

Felician College (New Jersey)

The report of the investigating committee concerns the cases of seven full-time faculty members at this Roman Catholic institution established by the Felician Sisters. These faculty members, along with nine colleagues who did not seek the Association's assistance, received letters in late January 2014 informing them that their services at the college would be terminated effective June 20. The reason given for the action was "the exigency of the college's financial status" arising from declining enrollments. Although the new president had in the fall initiated an "academic prioritization process," the faculty did not perceive that undertaking as potentially leading to layoffs, had heard no previous mention of financial exigency or potential termination of faculty appointments, and did not view two years of declining enrollments as ominous, having seen the college survive similar downturns in the past. Recipients of the notices stated that they came as a complete surprise.

Most faculty members, including department chairs, were unaware that in fall 2013 the president had directed the provost and the deans to compile a list of full-time faculty members whose appointments were to be terminated, although one dean declined to participate in the process and retired from the college shortly afterwards, not wishing to "preside over a decimated and demoralized faculty." The criteria, if any, employed in making the selections were never revealed to the faculty.

Even after the notices were sent, the college did not declare a state of financial exigency and, shortly after the terminations became effective, published a strategic plan that included a number of expensive initiatives. In attempting to explain the action to the Association's staff, the president, while referring to a "challenging" financial situation, stressed a stated need to address an over-generous faculty-student ratio.

Making the terminations easier for the administration to effect was the lack of any provision at the college for indefinite tenure, with all full-time faculty members serving on renewable term appointments. Annual appointment contracts, furthermore, contained the following sentence: "In the event that student enrollment during the period of this contract does not warrant the continued offering of courses or services in your professional area, the appointment may be terminated." Six of the affected faculty members had served at the college for over a decade, while the seventh was in his fourth year of service.

The investigating committee found that in attributing its action of terminating sixteen faculty appointments simply to “the exigency of the college’s financial status” without any further explanation, the administration violated the joint 1940 *Statement of Principles on Academic Freedom and Tenure*, which requires that terminations based on financial exigency be “demonstrably bona fide.” Noting that those affected faculty members who had served beyond the maximum probationary period permitted by the 1940 *Statement* were entitled under that document to the procedural safeguards against involuntary termination that accrue with continuous tenure, the committee found that the administration, in insisting that its decisions on terminations were final and not subject to review, acted summarily and in virtually total disregard of the applicable provisions of Regulation 4c (“Financial Exigency”) of the Association’s derivative *Recommended Institutional Regulations on Academic Freedom and Tenure*.

The committee found that the administration acted in disregard of the AAUP’s *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments* when it failed to provide the affected faculty member in his fourth year of service with an explanation of why he was selected for release, with adequate notice, and with an opportunity for review. The committee found that a state of financial exigency as defined by the Association did not exist at Felician College, leaving as the most plausible reason for terminating the appointments of approximately 15 percent of the full-time faculty the administration’s dubious wish to “improve” the faculty-student ratio.

Regarding the climate for academic freedom, the committee found that the fear of faculty members to communicate with the investigating committee or to be seen by the administration as dissenters was palpable; that the administration, in denying emeritus status to a long-serving and highly regarded teacher and scholar with a record of speaking out against what he considered wrong, was punitive and petty in the extreme. As to the faculty’s role in governance, the committee concluded that, while the forms of faculty governance exist, the substance is sorely lacking, with the administration refusing to involve or even inform the faculty when important academic decisions were made.

Committee A recommends to the One Hundred and First Annual Meeting that Felician College be added to the Association’s list of censured administrations.