

September 23, 2020

Motion:

As a demonstration of good faith, we ask that the Board of Directors withdraw the “Budgetary Hardship” amendment to the Faculty Handbook by the close of the business day on September 28th, 2020. This amendment strikes directly at the heart of tenure at this institution, leaving all faculty members tenured in name only.

Rationale:

We, the faculty of John Carroll University, are deeply committed to the short- and long-term success of the institution. Our dedication to the health and esteem of this institution is evident in John Carroll’s number one ranking in undergraduate teaching in the region by *US News and World Report* just last year.

For more than a century, John Carroll University and the American university system as a whole have developed protections for academic freedom that ensure academic quality, culminating in the *1940 Statement of Principles on Academic Freedom and Tenure*. These proposed changes to the handbook will rapidly undermine the quality and reputation of the University.

The proposed “Budgetary Hardship” amendment features language so sweeping that it invalidates tenure. This proposal therefore violates a commitment to negotiation and shared governance.

The Board’s Amendment on Financial Hardship allows two years of budget shortfall (or merely the **forecast** of such) to be sufficient grounds to either eliminate programs or to fire individuals within preserved departments. Individuals will only be relocated if another department has a clear need for more faculty, having no right of appeal. Under such rules, no faculty member’s position is secure: all “tenured” faculty will have been effectively rendered at-will employees.

Academic tenure serves three important functions. First, as the Board knows, tenure is central to academic freedom, or the ability for faculty to teach and conduct research unhindered by political or ideological constraints. For this reason, the widely-endorsed statement on tenure formulated by the Association of American Colleges & Universities and the Association of American University Professors holds that, "The common good depends upon the free search for truth and its free exposition." This idea of academic freedom is so central to the work of higher education that the Higher Learning Commission lists it as a Core Component of a university’s commitment to integrity, to its promise of ethical and responsible conduct. The amendments therefore threaten the University’s standing in higher education and its accreditation status.¹

¹ Higher Learning Commission Criterion 2.2, Integrity: Ethical and Responsible Conduct: “**2.D.** The institution is committed to academic freedom and freedom of expression in the pursuit of truth in teaching and learning.” This criterion is typically demonstrated by describing the institution’s tenure and promotion process. <https://www.hlcommission.org/Policies/criteria-and-core-components.html> (Accessed September 20, 2020.)

Second, tenure is also central to the practice of shared governance, another accreditation criterion of the HLC. The faculty, the administration, and the Board of Directors have different but complementary roles in ensuring the health and future of the institution. With tenure, faculty members are free to voice their opinions and objections to the administration without fear of retribution. Therefore, without tenure, faculty members will be unable to fully participate in university citizenship.²

Finally, the absence of tenure will directly affect our ability to recruit and retain high-quality faculty. Faculty in all fields pursued academic careers in part because of tenure; faculty build careers and lives around the tenure and promotion process. Our ability to attract and keep high-quality faculty will hit John Carroll particularly hard in the very programs that the Board believes have the potential to improve the university's value proposition for undergraduate and graduate students. These faculty members will be the first to leave John Carroll if tenure disappears. We entice faculty away from industry in large part *because of our commitment to tenure*. University salaries cannot compete with what professionals can garner in the marketplace: academics accept reduced pay in exchange for security.

The Faculty recognizes that the University must react flexibly and nimbly to the current financial crisis and we are committed to developing tools to work with the Board of Directors and Senior Leadership Team in the spirit of shared governance to strengthen the University for years to come.

So long as the nationally recognized standard of tenure as expressed in the *1940 Statement of Principles on Academic Freedom and Tenure* remains in place, the Faculty will happily engage in negotiations to address the Board's concerns about the Faculty Handbook. Given that the faculty have no means of vetoing Board amendments to the Faculty Handbook, in the event that the Board of Directors refuses to withdraw the "Budgetary Hardship" Amendment by September 28th, we will be forced to consider extraordinary direct actions to save the long-term future of our University.

² In 2014-5, John Carroll was put on notice by the Higher Learning Commission in part because of deficiencies in shared governance (Higher Learning Commission Criterion 5.A, Institutional Effectiveness, Resources and Planning: Core Components). In the HLC's Action Letter, the Commission indicated that John Carroll University had not yet demonstrated it had made needed changes in its governance and administrative structures and practices. Without these structures and practices, the HLC determined that the university was unable to facilitate effective leadership, improved communication, and collaboration on a long-term basis.