



October 21, 2021

VIA ELECTRONIC MAIL

Professor Johnny Goldfinger, President
AAUP Chapter
Marian University
3200 Cold Spring Road
Indianapolis, Indiana 46222

Dear Professor Goldfinger:

In your capacity as president of the AAUP chapter at Marian University, you have asked staff in the national office of the American Association of University Professors for information on Association-recommended standards governing the discontinuance of academic programs when such discontinuance will involve the termination of faculty appointments. In particular, you have asked about the conditions under which such program discontinuances would be permissible under AAUP-supported standards.

As you know, the AAUP recognizes only three bases for the termination of an appointment with continuous tenure (or a term appointment prior to its expiration): dismissal for cause, bona fide financial exigency, and "bona fide formal discontinuance of a program or department of instruction." Regulation 4d of the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* (enclosed) articulates Association-supported standards for that last category.

Regulation 4d(1) provides that "the decision to discontinue formally a program or department of instruction will be based essentially upon educational considerations, as determined primarily by the faculty." It further provides that these considerations "must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance," rather than "cyclical or temporary variations in enrollment." Regulation 4d(2) further provides that the faculty members whose program is under consideration for discontinuance be promptly so informed and provided 30 days to respond.

These clauses reflect the widely recognized principle of shared governance, expressed in the AAUP's *Statement on Government of Colleges and Universities* (enclosed), that the faculty have primary responsibility for decisions related to educational policy, including decisions related to the curriculum and faculty status. Accordingly, the enclosed report *The Role of the Faculty in Conditions of Financial Exigency* emphasizes that "program

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closure is very much a matter of educational policy and ... the faculty should therefore be accorded an *initial and decisive* role in any deliberations over program closure and release of faculty members" (emphasis in original).

I would commend Regulation 4d in its entirety to your chapter's attention, especially Regulation 4d(3)–(4), which outlines the protections that should be afforded faculty members in a discontinued program. In short, Regulation 4d requires that the discontinuance of an academic program and the potential ensuing terminations of faculty appointments constitute a collective faculty judgment that such sacrifices are on balance necessary for the long-term benefit of the educational mission of the institution rather than serving as a budgetary maneuver or as, in a memorable phrase from *The Role of the Faculty*, "simply a means of terminating one troublesome tenured professor." Regulation 4d thereby also provides an essential bulwark against the infringement of academic freedom.

I hope that this letter and the enclosed documents are useful to you and your colleagues. Please let us know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Criley". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Criley".

Mark Criley

Senior Program Officer

Department of Academic Freedom, Tenure, and Governance

Enclosures by email attachment

Cc: David Nalbome, President, Indiana AAUP Conference