

# Professional Concerns Committee Agenda for April 5, 2018

**SU 109**  
3:15 pm

1. Call to Order, Adoption of Agenda
2. Approval of Minutes from PCC Meeting of March 15, 2018
3. Chair's Report and Announcements
4. Old Business
5. New Business
  - Discussion Item: Early Childhood Center (1 attachment)
  - Discussion item: State Legislation To Weaken Tenure Protection (1 attachment)
6. Adjournment

**Professional Concerns Committee**  
**Minutes for April 5, 2018**  
**SU 109, 3:15 pm**

**Members in Attendance:** A. Al-Bahrani, K. Ankem, D. Childs for P. Bills, T. Bowers, I. Encarnacion, J. Farrar, S. Finke, K. Fuegen, J. Hammons, K. Katkin, A. Miller, G. Newell, S. Nordheim, T. Songer, M. Torres, M. Washington, K. Schwartz for M. Whitson, J. Wroughton.

**Guests:** Sue Ott Rowlands, Dan Nadler, Janel Bloch, Matthew Zacate, Rick Boyce, Alar Lipping, Cindy Reed, Roland Coloma, Chris Strobel, Gary Clayton, seven unidentified others.

**Members Not in Attendance:** S. Alexander, T. Bonner, J. Clarkin, E. Fenton, N. Grant, B. Karrick, M. Kirk, B. Mittal, L. Wermeling, B. Zembrodt.

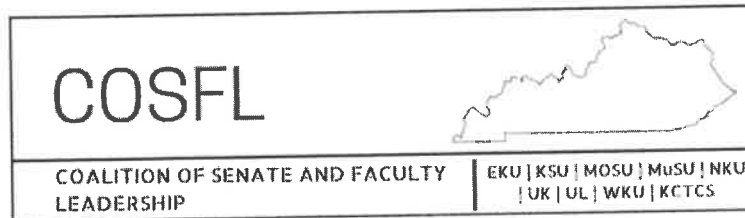
1. Call to Order, Adoption of Agenda
  - a. The Meeting was called to order, and the agenda was adopted unanimously with the addition of a discussion item regarding the appointment procedures for administrators with faculty rank.
2. Approval of Minutes from PCC Meeting of March 15, 2018.
3. Chair's Report and Announcements
  - a. Many NTTR faculty received letters with notice of non-renewal of their contracts for fall 2018. There was significant concern and a discussion item was added to the agenda.
  - b. The Kentucky Conference of the AAUP is this weekend in Frankfort.
  - c. Campus police report that an admissions administrator forged a number of checks.
  - d. From Faculty Senate
    - i. PCC recommendation to amend the Faculty Handbook to allow withdrawal of application for promotion was unanimously approved.
    - ii. PCC resolution opposing the revisions to the Consensual Relations Policy was approved. There were some questions about the explanatory parts of the resolution were included as part of the vote.
    - iii. Several curricular proposals were approved.
  - e. The Kentucky legislature enacted H.B. 592, which eliminates the tuition waiver benefit program that previously allowed NKU faculty and staff members to enroll in a limited number of courses at any Kentucky public university, tuition-free. NKU plans to continue to honor the tuition waiver for NKU employees taking courses at NKU, with no policy change. However, it appears that NKU faculty and staff members will no longer be entitled to use the tuition-waiver benefit at other KY institutions.
  - f. K. Katkin will be visiting away from NKU in Fall of 2018. PCC will need a new chair.
4. New Business: Discussion of the Early Childhood Center.
  - a. Dan Nadler, Vice President for Student Affairs was present to take questions.
  - b. PCC and Faculty Senate passed resolutions in April and May 2017, respectively, that opposed the closure of the ECC. These resolutions also asked that faculty be represented during the process of evaluation of outside vendors who might take over the operation of the ECC. In response, Prof. J. Gilbert was appointed to serve on that evaluation committee. But the evaluation committee never met, and Prof. Gilbert never heard from the administration again. No faculty members or ECC users participated in the decision to close the Early Childhood Center.
  - c. Dr. Nadler explained the process for releasing the RFP. After Dr. Nadler visited with PCC in April 2017 and appointed Prof. Gilbert to the evaluation committee, only one outside vendor applied to operate the ECC. Negotiations with that applicant failed to produce a contract. Accordingly, the evaluation committee never met. Although Dr. Nadler discussed this matter with PCC in April 2017 and appointed Prof. Gilbert to serve on the evaluation committee. Dr. Nadler was unaware that Faculty Senate had issued a resolution on ECC in May 2017.

