

# Report

## College and University Government:

### Elmira College (New York)<sup>1</sup>

#### I. Introduction

This report deals primarily with conditions of academic government at Elmira College, particularly relations among the faculty, the chief academic officers, and the governing board. It deals with a welter of episodes that have contributed to a situation without an obvious beginning, middle, or end. In assessing patterns of governance which penetrate and are reflected in all aspects of institutional life, the undersigned investigating committee has sought more to depict the tone and implications of what will be seen as very poor governance relationships at Elmira College over the past few years than to describe individual episodes and developments in great detail. The report is informed throughout by the *Joint Statement on Government of Colleges and Universities*, the Association's derivative statement on *The Role of the Faculty in Budgetary and Salary Matters*, and, to some degree, the joint *1940 Statement of Principles on Academic Freedom and Tenure*.

Elmira College is a private, liberal arts institution in the city of Elmira in south-central New York state. It was founded as a woman's college in 1855 and became coeducational in 1969. The college has a current enrollment of approximately 1,100 full-time students in six academic divisions and has some 65 full-time faculty members. It offers B.A. and B.S. degrees as well as a few A.A. degrees. It also offers a Master of Science program in education for local area teachers and has an extensive continuing education program serving nearly 1,000 part-time undergraduate and graduate students. The college is accredited by the Middle States Association of Colleges and Schools.

Dr. Thomas K. Meier has been president of Elmira College since 1987, having previously served as president of Castleton State College in Vermont. Dr. Bryan D. Reddick has been vice-president for academic affairs and dean of faculty at Elmira since 1986. Prior to his current appointment he had held a similar position at Olivet College in Michigan. The college's twenty-two-

person governing board is chaired by E. Martin Gibson, an executive at Corning, Inc.

In February 1992, officers of the AAUP chapter at Elmira College brought to the attention of the national Association an accumulation of troubling episodes that, on preliminary examination by the staff, appeared to raise serious problems of academic government, with possible ramifications for academic freedom. By letter of August 12, 1992, addressed to both President Meier and Mr. Gibson, the staff conveyed the Association's concerns about the matters complained of by the AAUP chapter. After an ensuing exchange of letters with the administration left those concerns unresolved, the staff, by letters of September 22 and October 20, informed the administration and governing board that the Association's general secretary had authorized the appointment of an *ad hoc* committee to undertake an investigation of conditions of governance at Elmira College and to prepare a report for submission to the Association's Committee T on College and University Government.

After examining the extensive available documentation assembled by the Association's staff, the undersigned investigating committee visited the Elmira College campus on December 3 and 4, 1992, where it collected additional written and oral testimony. The administration cooperated fully with the inquiry. In addition to meeting with several administrative officers, including President Meier and Dean Reddick, and with the chair of the Academic Affairs Committee of the board of trustees, the investigating committee held discussions with several division chairs, with groups of faculty members who serve or have served on various standing committees, with officers of the AAUP chapter, with groups of other concerned faculty members, tenured as well as nontenured, with a former campus minister, and with some students.

#### II. Factual Background

It is worth noting that, as a result of a previous investigation of Elmira College in 1974, conducted under the auspices of the Association's Committee A on Academic Freedom and Tenure, the institution was placed on AAUP's list of censured administrations by vote of the 1975 Annual Meeting. At issue was the case of a faculty member in his second year of service who was informed that his presence on campus would be unwelcome for the remainder of his appointment. The administration rejected recommendations that it set forth charges and provide the op-

<sup>1</sup>The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was then edited by the Association's staff, and as revised, with the concurrence of the investigating committee, was submitted to Committee T on College and University Government. With the approval of Committee T it was subsequently sent to the administration of Elmira College, to the chair of the board of trustees, to the AAUP chapter, and to other persons concerned in the report. In the light of the responses received and with the editorial assistance of the Association's staff, this final report has been prepared for publication.

portunity for an appropriate hearing. The investigating committee, which found no threat of immediate harm to have been posed by the faculty member's continuance, concluded that the action constituted a summary dismissal in violation of the 1940 *Statement of Principles on Academic Freedom and Tenure* and in disregard of the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*. Within two years after censure had been imposed, the case of the suspended faculty member was satisfactorily resolved, and Elmira College's governing board approved revisions in the institution's regulations on academic freedom and tenure which brought them into conformity with Association-supported standards. The college was removed from the censure list by the 1977 Annual Meeting.

Of particular relevance to the present investigation, the 1975 *ad hoc* committee had also reported that Elmira College faculty members complained about having been "generally discouraged from speaking out on college academic affairs outside their classrooms." In addition, the committee noted that "faculty members refer[red] to their alienation from a primary role in the academic aspects of college government" and expressed the "feeling that the foolhardy and the outspoken would suffer retribution from the administration." "Collegial interchange," the 1975 investigating committee found, was "hampered not only by a climate inhibiting frankness but by the nature of academic government at Elmira College." The committee singled out for criticism "the administration's practice of reaching decisions unilaterally and holding to them," a practice the committee considered to be "at odds with the appropriate faculty role as delineated by the *Statement on Government of Colleges and Universities*." "In the case of instruction and research," the committee concluded, "the principle [of faculty primacy] seems to be followed at Elmira College. In the case of educational policy and faculty status, the principle is manifestly not followed."

Nearly a decade later, by which time a new administration had been in office at Elmira College for some time, a 1984 Middle States Association reaccreditation report expressed concern about the lack of meaningful faculty participation in institutional governance. A 1987 report, issued in response to documents submitted by the administration, indicated that the problems still persisted. But three years later, in a March 16, 1990, letter to President Meier, responding to a report by Dean Reddick, the accrediting body "commend[ed] the college on participatory processes now in place." That assessment, however, was in sharp contrast to the view that had by then become prevalent among a large majority of the college's faculty. Indeed, the apparently favorable Middle States report came at a time when the administration, the faculty, and the board of trustees had already become embroiled in a series of bitter disputes about the governance of the institution.

