendix 4: Resolutions/Statements from Faculty Sent to the Ad Hoc Committee**

- Arts and Sciences
- Canon Law
- Music
- NCSSS
- Philosophy

### **Appendix 5: Summary from the Town Hall Discussions**

### **Appendix 6: Summary of Survey Results**