- d. PCC members had questions about the process that was followed, expressed concerns about the lack of faculty input, expressed concerns about the use of the ECC as a site for learning by NKU students, potential other vendors who could be encouraged to submit proposals, and the decision making. PCC and Faculty Senate indicated that the ECC was a worthy investment of NKU resources.
  - e. PCC discussed issuing a memo to memorialize these concerns. The memo language passed without dissent with amendments for clarity. As amended, the draft memo will be forwarded to Faculty Senate for further action.
5. New Business: Discussion of the appointment process for administrators with faculty rank.
- a. Professor G. Clayton addressed the PCC to request that PCC consider recommending amendments to the Faculty Handbook that would clarify the faculty's role in awarding faculty rank and tenure to new administrative hires. Prof. Clayton reported that an individual recruited from outside NKU to assume a high-ranking NKU administrative position has sought the rank of full professor with tenure in Prof. Clayton's department. Accordingly, after this individual was appointed as an NKU administrator by the Board of Regents, a special committee of full professors was convened, and was asked to recommend that faculty rank and tenure be awarded. Prof. Clayton served on this special committee. The committee followed the departmental guidelines for review of the application, which included reviewing the applicant's publications. Significant concerns resulted from their review. The committee sought to follow the Handbook process, but there is no clear RPT process for external candidates. The Provost advised that neither the faculty appointments process nor the RPT process apply in situations where faculty rank and tenure is awarded to an external administrative appointee. The review of external candidates has typically been based on the submitted CV and other documents; there is no dossier. In the instance described by Prof. Clayton, members of the special committee met with University Counsel for advice, and then presented their concerns to the Board of Regents.
    - i. Prof. Clayton shared two documents with PCC members. One document compared two papers published in the same year that contain significant overlap. The other document contained the full citations for the papers.
    - ii. Prof. Clayton indicated that based on his concerns about these published papers, he felt that he opposed awarding the rank of full professor with tenure to this administrator.
    - iii. It was noted that while the BOR has already appointed this candidate to an administrative position, no announcement has made regarding any award of faculty rank or tenure.
  - b. Prof. Clayton noted that a case that raised analogous concerns occurred in the same department at NKU in 2002-03. That case resulted in five NKU faculty members being released in the middle of the semester with revocation of tenure. This prior case is discussed in: Michael R. Carrell & Sara Sidebottom, *Business School Ethical Dilemma: A Case Study*, BUSINESS RENAISSANCE QUARTERLY; 2, 2; ABI/INFORM Global, pp. 91-110 (Summer 2007), online at <https://www.sendspace.com/pro/dl/9jknlu>.
  - c. After discussion, PCC Members generally agreed that the process—and perhaps the substantive standards—for the award of faculty rank and tenure to external candidates hired as administrators must be clarified in the Faculty Handbook.
  - d. Further discussion centered on whether Section 16.7 of the Faculty Handbook (which governs research misconduct) should also be amended to clarify whether its processes and standards apply to research conducted by NKU faculty members before they came to NKU.
  - e. K. Katkin will bring language to the next meeting reflecting our discussion.
6. New Business: Discussion of state legislation to weaken tenure protection.
- a. Language was added to the budget bill (Substitute amendment SCS 1 to HB 200, subsequently amended by FCCR 1) weakening tenure protections. The BOR “may reduce the number of faculty, including tenured faculty, when the reduction is a result of the Board discontinuing or

modifying an academic program upon determining that program changes are in the university's or college's best interest due to low enrollment, financial feasibility, budgetary constraints, or declaration of financial exigency." "The provisions of this section supersede any and all policies governing the faculty employment approved by a Board of Regents or Board of Trustees."

- b. The Coalition of Senate and Faculty Leadership (COSFL) in Kentucky has issued a statement on tenure.
  - c. The bill allows for removal of any faculty member with ten day's notice.
  - d. Other universities in Kentucky issued strong statements regarding the discussion of the bill and vowing to follow established procedures. NKU administration issued an evasive response.
  - e. PCC voted to support the resolution from COSFL without dissent.
  - f. There was discussion about the response of faculty, particularly a media campaign to communicate faculty concerns and gain public support.
7. New Business: Discussion of notice sent to NTTR faculty.
- a. This is required as notice in the Faculty Handbook, though there is a possibility of re-hire.
    - i. Several PCC members had questions about the procedure. There are concerns about the criteria for making the decisions.
    - ii. The date of notice was briefly discussed.
    - iii. Should PCC issue recommendations and changes to improve the process? Should the process be uniform across all colleges and all faculty?
8. The meeting was adjourned by K. Katkin.