When President Meier first took office in July 1987, feelings of hope and high expectations blossomed. Initially, it seems, the faculty welcomed him as a strong leader with a long-range re-

covery plan for the growth and development of an institution that was then experiencing severe financial difficulties. The college had been facing sharply declining enrollments (some 26 percent over the previous five years), escalating costs and long-term debt (operating expenses were exceeding revenues by well over \$1 million a year, and the college had exhausted virtually all of its resources), very low faculty salaries relative to comparable institutions, and a deteriorating physical plant.

In June 1987, the college unveiled a four-year "Recovery Plan," which was largely based on a report, "The Condition of the College," that had been produced by a task force of administrators and faculty in the early months of that year, prior to Dr. Meier's arrival in Elmira. Although there was some mild controversy over the formulation of the plan and some of its specific provisions, there was general agreement regarding the plan's overall goals of achieving financial stability, enhancing the academic quality of the institution, and building a sense of community and collegiality between administration and faculty. These objectives were to be achieved, according to the plan, by reducing expenditures, reorganizing fund-raising activities, recruiting new students more aggressively and retaining more of the college's continuing students, eliminating administrative and staff positions, and making long-overdue improvements to the physical plant. The size of the faculty was to be capped, but all current academic programs were retained and all current and open faculty positions were filled.

The "Recovery Plan" included a maximum faculty salary increment pool of 4 percent annually, the administration taking the position that greater increases in faculty salaries would be deferred until the college was on stronger financial footing. It was decided that (as Dean Reddick later put it) "any revenues in addition to those conservatively projected each year would be used for two purposes: to reduce the projected drain on the quasi-endowment somewhat, and especially, to invest in improvements in the appearance of the campus, which is such a vital feature of recruiting and retaining students." As time went on, the faculty, at first cautiously acquiescent, became increasingly restive about the administration's stated priorities. The Faculty Executive Committee (FEC) took the lead in setting forth the faculty's opposition. "While we have agreed that some campus beautification plans should have a place in a recovery plan," the FEC would later write, "we have strongly objected to a plan which we believe subordinates academic programs to so many other institutional needs." But it was the issue of faculty salaries which came to loom especially large as the faculty launched a campaign for improved fringe benefits and salary raises beyond the administration's projected annual increases.

The faculty's frustration over its failure to achieve more substantial salary increases continued to grow, complaints about salaries did not cease, and relations between the administration and faculty began rapidly to deteriorate. Memoranda circulated by both sides during this period indicate that requests made or

concerns expressed by either the administration or the faculty were greeted by suspicion and hostility by the other. By the end of the 1988–89 academic year, President Meier's second year in office, the administration had apparently come to believe that it was making significant strides in leading the college toward financial stability, while members of the faculty perceived conditions at the college as becoming more dismal.

Relations between administration and faculty continued on a downward course during the 1989–90 academic year. Dean Reddick, writing to President Meier in early January 1990, stated that the faculty was resisting the administration's "efforts to lead the College steadily in a direction heading toward financial stability and future prosperity." That same month, over two-thirds of the faculty, expressing concern about the direction of the college, about their role in academic government, and about their "abysmally low salaries," formed an organization, which in 1991 became an affiliate of the National Education Association, called the Elmira College Faculty Guild.

In October 1990, members of the Faculty Guild sent a letter to the board of trustees, conveying concerns about the administration, enumerating more than a dozen issues that they believed "need[ed] to be addressed immediately," and asking the board to intervene with the administration on their behalf. "Over the last two years," they wrote, "the Elmira College Faculty, through its elected committees, has attempted to identify and resolve problems which have affected the institution in general and the Faculty in particular. The Faculty's attempts to address the major issues have not only proven fruitless but have also prompted repeated accusations by Dr. Meier of noncooperation, disloyalty, and bad faith on the part of the Faculty. The Faculty has been given 'pre-packaged' programs to follow from Dr. Meier and has not been allowed to change, negotiate, or debate them in any substantial way. Strict adherence to these programs initiated by Dr. Meier has created grave crises in morale, quality of academic programs, standards, and employee relations." They went on to challenge the administration's characterization of the faculty's involvement and commitment and cited evidence to show that "the Faculty has cooperated and participated significantly in the recovery of the College.... These efforts to improve the quality of life and education at the College demonstrate our loyalty to and faith in the institution." The issue of faculty salaries remained a major focus of disagreement. "Although we believe," they concluded, "that it still may be possible to work out solutions to most of these problems with Dr. Meier and continue to try to do so...., we believe that we have no hope of resolving the issue of adequate compensation with Dr. Meier.... We are appealing to you as a last hope for an internal solution to this problem."

Board chair Martin Gibson wrote the following month to the Faculty Executive Committee, stating that "the Board does not recognize the existence or acknowledge the certification of the 'Elmira Faculty Guild' as a representative of the College's fac-

ulty." He went on to say that "the Board is painfully aware of the financial constraints with which the College is struggling," and to encourage the members of the FEC "to urge your faculty colleagues to recognize the authority of the Dean of Faculty and the President." The members of the Faculty Guild, without any other intramural avenue of redress, determined to pursue their cause beyond the Elmira College campus.

In April 1991, President Meier announced to the Elmira College community that the "Recovery Plan" that had been adopted when he first took office four years earlier had succeeded in most of its financial goals, and that the 1990-91 budget would be the first in more than a decade in which revenues exceeded operating expenses.

In September 1991, the Faculty Guild filed a petition with the National Labor Relations Board (NLRB), requesting certification of the guild as the exclusive representative of the faculty for the purpose of collective bargaining. The administration subsequently countered with a petition to the NLRB, asserting that the faculty are "managerial" employees who are not entitled to engage in collective bargaining. In March 1992, the NLRB Regional Director rejected the Faculty Guild's petition, finding that the Elmira College faculty participate so significantly in decision-making and policy implementation in both the academic and nonacademic areas of the institution that they are "managers" within the meaning of the National Labor Relations Act. Subsequently, the Faculty Guild appealed the decision to the NLRB in Washington, D.C., asking for review of the regional director's decision and order. In December 1992, the Faculty Guild and the administration of the college were informed of the NLRB's denial of the request for review.

