

John Carroll University Eliminates Tenure Protections

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As of March 1, 2021, John Carrol University (JCU) effectively eliminated tenure protection by altering the faculty handbook's termination policies to permit firing "without cause in cases of 'budgetary hardship'" (Flaherty, 2021, para 3; John Carrol University [JCU] Board of Directors, n.d.). This policy would apply, "whenever the administration projects an annual budget shortfall of 6% [and] two additional years of hardship" (Morona, 2021, para. 3). The Board of Directors implemented these changes following a 6% enrollment drop in the fall of 2020 and a "one-time dip into its endowment" of \$228.7 million in June of 2020 (Morona, 2021). The Board claims the amendment will strengthen the University and tenure by establishing a long-term resource allocation plan while the faculty view the changes as the "end of the academic freedom tenure protects" (Flaherty, 2021, para. 6; 17; Noce & Scully, 2021).

The Dilemma

Contributing Events

Allowing faculty termination without cause in cases of budgetary hardship is the result of over a year of "garbage-can decision-making" involving violations to both shared governance and tenure protections (Penn State University [PSU], n.d.b, p. 3). In July of 2020, in response to the COVID-19 pandemic, faculty and staff salaries were reduced by 5-10% without faculty approval (Flaherty, 2021). Just one month later, two tenured professors were fired following the sudden termination of the Art History program (Save JCU, n.d.b). Then in September 2020, the Board of Directors proposed the amendments to the faculty handbook allowing termination in cases of budgetary hardship to which JCU Faculty Council opposed 100 to 2 in a formal election (Save JCU, n.d.b). Faculty opposition is rooted in the policy's fundamental opposition with the *1940 Statement of Principles on Academic Freedom and Tenure* which defines tenure "as an indefinite appointment terminable only for cause" (Criley, 2020, para. 2).

Although the salary reduction follows the Faculty Handbook guidelines which permit, "a general reduction of salaries to avoid reaching the point of financial exigency," JCU's President, Michael Johnson, continues to deny that, "financial exigency exists [at JCU] or is 'imminent'" (Save JCU, n.d.b,

para.14). However, it is clear that financial strain is main operational concern the executive leadership is working to solve. As JCU is a private university, specific details regarding the “choice opportunity” of budgetary shortfalls are not yet accessible to the public, so the incident resulting from the “solution” of policy change is analyzed in its place (PSU, n.d.b, p. 3).

Ultimately, faculty opposition to the amendments was ignored. From September 2020 to March 2021, JCU faculty continued their futile opposition by holding protests, submitting multiple alternate cost-saving proposals, involving attorneys for the violation of tenure as a contract, holding formal faculty elections, and enlisting the support of the American Association of University Professors (AAUP) (Save JCU, n.d.b). Regrettably, the Board of Directors disregarded JCU shared governance practices to, "unilaterally impose [their] own amendments to the Faculty Handbook, effectively negating tenure at the institution" (Save JCU, n.d.b, para. 1).

Probable Outcomes

Faculty opposition is continuing, but it is unlikely the amendment to JCU's faculty handbook will change. Instead, JCU will likely struggle to retain tenure track faculty or recruiting future highly qualified faculty. Equipped with the permission to terminate any faculty or staff member without cause due to budgetary constraints, the executive leadership can aggressively pursue the 2021-2026 strategic plan which includes program prioritization and resource reallocation without the responsibility to retain tenured faculty (JCU, 2020a).

Unfortunately, the faculty will likely continue to feel unsupported and robbed of the academic freedom tenure protects. Without tenure, teachers will hesitate when approaching controversial topics in class, and as a result, the teaching quality will suffer and ultimately the brand of the institution may be weakened (Noce & Scully, 2021).

Leaders Involved

The President of JCU

Michael Johnson, a social scientist by training and a professor of marketing by trade, assumed the position of President of JCU in May of 2018 (JCU, 2020a). In his first year as president, JCU was re-

accredited by three major accrediting bodies, a record high of fundraising was accomplished, and Johnson developed a strategic, restructuring plan for JCU (JCU, 2020a). Phase one of the plan involving new and improved “facilities to directly enhance student experience” was completed shortly before the University encountered the challenges and stress of the COVID-19 pandemic (JCU, 2020a). The pandemic forced President Johnson to abandon his strategic plans and instead address the choice opportunity of “current economic realities” by reducing university costs by \$15 million (PSU, n.d.b; Thompson, 2020).

