



# WARTBURG AAUP

"Committed to Academic Excellence"

NEWSLETTER

November 4, 1993

## BOARD REJECTS KEY PROPOSALS BUT KEEPS DIALOG OPEN

At their October 25 meeting, the Wartburg College Board of Regents considered *Faculty Handbook* recommendations approved by unanimous vote of the faculty on October 19, 1993. According to Dean Pence, discussion focused on amendments to sections 1.5.1 (Faculty Organization) and 2.10.3.2.1 (Reasons).

**Section 1.5.1.** On October 19 the faculty approved the following version of section 1.5.1:

The faculty recognize and accept the authority of the Board of Regents and College President. . . . While recommendations from the faculty are not binding upon the administration . . . the faculty and College administration accept their responsibility to work meaningfully and sincerely with each other in addressing matters of mutual concern and interest. When administrative decisions run counter to faculty recommendations, reasons for such decisions should be communicated back to those parties making recommendations.

The version approved by the board of regents omits the underlined sentence:

**Section 2.10.3.2.1.** On October 19 the faculty approved the following language in section 2.10.3.2.1:

However, upon written request to the President, within five working days following receipt of notification of nonreappointment, faculty are entitled to a discussion of the reasons for the nonreappointment action in an informal meeting with the President and Dean of Faculty. Following this conference, again upon written request to the President within five working days, faculty are entitled to a written summary regarding discussion of the nonreappointment action from the President.

The version approved by the board omits the words "reasons for the" (underlined above).

According to Dean Pence, the board recognized the faculty's right to submit further amendments and was advised "to keep open the opportunities for further discussion of these issues."

—information in this item from the Dean's memo of October 27, 1993

## GROUP CHAIRS REPORT ON BOARD MEETING

The new handbook specifies that group chairs serve, among other things, as "representatives to the Board of Regents" (1.5.3). In that capacity they "review and discuss academic matters which deserve reporting to the Board of Regents" (1.5.5).

Last week AAUP separately interviewed current group chairs Ted Heine, Lynn Olson, and Cheryl Jacobsen about the October 25 board meeting. The account that follows is based on their observations.

The entire set of amendments to the *Faculty Handbook* proposed by the college attorney and the faculty's response to those amendments were presented to the board by Dean Pence in the form of five motions.

The discussion of these motions centered on the following two issues, with the second receiving by far the greatest emphasis: (1) whether an administrator should provide an explanation to the faculty when he/she does not concur with a faculty judgment in areas of faculty concern and (2) whether reasons ought to be given faculty who are not reappointed.

One of the dominant themes in the discussion was that in Iowa no one has a right to employment, employment is "at will," and thus employers are not legally obligated to give reasons when they dismiss their employees. In response, Pastor Dennis Dickman (St. Paul's, Waverly) alluded to the difference between professional educators in an academic setting and other sorts of employees.

Among the other views expressed were the notions that allowing reasons to be given would put the college in a vulnerable position legally and that giving reasons would shift the burden of proof from the non-tenured candidate to the college.

At no time before the vote did anyone attempt to present supporting arguments in favor of the faculty position.

When the board considered deferring action on these two amendments in order to provide for further consideration by the faculty, President Vogel suggested that, although the process had been productive so far, further discussion might turn "contentious" and counterproductive. The question was then put to a vote.

Asked about their role at the board meeting, Heine, Olson, and Jacobsen reported that they were not explicitly invited to participate in the discussion of the *Faculty Handbook*. However, earlier in the day, in that portion of the board meeting devoted to reports from various college entities, Prof. Heine made a brief report on behalf of the faculty, in which he mentioned that the faculty had been working on governance issues this fall. According to Prof. Olson, the opportunity to address the board represented a new development in faculty representation at board of regents meetings.

During the board's discussion of reasons, Prof. Heine was again invited to speak. According to his own account, Heine said, "On behalf of my faculty colleagues, I want to speak in favor of the provision of reasons for non-renewal," adding, however, that he shared President Vogel's concerns about the question of reasons developing into a "contentious issue." Heine told this interviewer that even though he did not personally agree with the faculty position on reasons, he felt that, "as faculty representative to the board," it was his responsibility to support it.

After Chair Ross Christiansen pointed out in his closing remarks that the make-up of the board differed from that of an academic community, Prof. Jacobsen responded by saying that, as Christiansen had indicated, the faculty and the board each operated under a "different ethos." But, she added, while the faculty appreciated the board's concern with the legal ramifications of providing reasons to faculty who are not reappointed, the faculty "understood the issue in terms of professional ethics." She also said that the faculty was "aware that many of our state and sister institutions had found a way" to provide reasons to tenure-track faculty who were not reappointed.

—reported by Greg Scholtz

### WARTBURG MAKES FRONT PAGE OF IOWA ACADEME

The fall issue of *Iowa Academe*, published state-wide last week, carries a front-page story entitled "Wartburg College Faculty and Trustees Dialogue over Handbook Changes." Written before the

October faculty meeting, the article describes the amendment process to that point. It also mentions that President Vogel had, in August, presented the board with a letter from Wartburg AAUP, "which raised concerns about inconsistencies between the trustee-proposed amendments and nationally recognized academic standards." Finally, it praises the Wartburg Board of Regents for embracing a "process of dialogue" that "has been a model of respect for the most basic principles of shared governance in the academy."

#### NOTES FROM UNDERGROUND: UNTENURED PROF AIRS VIEWS ON DENIAL OF REASONS

As a junior faculty member, I must admit that I find the Board of Regents' refusal to include any mention of the word "reasons" in Section 2.10.3.2.1 of the new *Faculty Handbook* both disturbing and disheartening. Quite frankly, to accept legal counsel's amendment does nothing to protect an untenured faculty member from being non-renewed and then remaining completely in the dark as to why.