The period since September 1991 has continued to witness controversies at Elmira College between the faculty and the administration, on matters ranging from the serious to the trivial. The former category has included a wide range of governance issues—among them budgetary and salary matters, procedures and criteria for appointments and promotions, the status of faculty committees—as well as issues of academic freedom and personal independence. The latter category has included a controversy that flared up briefly just prior to the opening of the 1992–93 academic year over an administrative directive to the faculty that they wear special orientation hats with the college logo if they planned on attending any public freshman orientation ceremonies. Faculty members who flouted this directive were formally reprimanded by Dean Reddick.

One of the more contentious disputes of the past year or two centered around the removal of the local Protestant Council of Churches' long-time representative at the college, Lee Griffith. In October 1991, Mr. Griffith, who on several previous occasions had been publicly critical of certain administration policies and practices, wrote an "open letter" to President Meier, published in the student newspaper, in which he expressed concern over alleged "gay-bashing" incidents on campus and called on

the administration to endorse a statement of nondiscrimination on the basis of sexual orientation that the faculty had recommended. Responding three weeks later for the administration, Vice-President and Dean of Student Life Gerald Dees charged Mr. Griffith with using his position as "a platform for promotion of [his own] social action program." In a December 5 letter to the chair of the Elmira community's Campus Ministry Advisory Committee, Dean Dees requested that the committee "recommend to [him] an ordained minister to replace Mr. Griffith, one who is willing to provide for the religious needs of the students." In March 1992, the dispute came before the Faculty Executive Committee, which conducted a review and concluded that "the current situation involving Lee Griffith gives the impression both to the college community and society at large that it is not safe for a vulnerable person to exercise freedom of speech at Elmira College." The FEC recommended that the administration withdraw its request that Mr. Griffith be removed from office, and the general faculty endorsed the recommendation. The administration, however, rejected it. The dismissal of Mr. Griffith attracted a great deal of local press coverage and led to vocal faculty and student protests. In the fall of 1992 the Council of Churches announced that Mr. Griffith would continue to serve as its "campus minister," but at a nearby off-campus site.

The level of tension and conflict between faculty and administration had reached its height the previous spring, however, when the faculty took a vote of no confidence in the administration of President Meier. In January 1992, the Council of Chairs distributed questionnaires to all full-time faculty members and the three professional librarians for the purpose of evaluating President Meier's performance, the first time the faculty had done so. In April, the Faculty Executive Committee announced that the faculty, by a margin of 50 to 10, with one abstention, had voted to approve a resolution expressing its lack of confidence in the president and charged the FEC with communicating the faculty's sentiments to the board of trustees. In the written "rationale" explaining its vote, the faculty expressed "serious concerns about major issues such as the quality of education we are able to provide to our students, the administration's violation of established policies, the President's unilateral decision-making, and the atmosphere of fear and intimidation that now permeates Elmira College and which has seriously undercut the free and open discussion of ideas." The faculty also charged "Dr. Meier's administration...[with having] undermined that sense of community which is essential to the health and well-being of an academic institution."

The FEC requested that the trustees investigate the faculty's charges against the president. It assured the board that any public announcement of the faculty's vote would be delayed pending "such an investigation which we believe could resolve some of the problems we have identified." The board, after receiving the report, did not arrange to meet with the faculty to hear its

concerns and instead promptly affirmed its confidence in President Meier. In a letter of April 22, addressed to the FEC, board chair Gibson stated that the trustees are "so confident in President Meier's leadership that we have successfully concluded an agreement with him that will insure his remaining in his position, if he wishes, for many years to come." Members of the faculty thereupon went to the local press concerning their vote of no confidence. On May 15, Mr. Gibson and the chair of the board's Academic Affairs Committee met with members of the faculty to discuss their concerns. On May 19, Mr. Gibson issued a memorandum to the entire faculty that occasioned considerable controversy because of the content of its penultimate paragraph: "Let me...reiterate my encouragement to all of you to keep our disputes 'within the family.' The Board of Trustees has made it very clear that while discussion about College policies and the direction the College should take is healthy, statements disparaging the College as a place for students to attend or for alumni or donors to support will be considered grave misconduct. It serves no purpose to broadcast internal disputes beyond the faculty, the Dean, the President, and the Board."

Mr. Gibson's statement, characterized both by members of the faculty and by the local press as a "gag order," provoked further controversy and led to a series of meetings between a group of trustees and members of the FEC. Though he did not rescind his memorandum, Mr. Gibson allowed as he did not mean to suggest that faculty members were not free to express criticism of the college, only that they needed to exercise discretion in the manner and the circumstances in which they did so. Despite this clarification, most of the faculty remained concerned about the import of the board chair's message. The board's (partisan) involvement in what until then had been largely a two-sided conflict between faculty and administration served further to roil already troubled waters.

### III. The Issues

1. *College Governance.* Generally accepted standards of academic government are enunciated in the 1966 *Statement on Government of Colleges and Universities*, jointly formulated by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. This statement rests on the premise of appropriately shared responsibility and cooperative action among governing board, administration, and faculty in determining educational policy and in resolving educational problems within the academic institution. It also refers to "an inescapable interdependence" in this relationship which requires "adequate communication among these components, and full opportunity for appropriate joint planning and effort." It further asserts that "the interests of all are coordinate and related, and unilateral effort can lead to confusion or conflict."