Submitted,  
John Farrar



## **COSFL Statement on Kentucky Budget Bill**

**Submitted by Enid Trucios-Haynes, President of COSFL  
on behalf of COSFL Membership  
April 4, 2018**

### **FOR GENERAL DISTRIBUTION**

The Kentucky Coalition of Senate & Faculty Leaders [COSFL] strongly opposes the pending Budget Bill reducing funding for higher education and the provision that would permit the summary dismissal of tenured faculty. The Budget Bill permits Boards of Regents and Trustees to eliminate or modify majors or degree programs due to “low utilization, financial feasibility, budgetary constraints, or declaration of financial exigency” and to terminate tenured faculty after a ten-day notice.

Salaries are the largest and most controllable expense for universities. Shortsighted strategies designed to achieve immediate financial savings, such as eliminating programs, their supporting staff, and faculty, including those with tenure, will cripple universities as engines for growth and development in our communities. The devastating harm to our students and state will reverberate for decades to come. The Budget Bill devalues the integrity of universities, and our students, faculty, and public education. It will not yield savings because of our ethical responsibility to “teachout” students to degree attainment. This obligation takes years to accomplish and is an accreditation requirement for many institutions and programs.

Faculty believe that public universities have a collective mission to provide access to education to *all* Kentuckians. Decisions to close or modify academic programs require careful consideration relying on faculty expertise to evaluate current trends, long term projections, and historical data in their academic fields. While “low utilization” or low enrollment may seem like an obvious reason, there are cycles in the popularity of some programs and other programs must be continued to provide the well-rounded education students need and expect in order to compete in a global economy.

Universities have an ethical obligation to our students to avoid what seems like an “easy fix” to eliminate majors and degree programs based on financial feasibility and budgetary constraints. Rather, faculty and university administrators must evaluate these challenges with integrity and transparency, and work collaboratively to avoid the extreme measures proposed.

The First Amendment of the U.S. Constitution protects freedom of speech and this is the bedrock of American universities. Tenure is the method by which U.S. universities establish teaching and learning environments free from ideological constraints, and advance new ideas regardless of controversy in research, scholarship and creative activity. Faculty, protected by this academic freedom, are the heart of U.S. universities which make us attractive to students from across the globe. Tenure protects the academic freedom to teach unpopular topics and to explore the full range of thought on a topic, ensuring students develop the critical thinking skills most valued by U.S. employers.

COSFL is a statewide forum of senate and faculty leadership representing the eight public institutions of higher education in the Commonwealth of Kentucky and the Kentucky Community and Technical College System (KCTCS). It was formed July 13, 1979 as a collective advocacy body of public higher education faculties.

<https://www.wku.edu/cosfl/>

## MEMORANDUM

To: Faculty Senate  
From: PCC  
Re: NKU Early Childhood Center  
Date: April 5, 2018

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The PCC recommends that Faculty Senate adopt the following Resolution:

The Faculty Senate is of the position that good faith consultation with faculty bodies did not occur and it is disappointed that faculty opinion does not appear to have been strongly considered before the university made its decision to close the Early Childhood Center.

This Resolution will express the disappointment of the Faculty in the NKU administration's recent decision to close NKU's Early Childhood Center (ECC). While the closing of the ECC is a tremendous loss to our community, our greatest concern is the process through which this decision was made.

On May 4, 2017, Faculty Senate unanimously adopted a prior Resolution that stated, in pertinent part:

As NKU evaluates the future of the ECC, we request that the process be inclusive and transparent, directly involving stakeholders (including current and past ECC families) in the decision making process. Specifically, we request the:

- (1) continuation of a child care facility on-campus that serves, at least, faculty and staff members and NKU students;
- (2) maintenance of a high standard of quality (e.g. NAEYC accreditation or equivalent);
- (3) continuation of placement opportunities for early childhood education program teacher candidates for field work and course projects;
- (4) continuation of student employment opportunities; and
- (5) maintenance of subsidies for NKU students who use the facility.

We also encourage NKU to explore options that increase child care options on campus (e.g. by accepting students younger than one year of age). Moreover, in calculating the true cost to NKU of ECC's operation, the university should take account of (and seek to quantify) the corresponding and off-setting benefits that may accrue from staff and faculty retention and job satisfaction, as well as from student retention.