True, the candidate is allowed a "discussion" with the President and the Dean of Faculty. But nowhere is it written that the discussion has to have anything to do with the reasons for non-reappointment. In other words, this section is meaningless; a junior faculty member can still be non-renewed ("fired" in anyone else's parlance) for any reason.

My question is this: Why does Wartburg want to treat junior faculty in this fashion? What possible good does it do for the college to create an atmosphere among its junior people, many of whom were selected from a field of hundreds of applicants and who may have turned down equally good offers to teach here, in which anything you say or do at any time may be used against you in the renewal or tenure process?

One could argue that we're all reasonable people here and that no one would ever take the renewal and tenure process so lightly as to fire someone for an insignificant, inappropriate, or unverifiable reason. Whether or not this is true, the fact still remains that under the current handbook, a candidate can be fired for any reason--ranging from the trivial to the serious--and that candidate *may never know* what that reason is.

Does anyone realize what being non-renewed for unknown or unclear reasons does to someone's chances for employment elsewhere? If a future employer learns that you were not renewed at Wartburg and that you were not given clear reasons, it is likely that this employer will make one of two assumptions: 1. You are incredibly incompetent, or 2. You committed an act of sexual impropriety. For all intents and purposes, *your career is over*, regardless of the real "reason" for which you were not renewed. And without reasons, the grievance procedure becomes a meaningless exercise.

Also, the fact that one is not entitled to reasons for non-renewal begs the question of why junior faculty must engage in a well-intentioned but extremely time-consuming and cumbersome evaluation process. If junior faculty can be denied renewal for any reason, what are portfolios, observations, peer review panels, etc., protection against?

Wartburg should be doing everything in its power to retain its high-quality junior faculty, rather than creating a faculty governance system which favors the wishes of lawyers over the wishes of faculty. In a year when we are concerned with the "themes and messages" of Wartburg, is this the kind of message we want to convey to current and future junior faculty?

—author's name withheld on request

## WHY DOES AAUP RECOMMEND GIVING NOTICE OF REASONS?

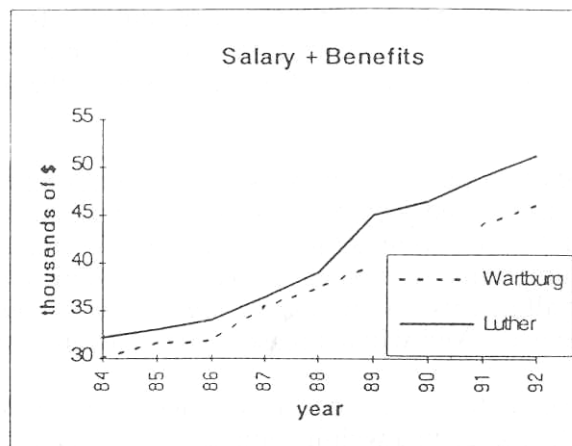
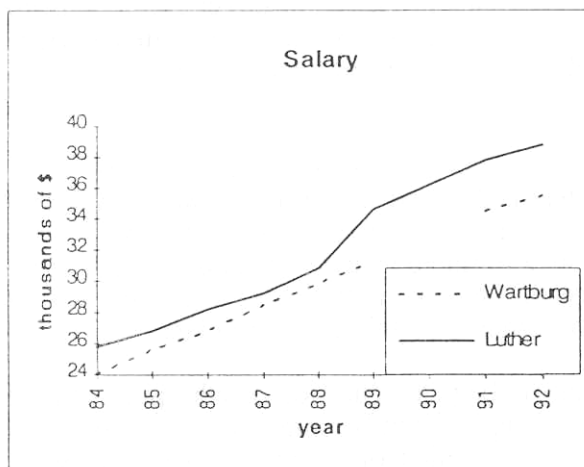
AAUP recognizes that "the requirement of giving reasons could lead, however erroneously, to an expectation that the decision-making body must justify its decision" and therefore to a confusion of nonreappointment with dismissal for cause. Nevertheless, since 1971 it has been in favor of such a requirement for the following reasons:

1. Individual faculty members "could be honestly unaware of the reasons for a negative decision, and the decision could be based on a judgment of shortcomings which they could easily remedy if informed of them."
2. "The decision could be based on considerations of institutional policy or program development which have nothing to do with the faculty member's professional competence, and if not informed of the reasons the faculty member could mistakenly assume that a judgment of inadequate performance has been made."
3. "In the face of a persistent refusal to supply the reasons, a faculty member may be more inclined to attribute improper motivations to the decision-making body or to conclude that its evaluation has been based upon inadequate consideration."
4. "If the faculty member wished to request a reconsideration of the decision, or a review by another body, ignorance of the reasons for the decision would create difficulties both in reaching a decision whether to initiate such a request and in presenting a case for reconsideration or review."

—AAUP Policy Documents and Reports, 1990 ed.

## LUTHER BEATS WARTBURG?

The graphs below seem to indicate that Wartburg has been losing steadily against its arch-rival, at least in the realm of faculty compensation.



source: *Academe*, March/April issues, 1985-1993

**Interested in learning more?** Attend the next Wartburg AAUP meeting: 8:00-9:00 p.m., Tuesday, November 30 in the Conference Room of the Student Union. The topic will be salary and compensation for Wartburg faculty and will involve comparison with (a) selected Iowa private colleges and (b) midwestern ELCA colleges.