Elmira College's *Faculty Handbook* and to a lesser extent its

*Bylaws* set forth the official policies and procedures of the institution, including those relating to academic government. With regard to the faculty role in institutional governance, the handbook states that faculty members "should strive to improve the intellectual and practical effectiveness of the College by willing and thoughtful participation in its governance." It also states that the "College can function effectively only if its faculty members participate actively in college governance." The concepts of academic government embodied in the handbook appear sound when measured against the standards set forth in the *Joint Statement on Government*. In addition, the handbook describes what appears to be a well-developed system of eleven standing faculty committees, along with a Council of Chairs, the latter body consisting of the six division heads and the dean of faculty. The standing committees include the Faculty Executive Committee, consisting of four elected faculty members and the dean of faculty *ex officio*, which meets weekly and serves in effect as the "committee on committees." The entire faculty meets monthly, primarily to hear reports presented by the various standing committees and to consider motions for recommendations to the president, and (according to the handbook) "at other times as called by the President or the Faculty Executive Committee." Between general faculty meetings or when calling such a meeting is not possible or practicable, the FEC serves as the voice of the faculty as a whole.

Citing the system of standing faculty committees in place at Elmira College, the administration maintained in the faculty union representation proceeding before the NLRB that "faculty effectively establish the fundamental educational policies of the institution through an elaborate system of governance in which virtually all faculty participate, and through the considerable degree of independence exercised by faculty in important areas of activity." Officers of the administration and members of the board of trustees at Elmira College have also professed a strong commitment to shared authority and the "inescapable interdependence" between faculty and administration and the "appropriate shared responsibility and cooperative action" between the two groups. At the same time, however, they have also articulated an administrative philosophy that envisions an exceptionally strong governance role for the president and the dean of faculty. On more than one occasion, in written statements and in oral communications, members of the board have emphasized to the faculty that "We are willing to listen to faculty complaints... But we recognize that the President and the other top administrators run the College. We support them, and the faculty would be better off to support them too."

The evidence available to the investigating committee suggests that the Elmira College faculty often serve in at best an advisory role. With regard to the standing committees, the locus of authority within those bodies and their actual functioning are a source of concern to the investigating committee. While most of these committees are duly-elected faculty bodies, the dean of fac-

ulty, who serves as an *ex officio* member of several key committees and chairs the Council of Chairs, plays a central (some say dominant) role in setting the agendas for many of these bodies. The investigating committee questions whether the distribution of authority within the committees is reflective of sound academic government. For instance, at the beginning of the 1992-93 academic year, Dean Reddick addressed a series of memoranda, all dated September 3, 1992, to various standing committees, proposing items for their respective agendas for the 1992-93 academic year. To the investigating committee these memoranda have the tone of directives rather than suggestions and would seem intended to restrict the independent authority exercised by these faculty bodies. In reviewing the available documents, the investigating committee was also struck by the frequency with which the dean has thought it necessary to chastise the members of faculty committees for one thing or another. For instance, in a February 8, 1990, memorandum to the Faculty Executive Committee he took its members to task because in his view the committee (on which the dean sits) had come "to define its role as the advocate of a faculty position," and because it was "seen as trying to influence the President to accept the faculty's view rather than trying to influence the faculty's view or in other words, to *lead* the faculty" (emphasis in original).

In this connection, the investigating committee finds more troubling the following remarks made by Dean Reddick in the course of the FEC meeting of September 29, 1992. According to the minutes of that meeting,

The Committee discussed a request from the Council of Chairs that the Executive Committee supervise an election of a chair of the Council of Chairs. Bryan Reddick stated that he opposes such an election because he believes that the Academic Dean should have more authority and that this change would be yet another example of the Faculty moving away from the center of the College. He also stated that if he is not the chair of the Council of Chairs, the Council's recommendations will not have as great an influence on him and he cited his preferred organizational model which involves including administrators at the earliest stages of all faculty committee discussions. Bryan cited his need to control the Council's agenda and the risks of having meetings without him as additional reasons for not allowing one of the division chairs to serve as chair of the Council.

These remarks attributed to the dean seem entirely consistent with the position taken by the administration in the brief it submitted to the NLRB: "The presence of an administrator as one among equals on the committees prevents the fragmentation of recommendations presented to the president. The president receives a single recommendation, which does not include dissenting opinions."

The *Statement on Government* describes the areas of primary faculty responsibility (Section V), and states that "differences in the weight" of the voice of the faculty, president, and governing board

"[s]hould be determined by reference to the responsibility of each component for the particular matter at hand." The spirit of that document is one of pervasive sharing of authority and responsibility, not of hierarchy. That spirit seems largely absent at Elmira College, despite the array of standing committees. As one faculty member put it, the faculty are called upon to "cooperate," and they hear that call more as a command to "obey" or at least to "defer."

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The *Statement on Government* calls for an institution to have regular "means of communication among the faculty, administration, and governing board." The Elmira College *Faculty Handbook* states that the president is "the official medium of communication between the faculty and the Board of Trustees," and college practice appears to place great emphasis on communicating through "proper channels." In a letter of November 14, 1990, addressed to the Faculty Executive Committee and intended for dissemination to the entire Elmira College faculty, board chair Gibson observed that "the Dean of Faculty and the President are the faculty's advocates with the Trustees, presenting most credibly and persuasively the faculty's interests and opinions." For several years members of the faculty have complained that their efforts to convey their concerns to the trustees have been unavailing, and that the communications from the board to the faculty have tended to be cold and chiding. Given the nature of relationships at Elmira College discussed more fully below, it is clear to the investigating committee that the president and the dean cannot be considered the "faculty's advocates with the trustees" or be seen as conveying "most credibly and persuasively the faculty's interests and opinions." It seems desirable—and more consistent with the spirit of the *Statement on Government*—that a systematic and regular process of direct, substantive communication be established between the governing board and the faculty and that, "whatever the channels of communication, they should be clearly understood and observed."

