

January 3, 2018

Dr. Dene Kay Thomas, President
Office of the President
Fort Lewis College
100 Rim Drive
Durango, CO 81301

Dear President Thomas,

We write this letter to express our concern in the matter of Fort Lewis College Provost Barbara Morris' suggestion that a resolution to FLC budgetary problems may require a reduction in force that eliminates both tenured and untenured faculty positions. While we are not familiar with the full details, we have been informed by members of the FLC faculty that a cut of 4.5 million dollars in operating budget is possible and an implementing plan that gives effect to this cut will be discussed in a budget meeting on January 5. It is our understanding that FLC's proposed cuts are not being justified on grounds of financial exigency but, instead, are grounded on claims of financial stress (stress that falls short of financial exigency) that allegedly justifies the invocation of Section 19 (b) of the FLC Faculty Handbook which speaks to regular faculty termination on the basis of program reduction or discontinuance.

As you are doubtlessly aware, the American Association of University Professors has long been concerned with the effect of budgetary reductions on college faculty. In its 2013 statement on *The Role of the Faculty in Conditions of Financial Exigency*,¹ the AAUP made clear that "Cuts in teaching and research must be a last resort, after, among other actions, the administrative budget is reviewed and reduced and supplements for athletics and other nonacademic programs are eliminated."² It expressed concern that some higher education institutions were illegitimately attempting to circumvent AAUP best practice guidelines for handling reductions under condition of financial exigency simply by refusing to declare financial exigency. For that reason, the AAUP modified the definition of financial exigency to read, "financial exigency entails a severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means"³ If such circumstance can be proven by sound accounting methodology then program reduction or closure may be justified. If not, then other measures should be taken to meet the financial challenge confronting a college or university, measures that do not require the termination of faculty. In any event, the AAUP stipulates that an institution cannot enact a reduction in force, in response to financial crisis, absent a declaration of financial exigency. For the required steps that an institution must undertake prior to declaring financial exigency, please consult Regulation 4C of the

¹ . AAUP, *The Role of the Faculty in Conditions of Financial Exigency* (Approved 2013). AAUP Redbook, 11th edition. Washington, Johns Hopkins Press, 2015. Pp. 292-308.

² . Ibid, p.295.

³ . Ibid, p. 294.

Recommended Institutional Regulations on Academic Freedom and Tenure:
<https://www.aaup.org/file/RIR%202014.pdf>.⁴

The reason the AAUP has adopted this position is simple. Any lesser standard would compromise the academic freedom of faculty that underwrites the integrity of instruction and research at American institutions of higher learning. A lesser standard invites administrative arbitrariness and cherry-picking of faculty positions independent of the instructional mission of the institution. The AAUP takes the position that faculty should be fully engaged in any decision to declare financial exigency as it is they, the faculty, that define the curriculum and who are central to the academic mission of the institution. It also takes the position that the conferral of tenure is to the institution as a whole and not particular to any division or unit within the institution. If, under condition of financial exigency, it should become necessary to eliminate or reduce a university program, then every effort should be made to place the affected faculty in a program elsewhere within the institution. And if a suitable position cannot be found, the affected faculty members should be granted adequate prior notice and at least a year of further employment to facilitate their search for another position after financial exigency is declared.

As noted above, we are not privy to the specifics of the FLC budgetary reduction implementation plan. However, we have examined the relevant sections (18 and 19) of the Faculty Handbook bearing on reductions in force and we have concerns. Section 19 (a), which speaks to force reductions under circumstance of financial exigency, generally comports with AAUP's guidelines; **Section 19(b), however, does not.** It warrants faculty termination based on a program review that makes no mention of faculty involvement and appears to place both the review procedure and the decision exclusively in the hands of the administration, independent of faculty consultation. While it allows affected faculty to grieve the decision, there is no requirement that the institution extend employment for at least one-year following the termination notice.

The AAUP's 2013 Statement on Financial Exigency was meant to discourage institutions from employing methods of faculty termination that clearly undermine academic freedom and the faculty's role in the governance of higher education institutions. To this point, we are aware that the FLC chapter of the AAUP has advanced a proposal for budgetary cutbacks that would not require (at least immediately) the reduction of faculty positions. The Colorado Conference urges your administration to seriously consider this proposal which, we understand, has been shared with the FLC Faculty Senate governing committee on the budget. If faculty reduction in force can be avoided through other means of confronting FLC's budgetary challenges then those means should be adopted. In the longer term we urge FLC administration to amend the Faculty Handbook so as to bring its guidelines into alignment with AAUP recommendations.

Sincerely,

⁴. AAUP, *Recommended Institutional Regulations on Academic Freedom and Tenure*. (First approved in 1957 and periodically updated—last update in 2013). AAUP Redbook, 11th edition. Washington, Johns Hopkins Press, 2015. Pp. 79-90.



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Dr. Barbara Morris, Provost, Fort Lewis College
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