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STATEMENT OF PRESIDENT JOHN ANTHONY BROWN

NOVEMBER 14, 1971

ADMINISTRATIVE DECISIONS ON CASES OF FACULTY NON-RENEWAL OF CONTRACT

The problems attendant to non-renewal of faculty contract have grown more acute in recent months everywhere, and consideration of those problems have been more widespread and more a matter of public concern on college campuses. The intensity of the problems has been increased in part by the dramatic change in the employment market for faculty personnel; mobility from institution to institution has been drastically limited by the decrease in vacancies and the increase in new Ph.D.'s flooding forth from our graduate schools. New forms of collegiate governance, here and elsewhere, share the once totally administrative prerogative to deal with probationary period non-renewals to a broader, and as yet untested arena, in which there is wide participation by faculty, and in a very few places, by students, in the deliberations, particularly on the level of faculty appeal of a non-renewal decision.

Here, as elsewhere, we have tried to adjust to new procedures. The new Faculty Constitution authorized a Faculty Council, an authorization which was implemented by the Faculty and Administration even prior to the formulation of bylaws which would spell out the way in which the Council would work. The effort we made was to try the new approach to academic governance and to develop bylaws with our experience partially as our guide.

We are not in agreement, even now, on the procedures that we wish to be used in cases of non-renewal. What have we done in the past?

We have followed AAUP recommendations, in general. Consultation by the Dean with Department Chairmen, in most cases with Divisional Chairmen, and the tenured members of the department has led to a recommendation to the President. The faculty member was told of the deliberations, informed of the outcome, and given notice in accordance with AAUP standards. The general policy of the national AAUP was one of recommending that no list of charges, no bill of indictment, no carefully drawn statement of reasons go into the file. Often the reasons had to do with changes in the popularity of disciplines, with shrinkage in enrollment, with simple failure of the faculty member to move toward the terminal degree, with shifts in program emphasis and not with what could be called incompetence or poor teaching.

That policy recommendation has been changed by the national AAUP, which now recommends exactly what it advised against for years, a more detailed statement to the individual of the reasons for non-renewal.

ADMINISTRATIVE DECISIONS (cont.)

We have many questions before us. What should the role of the Faculty Council be? The Dean of the Faculty was deeply committed to the principle of consultation and to the idea that the Council should have an opportunity to know why a decision was made and, if they chose to do so, to make a recommendation to reverse or modify the decision, which nevertheless still remained the responsibility of the Administration. Many members of the Council--lacking the precedent of earlier decisions and still undecided about the intent of the constitution--wanted a case substantiated and expected the Dean to play the role of prosecutor. To accept this latter procedure would make every case of probationary non-renewal a removal-for-cause case.

What should the students' role be in cases of non-renewal during the probationary period? Again, we are not agreed, nor should we be expected to be agreed. There are few examples elsewhere to follow. The students who participated here entered the consultation, at least in several cases, as declared supporters of the faculty member. They had declared themselves strongly, even in one case in a letter to me during the summer. What does consultation mean when several of the consultants have openly declared that their minds are made up before the process begins?

How can a small faculty select a Council, without a particular issue or personal problem in mind, and assure that any objectivity is possible? Can friends be expected to abandon friends who come before the Council? Can anything resembling professional evaluation ensue from a Council so large?

In the case at hand, there is an overriding issue. The appointment which was not renewed was clearly a quasi-administrative appointment. The interviews, the correspondence, the letter of appointment, and the terms of the appointment (a 12-month rather than a 9-month contract) make this clear.

After consultation with the department, and with persons who had dealt with the Computer Center, and after many and lengthy discussions within the full administration, the conclusion was reached by the Dean of the Faculty that a recommendation of non-renewal be made to me. The issues had been discussed for months with the head of the Computer Center. He knew what was expected; he was told when his leadership was not the kind we believed necessary to develop the Center. The Dean found that his efforts at consultation with the head of the Computer Center were not resulting in the desired results, but did work closely with him in trying to develop a clearer definition of the Computer Center's role on this campus. Other members of the Administration found similar difficulties. The teaching

ADMINISTRATIVE DECISIONS (cont.)

role of the faculty member was increased as the feeling that his administrative leadership was not adequate gained support. The second year of his service saw a divergence of view; his academic colleagues in mathematics thought that he was gaining in his efforts as head of the Center, that he needed more time, that use of the Center was more widespread. His administrative colleagues grew more restive, more convinced that the Center would not evolve into a sound and constructive operation, especially in non-academic areas.

So non-renewal was decided upon. He was notified more than a year before termination of his contract. After at first telling us that he would not appeal to the Council and waiving his right to appeal in late spring, he exercised his right to do so in the fall. The Council eventually voted 10 to 6 against the position the Administration had taken. At a subsequent session the Council divided nearly equally on whether it should reconsider the first vote; finally the Council adopted a recommendation without dissent that a further year's contract should be granted.

Student participants' views, in a real sense unaffected by the Council's final sessions, were formulated and mimeographed before the final session of the Council. Obviously, the Dean of the Faculty did not feel the recommendations had been helpful to him, but in a spirit of reconciliation and cooperation recommended extension of contract with the stipulation that without further Council consultation, the Computer Center Director could be removed from his administrative duties and assigned purely teaching duties, and that non-renewal of the additional year's contract would not be brought before the Council if decided upon.

With the student recommendations, the Council's recommendations, and the Dean's recommendations before me, I faced the responsibility of decision. I believe that:

1. the Computer Center needs new leadership
2. the present Director will not change his administrative style
3. the contractual arrangements under review are principally administrative
4. the extension of contract under special arrangements for an extra year in a teaching capacity is not fair to the individual involved or the college
5. the likelihood that we can broaden our use of the Center under the present Director to include college record keeping is very low
6. the role of the head of the Center in helping find financial support--clearly discussed at the time of employment and since--

ADMINISTRATIVE DECISIONS (cont.)

has not been fulfilled and was not likely to be.

So I confirmed the non-renewal and did so with the firm conviction that the action was fair, the notice was adequate and the interests of both the individual and the college had been carefully weighed.

John Anthony Brown
President