2. *Budgetary and Salary Matters; Long-Range Planning.* The *Joint Statement on Government* and the Association's derivative statement on *The Role of the Faculty in Budgetary and Salary Matters* call for the faculty to play a meaningful role in the entire budgetary process and in the determination of short- and long-range priorities in the allocation of institutional resources among competing demands. According to the latter document,

The faculty should participate both in the preparation of the total institutional budget, and (within the framework of the total budget) in decisions relevant to the further apportioning of its specific fiscal divisions (salaries, academic programs, tuition, physical plant and grounds, etc.) The soundness of resulting decisions should be enhanced if an elected representative committee of the faculty participates in deciding on the overall allocation of institutional resources and the proportion to be devoted directly to the academic program. This committee should be given access to all information that it

requires to perform its task effectively, and it should have the opportunity to confer periodically with representatives of the administration and governing board. Such an institution-level body, representative of the entire faculty, can play an important part in mediating the financial needs and the demands of different groups within the faculty and can be of significant assistance to the administration in resolving impasses which may arise when a large variety of demands are made on necessarily limited resources. Such a body will also be of critical importance in representing faculty interests and interpreting the needs of the faculty to the governing board and president. The presence of faculty members on the governing board itself may, particularly in smaller institutions, constitute an approach that would serve somewhat the same purpose, but does not obviate the need for an all-faculty body which may wish to formulate its recommendations independent of other groups.

The Elmira College *Faculty Handbook* expressly references AAUP's statement on *The Role of the Faculty in Budgetary and Salary Matters*. Faculty members, however, have charged the administration with failing to respect that document's premises. They contend that the administration has refused to share basic financial information, that the faculty, through the Council of Chairs, is "limited to providing suggestions for only part of the budget," and that there is no forum at the college in which the faculty as a whole can deal with the overall budget.

The administration has sharply challenged the faculty's claims about its role in budgetary and salary matters. In a lengthy communication addressed to the Association's staff in October 1992, Dean Reddick stated that, "In this area, as in others, some members of the faculty have difficulty differentiating final decision-making authority from meaningful input into decisions. The Dean discusses budgetary matters...with the Faculty Division Chairs on a regular basis" and (according to the administration's brief to the NLRB) "provides the chairs with detailed information regarding the College's operating revenues and operating expenditures as well as projected growth." The Council of Chairs, the dean has pointed out, also makes recommendations to the dean of faculty concerning the method of distributing faculty salary increases authorized by the trustees. As for discussions of short- and long-range priorities in the allocation of resources, Dean Reddick asserts that these have "been significantly influenced in recent years by faculty recommendations." With respect to the sharing of basic financial information, the dean contends that "a wealth of information regarding the College's overall financial condition and fiscal planning has been shared once or, more usually, twice per year with faculty in special faculty assemblies called for that purpose."

The investigating committee endeavored to examine the respective roles of the faculty and the administration in budget-making in terms of applicable Association-supported standards. In the context of AAUP's statement on *The Role of the Faculty*,

which asserts that "faculty should participate both in the preparation of the total institutional budget, and...in decisions relevant to the further apportioning of its specific fiscal divisions..." it seems clear to the investigating committee that neither the Council of Chairs nor any other constituted faculty body at Elmira College participates significantly in the most crucial stages of the budget process, namely, when the essential working assumptions are determined and priorities are set, and when final budgetary decisions are actually made.

With regard to salaries—the subject of longstanding conflict between the administration and the faculty—a dispute arose in the fall of 1992, when the administration, acting on a formal recommendation from the board of trustees, asked the faculty to discuss procedures for instituting a system of merit-based salary increases beginning with the 1993–94 academic year. The stated purpose, according to Dean Reddick, was "to reward differentially those individuals contributing the most to the success of the College." The faculty declined to participate in such discussions. The Council of Chairs, speaking for most of the faculty, opposed the dean's request: "It is our belief that faculty as a group are so underpaid that it is manifestly unfair to distribute salary increases in any way except across the board. Further, we believe that a merit system can only be implemented in an atmosphere of trust and mutual respect. It is fair to say that no such atmosphere exists at the college at this time." The council concluded: "We therefore ask that no merit raise system be implemented until such time that average salaries for faculty are on a par with those of a comparison group that is mutually agreed to by the faculty and the administration." The investigating committee is not unsympathetic to the position taken by the Council of Chairs, but the committee sees no justification in the faculty's outright refusal even to discuss the matter, at least to try to ensure that the criteria for individual salary increases and the recommendatory procedures are fair and equitable. The investigating committee considers it a sad commentary on the state of affairs at Elmira College when the faculty and the administration are unable to engage one another in reasoned discourse over this issue.<sup>2</sup>

3. *Faculty Personnel Matters.* According to the *Joint Statement on Government*, "faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, [and] the granting of tenure...." Several matters have been at issue in this area.

<sup>2</sup>As matters developed this spring, following the submission of this report, the Association's staff was informed that Dean Reddick proceeded with his evaluation of all continuing faculty members for merit salary increases, assigning numerical scores to each faculty member's performance in several categories according to a weighting formula of his own devising. Members of the faculty have complained that the performance criteria cited by the dean did not comport with those set forth in the *Faculty Handbook* or were not applied in a consistent fashion. They have also complained that the dean has declined to provide them with a written evaluation or to give them a copy of their numerical ratings.

Faculty members have complained that the administration exercises an excessive amount of control over the search and appointment process for both full- and part-time faculty appointments. In the case of a search to fill a vacancy in the accounting program, the administration refused to invite for an interview one of the candidates proposed by the search committee, allowed administrators who were not members of the search committee to review applicant files and rank the candidates, and ended up appointing someone whom the members of the search committee had all expressly declined to recommend.

While the *Faculty Handbook* provides that part-time faculty members are to be selected after consultation with the division chairs, some chairs have complained about part-time appointments that were made by the dean of faculty or the dean of continuing education without any consultation with them or over their objections. In an October 1992 meeting with the Council of Chairs, Dean Reddick announced that he would chair all future search committees, since (as he explained) the dean and the president have ultimate decision-making authority in these matters. The investigating committee finds disturbing evidence that the administration has been making decisions in this area that are appropriately made by the faculty.