The Board of Directors

The JCU Board of Directors is a single-campus board comprised of 43 members, excluding President Johnson, who are replaced every three years (Bamforth, 2019; Hendrickson et al., 2013; JCU, 2020b). Of these members, 38 are JCU alumni who hold or have held careers in business, law, health, or non-profit organizations while the remaining 5 members are religious leaders (JCU, 2020b). As is the case for many small, private institutions, the JCU Board is largely composed of wealthy donors with little to no experience in higher education (Save JCU, n.d.a). The composition of the members of the Board reflects JCU’s goal complexity resulting from their stated goals of pursuing JCU’s mission, the real motivating goals of establishing sustainable fiscal success, and the support goals of representing Catholic and Jesuit values (Hendrickson et al., 2013; Thompson, 2020).

Faculty

JCU professors, Simon Fitzpatrick (JCU AAUP President), Diana Taylor (JCU AAUP Vice President), and Brent Brossmann (Chair of the JCU Faculty council) are leading and uniting faculty members in the fight to overturn the termination due to budgetary hardship amendment (Criley, 2020; Schultz, 2021). Taylor and Brossmann are publicizing the issues while Fitzpatrick works behind the scenes to enlisting AAUP’s support and advice (Criley, 2020; Noce & Scully, 2021).

Over-Arching Evaluation

The Board of Directors and President Johnson’s Leadership

The Board of Directors and President Johnson publically acted in agreement throughout this dilemma and primarily exhibited transactional leadership characteristics indicative of a “structured

environment with clearly defined roles and responsibilities between leadership and subordinates” (PSU, n.d.a, p. 3). Additionally, the Board and President overtly expressed legitimate power, derived from their ultimate legal responsibility for the institution, in establishing policies meant to ensure the fiscal longevity of the university (Hendrickson et al., 2013).

The use of legitimate, transactional leadership allowed the Board and the President to implement changes to the faculty handbook quickly so budgetary hardships can be addressed immediately. This utilization of their authoritarian role allowed them to both, “address matters of concern [and] move the organization forward in a way that is in the best interest of the organization” (PSU, n.d.a, p. 6). All in all, the Board and the President displayed great efficacy in implementing their decision.

The Faculty’s Leadership

On the other hand, the faculty leaders utilized expert power in petitioning the AAUP’s support and uniting the faculty in opposition to the amendments. These faculty leaders possess, “a great deal of knowledge or skill in the domain of their work, and are afforded authority because of it” (PSU, n.d.a, p. 5). Brossmann has led three formal Faculty Council meetings to vote on the Board’s proposals with all three meetings reflecting the faculties’ overwhelming opposition (Save JCU, n.d.b). He also has composed three counter proposals reflecting sacrifices the faculty are willing to make to support the universities’ finances (JCU Faculty Council, n.d.). Additionally, both Brossmann and Taylor communicate in ways indicative of coercive power through publically opposing the Board’s amendments and risking their good standing with the university to reveal negative consequences of the termination policies (PSU, n.d.a). All three faculty leaders operated with great efficacy in rallying support, proposing alternative measures, and communicating to the public.

Conclusion

If I was a leader at John Carrol University, I would have delayed amending the faculty handbook by implementing some of the faculty proposed cost-saving solutions. The decision would then be one made by resolution rather than one made by flight (PSU, n.d.b). Undoubtedly, pursuing less drastic cost-saving solutions would prolong resource reallocation efforts, but it would allow JCU to operate in a

combination of Riley and Baldrige's (1977) bureaucratic model and their collegial model (Hendrickson et al., 2013). Upholding shared governance is foundational to the stability of an institution, so faculty must have a "role within the decision-making structure of the institution" (Hendrickson et al., 2013, p. 43).

Secondly, I would carefully evaluate the "feasible alternatives to termination" suggested by AAUP (Criley, 2020, para. 3). Neglecting to do so would, "in effect be eliminating tenure as it is commonly understood" and cause long-term consequences to the university (Criley, 2020, para. 3). Although the leadership and decision-making strategies used were successful in establishing immediate cost-saving measures to address the choice opportunity of predicted financial deficits, they were overtly rational and neglected to fully examine the, "consequences in terms of objectives" (Cohen & March, 1974, pp. 81-82).

Finally, the Board and President lost the trust and respect of their faculty through making this decision by flight. They first sought the faculty's input then removed their concerns from consideration and implemented the original amendments proposed (PSU, n.d.a). If I was a leader, I would remind the Board and the President that the internal constituents of the university have, "an important influence on university governance" therefore, they must be valued and respected specifically regarding drastic changes to tenure (PSU, n.d.c).

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