

Open letter to the SLU Faculty Senate

May 4, 2011

At the end of May 2010, the President's Task Force Regarding Criteria for Academic Program Retention and Elimination was called to an exceptional meeting by Dr. Crain and was told that the French Education Major and the French Major Programs were to be discontinued and the three tenured faculty members in French were to be fired. In the beginning of June, Dr. Harrison, Department Head of Foreign Languages and Literatures, the three French professors and the French majors were informed of this decision. Two weeks later, the decision was approved by the University of Louisiana System Board of Supervisors.

In the history of this university, no tenured professor has ever been fired for Program Discontinuance. We are the first. When degree programs in horticulture and economics were discontinued, the tenured faculty members were relocated. In French, despite the fact that there are twelve courses to be offered in the fall 2011 and despite the fact that we are able to teach other subjects, no attempt was made to keep us at our current rank and salary and/or relocate us within the university.

When the facts of the situation were brought before the Faculty Grievance Committee, the committee members **UNANIMOUSLY** agreed that the faculty members in French should be reinstated in their positions at their current rank and salary. In a February 1 memorandum to the committee, Dr. Crain patronizingly told the committee that it "may not have understood its role."

Thus, in a matter of three weeks in June, the university administration dictated the decision to be made by the Task Force for Academic Retention and Program Elimination, made a brazen attack on tenure and on French in Louisiana, violated procedures and rules of the UL Board of Supervisors and did so with impunity. By choosing to ignore or dismiss the findings of the Grievance Committee, the university administration has made a sham of the grievance process and has broken the trust that should exist between the faculty and the administration.

Dr. Kolb immediately retired. Drs. Marshall and Bornier remained to teach this year and each presented a grievance. When the facts were brought before the Faculty Grievance Committee, the committee **unanimously** agreed that the university administration had violated procedures for Program Discontinuance and denied the French faculty members due process. These are the rules the committee stated had been violated and all references to these rules are direct quotes from the Faculty Grievance Committee report to the President (unless otherwise noted):

1. Program Discontinuance Board Rule. "A recommendation for an internally initiated program discontinuance will be reviewed and discussed with the members in the department or program, students enrolled in the unit or program, the department head, the dean of the school or college, the vice president for academic affairs, and the university president." The Faculty Grievance Committee would argue that the administration did not properly follow the letter and the intent of the policy regarding program discontinuance in effect at the time the French programs were discontinued and the French faculty members were fired – to wit, omitting the meetings with the faculty, students and department head before any decision was made to discontinue a program. The procedures followed by the university administration during the recent BOR mandated program review were glaringly different from those followed in the case of the French programs and faculty. The administration's decision not to terminate faculty in

the 2011 BOR review indicates that program discontinuance does not automatically require the firing of tenured or tenure-track faculty. Unlike other program reviews mandated by the BOR, the department head and the French faculty were given no opportunity to defend their programs. It is the unanimous finding of the Faculty Grievance Committee that the French faculty members have been treated inequitably vis-à-vis other faculty in programs recently recommended for termination. The French faculty appear to be singled out for termination.

2. The Faculty Grievance Committee finds that the plan to fire Drs. Marshall & Bornier, to strip them of their tenure, and to rehire one of them, in order of seniority, as an instructor to teach French violates numerous Board policies: Board *Rules* Chapter III Faculty and Staff Section XV. Termination: "... action to discharge, terminate, or demote shall not be arbitrary or capricious..." The System President has repeatedly emphasized that tenure is a property right. The Faculty Grievance Committee believes that Drs. Marshall & Bornier's property right to tenure has been violated without due process.
3. Program Discontinuance Policy Rule: "Unless there is a compelling academic reason to do otherwise, no appointment of a faculty member with tenure will be considered for termination until the appointment of faculty members in the unit without tenure have been considered for termination." The Faculty Grievance Committee states: The intent, we believe, of this clause is to preserve tenure if at all possible. ...there would be courses for Dr. Marshall & Dr. Bornier to teach, and the Faculty Grievance Committee sees no valid or "compelling academic reason" for depriving Dr. Marshall and Dr. Bornier of their tenure and to rehire one of them to teach the same courses, but as an instructor at a considerable loss of salary. I would like to add: This demeaning and professionally insulting gesture clearly illustrates that the instructors are being protected and the tenured faculty members have lost their rights. The present instructor of French is keeping her office and keys and will presumably be rehired in the fall. This is why the tenured professors are only being offered one position for the twelve classes that will need to be covered.
4. Program Discontinuance Policy Rule: mandates that "every reasonable effort be made to find another suitable position for the faculty member within the university." The Faculty Grievance Committee does not view the possibility of an instructorship to be a "suitable position." The Provost says an instructorship is a suitable position for the teaching of classes that are not specifically required for a degree program. To the Faculty Grievance Committee, there seems to be a significant disparity in the treatment of the French faculty vis-à-vis tenure or tenure-track faculty in those disciplines with no major programs.
5. Program Discontinuance Policy Rule: "Both quantitative and qualitative data obtained during the formal review of the unit/program will be analyzed in relation to the university's strategic plan in making a discontinuance recommendation." While considerable quantitative data were reviewed, the Faculty Grievance Committee believes that the qualitative data used were inadequate to assess the health and viability of the program. ...The Faculty Grievance Committee questions whether a comprehensive analysis of the cultural factors was completed by this task force. I would like to add: We have been steadily building the numbers over the past ten years, doubling our number of majors. We were the second strongest French program in public higher education in the state and we had the highest number of CODOFIL scholarship recipients in the state. Our graduation rate was within the norm for the United States. It is unfair to discriminate against French when other criteria for evaluation of completers were not used that would have brought to light the relative strength of the SLU French programs both statewide and nationwide and in comparison to other degree programs at our university.
6. The high academic quality of the French programs was never questioned by the administration and could be seen in the promotion of the language way beyond the classroom: SGA grants to

bring in performers & artists, outreach to the community, twinning of 5 cities in Tangipahoa Parish with cities in France & student exchanges, festival in France, study abroad programs, endowment funds for study abroad, etc.. Why were the French programs so successful? The SLU French programs provided an amazing array of educational and cultural opportunities for the students, the university, the community and the state. This is a major loss for all concerned. Our French programs did not duplicate others in the state. The amount of money saved by illegally firing three tenured professors is negligible in comparison to all that has been lost.

7. "...in terminating Dr. Marshall, the university administration will violate Chapter II, Section XI Tenure Policy of the Board of Supervisors' *Rules*. "All persons holding tenure on the effective date of this policy shall retain their tenure." I would like to add: Only moral turpitude or financial exigency can be reasons for termination under my contract.

As the Faculty Grievance Committee has indicated, the university administration violated multiple rules in the termination of the French programs and in the firing of the tenured faculty members in French. The Faculty Grievance Committee, a committee of our peers, recognizes that we were treated differently and unfairly. No other tenured or tenure-track professors have been recommended for termination in this latest BOR mandated program review. Yet, the administration refuses to reverse the decision. As faculty members, we are powerless in front of an administration that will not act reasonably and will not show us respect.

Finally, in the response to Dr. Crain concerning Dr. Bornier's grievance, the Faculty Grievance Committee stated: "Rescinding the termination of Dr. Bornier would be an act of both collegiality and humanity." We can conclude that failure to do so would be both an act of disrespect and inhumanity. In our appointment letters, the administration holds us to collegiality. Surely, the faculty should hold the administration to the same. This unnecessary, disrespectful and illegal decision flies in the face of academic freedom and demeans all of us. This is a disgrace to our university. A vote of no confidence in this administration is clearly in order here.