Several faculty members at Elmira College have complained to the Association's staff in recent years that they were denied tenure or promotion as a result of the administration's reinterpretation and selective application of the performance criteria set forth in the faculty handbook, or (in one case) on the basis of irregular *ad hoc* procedures instituted by Dean Reddick for soliciting student views about rumored faculty misbehavior and/or inadequate performance. They as well as other aggrieved faculty members report having filed appeals with the Faculty Grievance Committee (FGC) which were sustained by that body only to have the FGC's positive findings and recommendations overridden by the dean and the president—actions which have evoked, in turn, strong protests from the FGC. The dean, on the other hand, has written as follows to the Association's staff with respect to the grievance committee: "It is unfortunately true that in recent years the Faculty Grievance Committee has apparently become an avenue for rubber-stamping individual faculty complaints rather than a vehicle for judicious review of alleged violation of procedures." The mutual mistrust and recriminations which have come to mark the relationship between the FGC and the dean and president are evidence of the unfortunate breakdown in collegial governance at Elmira College.

Another long-simmering dispute has centered on the administration's attempts to introduce a more stringent publication requirement in reappointment, tenure, and promotion reviews. For the past several years the administration and the faculty have debated whether the administration's definition of "scholarship," and its emphasis on publication, is consistent with the standards for evaluation set forth in the *Faculty Handbook*. In the investigating committee's judgment, the intention of the ad-

ministration to raise the threshold of achievement in the area of published scholarship for academic advancement is not an unworthy goal. The expectation, however, recently enunciated by Dean Reddick, of one or two articles per year in an "established journal" strikes the committee as unreasonable at an institution where some 80 percent of the faculty workload is directly related to teaching and where little support has been provided to faculty members to enable them to publish. In most academic institutions there would be room for reasoned debate over this issue, but in the atmosphere of mutual suspicion and disrespect that exists at Elmira College the parties have been unable—or perhaps unwilling—to arrive at a mutually acceptable position.

4. *Faculty Vote of No Confidence in the President.* The *Statement on Government* provides that the president of an institution "should have the confidence of the board and faculty." It adds that "the president's leadership role is supported by delegated authority from the board and faculty," and that "[t]he presidential function should receive the general support of board and faculty." The Association's derivative statement on *Faculty Participation in the Selection, Evaluation, and Retention of Administrators* further provides that "No decision on retention or nonretention [of the president] should be made without an assessment of the level of confidence in which he or she is held by the faculty."

According to President Meier's spring 1992 *Annual Report of Gifts*, since he took office in 1987, Elmira College has "stabilized finances, increased enrollment more than 30 percent, heightened academic quality, and increased fundraising efforts." In November 1992, the president announced that his 1987 "Recovery Plan" had succeeded and that, as a result of the "outstanding growth at the College—up 46 percent over the last five years—and its highest enrollment in 21 years," he was announcing a significant salary increase for faculty, administrators, and staff in 1993–94. While acknowledging some of the president's accomplishments, the faculty has remained hostile to his stewardship of the college.

In April 1992, as noted earlier, the faculty voted no confidence in President Meier and accompanied its vote with a statement detailing its concerns about his leadership. After the vote calling for removal of the president, to be sure a traumatic event for the college, the trustees went beyond affirming their confidence in the president and, in a letter addressed to the Faculty Executive Committee, announced that they had extended his contract "for many years to come." The investigating committee is troubled by the trustees' decision to issue a ringing endorsement of President Meier's administration without having first met with faculty leaders to discuss their concerns. The *Statement on Government* "is a call to mutual understanding regarding the government of colleges and universities." The faculty vote of no confidence and the board's subsequent response are not only reflective of a lack of "mutual understanding" but are also indicative of how distant life at Elmira College is from the ideals of the *Statement on Government*.

5. *General Conditions of Academic Freedom.* The joint 1940 *Statement of Principles on Academic Freedom and Tenure*, pertinent sections of which have been incorporated in the Elmira College *Faculty Handbook*, refers to faculty members as "officers of an educational institution." The *Statement on Government* addresses the right of members of the academic community "to speak on general educational questions or about the administration and operations of the institution." In short, the expressive rights of faculty are not limited to the classroom or to research activities, but include the right to speak out on college affairs without fear of retribution from the administration.

Members of the faculty at Elmira College have expressed concern over what they allege is a generally low threshold of tolerance for dissent on the part of the administration. In their vote of no confidence in President Meier, as noted above, the faculty complained about "the atmosphere of fear and intimidation that now permeates Elmira College and which has seriously undercut the free and open discussion of ideas," and they charged the administration with having "undermined that sense of community which is essential to the health and well-being of an academic institution."

Faculty members have cited a tendency on the part of the chief administrative officers to see faculty dissatisfaction with them as evidence of disloyalty to the institution. They report having been warned at various times over the years not to speak publicly (especially off campus) about internal affairs of the college, not to criticize college policies and practices in faculty meetings before consulting those administrators most directly affected, not to express such criticisms to students, and not to communicate their grievances to the trustees. They have expressed the fear that such utterances may be punished in decisions about tenure, promotion, and salaries. Several faculty members have in fact been reprimanded by the dean or another administrative officer for discussing these matters with students. Others have reported receiving letters from the dean suggesting that statements they have made in faculty meetings were inappropriate. Still others have alleged that they received lower merit salary increases because they had filed grievances or been publicly critical of the college.<sup>3</sup>

In correspondence with the Association's staff, Dean Reddick has sharply challenged some of these faculty claims. "In recent years," he has stated, "faculty members identified as leaders of

<sup>3</sup> The AAUP chapter at Elmira College, commenting on a draft text of this report sent to the principal parties prior to publication, cited the awarding of "merit" raises in the spring of 1993 as evidence of the faculty's claim that there has been retribution against those who have spoken out:

All of the 0% raises were to faculty who had filed grievances. The six faculty who received 3% raises included one who...had filed grievances and who was involved with the NLRB and the AAUP;...two others who were involved with the NLRB and one who was...a strong supporter of Lee Griffith. It is also disturbing that members of the major committees, FEC, FRC, and the Curricular Affairs Committee, received an average raise of about 5%.



faculty dispute in one matter or another have been tenured, promoted, granted sabbatical leave or leave of absence, financially supported in special projects, and granted special release time." He has further stated that "No one whose request for any such recognition has been denied can justly claim that dissent figured in any way into the negative decision." The evidence available to the investigating committee would appear to bear out the essential accuracy of the dean's claim in this regard, but there is also evidence to support faculty claims about an inhospitable climate for academic freedom at Elmira College.

The committee notes in this regard the March 1992 report of the Faculty Executive Committee relating to the case of Lee Griffith, the Protestant chaplain, which concluded that his removal "gives the impression both to the college community and society at large that it is not safe for a vulnerable person to exercise freedom of speech at Elmira College."

Then, too, there is the memorandum issued by board chair Gibson on May 19, which, in suggesting that faculty members could face serious disciplinary sanctions if they were to make public "statements disparaging the college as a place for students to attend or for alumni or [prospective] donors to support," was understandably viewed by members of the faculty as a serious threat. A few days after issuing that statement, Mr. Gibson was quoted in the local press as having said that "In no way, shape, or form was I intending to stifle free speech...." "But," he went on, "it would be a sad day if Elmira College were crippled because this sort of debate got out of hand... In our judgment, any activity whose principal purpose is to damage the college to reduce enrollment or reduce alumni donations, we consider that to be equivalent to yelling 'fire' in a crowded theater." According to Dean Reddick, in his "Report to the Faculty" dated October 15, 1992, Mr. Gibson's "reminders...[about] injudicious remarks...do not restrict or violate academic freedom in any way since they have nothing to do with a faculty member's teaching material." In correspondence with the Association's staff, the dean asserted that "Mr. Gibson's memorandum...in no way controverts Elmira College's commitment to academic freedom as defined in the *Faculty Handbook*.... The enjoinder was very specific: prohibited only were statements saying that students should not attend Elmira College or that alumni or other donors should not support Elmira College. Such statements would be tantamount to sabotage..." "Nonetheless, the Gibson memorandum, which was never formally retracted, certainly did not improve the climate for academic freedom at the college.

6. *Climate for Personal Independence.* Faculty members have complained about limitations on their independence as evidenced by the administration's practice of closely monitoring faculty attendance at athletic and other campus events. While the *Faculty Handbook* states that "Faculty members are encouraged to attend lectures, concerts, dramatic productions, and other events sponsored by the College, departmental organiza-

tions, or student groups," faculty members have alleged that the administration has sought to coerce faculty participation in these activities by making the frequency of such participation a consideration in tenure and promotion reviews. In the preface to the section entitled "Faculty Duties and Responsibilities," the handbook provides that, "As an educational institution, Elmira College does not wish to impose a rigid body of codified rules upon the members of the faculty." The document goes on to state that "The material in this Faculty Handbook, including that contained in this section on 'Faculty Duties and Responsibilities,' is intended as an attempt to enhance freedom, stimulate enthusiasm, and promote loyalty to the College's objectives rather than as an attempt to impose restrictions."

According to Dean Reddick, "Participation in all-college events is an important 'Service to the College,' which is identified by the Faculty Handbook as second in importance only to Teaching Effectiveness in considerations of tenure and promotion. New and non-tenured faculty are occasionally reminded of this fact, but to view such reminders as 'coercion' is a gross distortion of the truth." In a statement he made to the student newspaper, the dean remarked that "It is important for faculty to participate in the full life of the campus. One way for the faculty to participate is by getting involved in activities." Such participation, he added, "could be a factor in consideration for promotion." As for regulating participation, "I believe that it is a good policy." Indeed, in his written recommendations on candidates for promotion, it seems clear that Dean Reddick actually counts the number of campus events, "formal" as well as "informal," individual faculty members have attended and rates them in terms of some unspecified average, the quality and quantity of participation and of interaction with students. Reflecting on the foregoing, the investigating committee feels compelled to cite the reaction of one junior faculty member: "We are adults with advanced degrees, and are thus nobody's fool. To be treated like children is insulting. To be treated like children is also the typical experience of the Elmira College faculty."

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Faculty members have cited numerous examples in which the dean—acting on occasion with other administrative officers—has engaged in what they consider to be acts of petty harassment. The dean, they allege, is quick to issue harsh reprimands, often without having any basis for the reprimand and sometimes for the most trivial of offenses.

While the controversy surrounding the hats requirement at freshman orientation attracted a great deal of attention, both on the campus and beyond, that controversy appears to be part of a larger pattern, involving mandated behaviors of various kinds. Many faculty members have charged Dean Reddick with engaging in acts of harassment over such matters as the number of courses for which they had solicited student evaluations or when they turned in their schedule of office hours. One recipient of an accusatory memorandum responded by stating: "I interpret this

letter to mean that I am irresponsible and as a faculty member do not know what my obligations are. I consider this letter to be harassment and an insult to my intelligence.... I am not a child and do not need to be told in a personal memo what my responsibilities are, especially since I have not violated my responsibilities in the past. As a professional I do not expect to receive harassing memos like this in the future." Another faculty member whom the dean chastised for his apparently unauthorized receipt of an orientation shirt wrote back to express his "outrage" that the dean, with whom he had clashed only a week earlier in connection with the orientation hats, had "again drawn conclusions about my behavior based on unconfirmed, second-hand information and without providing me with the opportunity to explain what I had done. This is the second instance within a week." Still another faculty member, whom the dean upbraided after he failed to fill the copier machine with paper, charged the dean with "characterizing even the tiniest error or omission as a major breach of rules."

From both the administration and the faculty, the tone of controversy has too often been more strident than civil. The investigating committee would observe that, when faculty members have become harsh in their criticism, the dean has been especially quick to reply in a similar vein. According to the minutes of the September 22, 1992 meeting of the Faculty Executive Committee, "The Dean reported that he believed that an accusatory tone may be appropriate and acceptable in memos from the Dean to faculty, but that it is inappropriate for faculty members to respond in kind." The investigating committee disagrees. It has no doubt that the dean's memoranda—often strident in tone and concerned with seeming trivialities—have contributed to the atmosphere of mistrust and suspicion about which many faculty members have complained and have had an obviously deleterious effect on the faculty's sense, individual as well as collective, of personal independence.

#### IV. Concluding Observations

Many of the basic structures of governance called for under the *Joint Statement on Government* are in place at Elmira College. What is missing, however, is the collegial sharing of responsibility upon which the principles of that document are based.

Dean Reddick's view of where responsibility lies for the current state of affairs at Elmira College was stated firmly in his October 12, 1992, letter to the Association's staff. According to the dean, "It is not primarily the College's administration that has been taking actions the result of which may seem to threaten collegial governance." "Over the years," he asserted, "faculty actions have eroded the principle of cooperation.... The College's administration, although perhaps not without fault in every instance that has been or could have been cited, has nonetheless demonstrated far greater allegiance to the principles of shared governance than the faculty..., who apparently prefer to act uni-

laterally despite the confusion and conflict that almost always arises as a result of such actions." "Yet," he adds, "despite the faculty's lack of cooperation..., the administration is still open to meaningful input from faculty and does still seek advice and counsel on a virtually daily basis from the faculty."

As for President Meier's view of the matter, in a faculty meeting held last fall he remarked—in one of his most mollifying communications to the faculty—that

I came to Elmira College as what I thought of as a 'faculty president.' I put the faculty in the forefront of recovery efforts. I laid off sixteen administrators, but no faculty, despite crushing deficits. I protected faculty positions and academic programs when they were the most vulnerable.... My instincts and habitual wishes are to be president of a college where faculty...show the way, to all other constituencies.... When your leadership, your collaboration, and your collegiality are ready, Dean Reddick and I will be here to work together with you.

Members of the faculty clearly have a different view of general conditions of governance at the college and of who is responsible for those conditions. Like the president and the dean of faculty, they complain that it is the other side which has acted unilaterally rather than cooperatively. While the investigating committee believes that there is room for debate on who bears the primary responsibility for this state of affairs, it has no doubt that reconciliation between faculty and administration is necessary if, as one student told the committee, "the campus will ever be free from the shroud that surrounds it."

The investigating committee questions whether a college can adequately reflect a community of interests without general agreement and mutual support among the interdependent bodies of the academic community. The welfare of that community is not well served if one or more of the segments is overwhelmingly opposed to policy decisions which directly affect that segment.

To all intents and purposes, Elmira College appears to be a dysfunctional institution at this time. Relations between the faculty and the administration have deteriorated into a condition of sustained hostility. If most of the faculty are estranged from the president and dean of faculty, and more or less walled off from the board, it seems regrettably true that the lack of respect is mutual. The protracted disputes over the faculty's role have had a profound effect on faculty morale, to the detriment of the college's well being. During its visit to the campus, the investigating committee was struck again and again by the cynicism and disillusionment expressed by members of the faculty. Junior faculty with whom the committee met seemed particularly distressed by the state of affairs. Several of them said that they were "glad they had not bought a house in the area," or that they were sending out their *vitae* in hopes of finding another position elsewhere. There is little chance of building a strong faculty if junior members look to leave rather than to try to contribute a fresh

perspective to the campus.

The investigating committee finds that faculty-administration relationships have been inimical to shared responsibility and cooperative action at Elmira College, and that the principles of the *Statement on Government* are honored only in the breach. Indeed, the atmosphere on campus is one of mutual distrust, with most of the faculty on one side and the administration and governing board on the other. Acts, thoughts, or proposals by one party are greeted with suspicion and hostility by the other. An unrelenting pettiness rests heavily in college affairs, and those who are responsible for it serve as very poor role models for the college's students.

The administration has led the renewal of Elmira College's financial strength, yet it has failed to draw the campus community together. For their part, however, faculty members have made little effort to acknowledge the accomplishments of the president and the dean or to work with them.<sup>4</sup> Their battle with the administration seems to have taken on a life of its own, and is pursued on and on even as it saps their strength. Too many at Elmira College seem more wedded to leveling charges and countercharges and scoring debating points than to finding solutions to pressing problems. Some of these same faculty members seem unwilling or unable to accept the fundamental distinction, emphasized in the *Statement on Government*, "between the institutional system of communication and the system of responsibility for the making of decisions."

The board of trustees, in the investigating committee's judgment, bears special responsibility at this juncture for acting to promote reconciliation in an atmosphere of mutual respect and commonality of purpose. Under the *Statement on Government*, "When ignorance or ill-will threatens the institution or any part of it, the governing board must be available for support. In grave

<sup>4</sup>In its prepublication comments on this report, the AAUP chapter took issue with the report's characterization of the faculty's responsibility for this state of affairs:

We believe that the faculty had spent years trying to work with the administration.... But after years...of not being included in the most important parts of the budget process, of being reduced to an advisory role in matters which should have faculty primacy, of being put down both verbally and in writing by the administration and of, frankly, being treated like children, it is not hard to see why the faculty has become so strident. We believe that this is more an effect than a cause of the governance problems at the college.

crises it will be expected to serve as a champion." Yet the Elmira College board of trustees has rebuffed approaches by the faculty and has by its own pronouncements exacerbated the sorry state of affairs. At this stage, however, it appears that only the board can effect the change that is sorely needed. The investigating committee believes that the board must do so if Elmira College is ever to conduct its affairs in accordance with established norms of academic governance.

The dysfunctional relationships which characterize the academic community at Elmira College bear little resemblance to the norms contemplated in the *Statement on Government*. Without major efforts by all parties to find common ground for resolving outstanding issues in a collegial manner, the health of the institution—and all of its components—will remain at risk.

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*Investigating Committee*

Committee T on College and University Government has by vote authorized publication of this report in *Academe: Bulletin of the AAUP*.

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