## Discussion Draft – Recommended By PCC; Not Voted or Approved By Faculty Senate

The PCC is aware that the Faculty Senate resolution of May 4, 2017 was not formally delivered to the NKU Administration before President Mearns left NKU the same month. For this reason, the resolution did not reach the members of the NKU administration most directly involved in the closing of the Early Childhood Center (including NKU VP for Student Affairs Daniel P. Nadler), and may not have reached President Mearns's successor, Interim President Gerard St. Amand. As discussed herein, however, this resolution did memorialize certain specific representations made by VP Nadler to PCC on April 6, 2017 and acted upon by him subsequently. Accordingly, the Senate resolution on May 4, 2017 reflects the faculty's well-justified understanding that the NKU administration had expressed its concurrence in Senate's recommendations (at least with respect to process and goals) and had agreed to comply with them.

The Senate was thus surprised and disappointed when, on March 15, 2018, President St. Amand notified the entire NKU community that the Early Childhood Center will close its doors permanently on June 1, 2018, and that no outside vendor will provide similar childcare services on campus. Contrary to the understanding set forth in the May 4, 2017 Senate Resolution, the process that led to this decision was neither inclusive nor transparent, nor did it directly involve stakeholders (including current and past ECC families) or the Faculty Senate. Nor did it yield the recommended continuation of a high-quality child care facility on-campus that serves faculty and staff members and NKU students and that provides placement opportunities for early childhood education program teacher candidates for field work and course projects or student employment opportunities. Nor, as far as we know, did the University take account of (or seek to quantify) the corresponding and off-setting benefits that may accrue from staff and faculty retention and job satisfaction, as well as from student retention, when it calculated the true cost to NKU of ECC's operation. Accordingly, after purporting to accept the principles codified in Senate's May 4, 2017 recommendation, the administration failed to abide by that recommendation.

The Statement of Collegial Governance at NKU proclaims that:

The Faculty and Administrators of Northern Kentucky University believe in a collegial system of university governance, based on a concept of authority and responsibility shared among colleagues, some who have primary duties as faculty and some who have primary duties as administrators. A collegial system has, as its fundamental principle, the concept of good faith consultation among these colleagues prior to decision-making. . .

All colleagues in the system, regardless of their respective roles as faculty or administrators, have an obligation to honor and support the decisions reached through the collegial process. If good faith consultation among colleagues exists, if decision-making authority is delegated appropriately, and if all participants are committed to the decisions made through the collegial system, non-productive adversarial relationships among groups are minimized, and university goals and objectives are more easily achieved.

Given the prior course of events described above, the Faculty Senate has grave concerns that the good faith consultation envisioned by this Statement was dishonored by the Administration in this instance.

The closing of the Early Childhood Center reflects a change in institutional budget priorities. The Statement on Collegial Governance classifies the setting of "institutional budget priorities" as an activity that "fundamentally affects academic programs." For such matters, the Statement proclaims that "[g]ood faith consultation with faculty bodies is routine" and that "[f]aculty opinion in these matters should be strongly considered."

## Discussion Draft – Recommended By PCC; Not Voted or Approved By Faculty Senate

On May 4, 2017, the Faculty Senate formally expressed the opinion of the faculty concerning the future of the Early Childhood Center and the process by which decisions should be taken. With regret, the Senate believes that its opinion was not “strongly considered” by the Administration in this case, and was not treated with “good faith.” Certainly, at no time has the NKU Administration ever communicated to the Faculty Senate any reasons for its ultimate rejection of the Senate’s recommendation, with which it had earlier purported to agree.

Like the Administration, the Faculty Senate is aware that NKU may be facing considerable budget cuts in the very near future. As a community we value **transparent and open communication and shared governance** – neither of which were honored in the process of closing the ECC. Specifically, no stakeholders of the ECC (ECC staff, Early Childhood Education faculty, ECC parents, or ECC student workers) were present at the meeting where it was decided to close the facility or had any meaningful input into the decision making process.

To the contrary, following the PCC Meeting of April 6, 2017, two Early Childhood Education faculty members were added to the Review Committee that was instituted to review applications from outside vendors to operate the ECC. But these two faculty members subsequently were never notified of any review committee meetings, nor given any updates. Instead, after inquiring, they were told that the review committee had not met to decide on the outside vendors because there was only one vendor submission. This was the only correspondence these faculty members ever received from the NKU administration after formally being added to the review committee.

After the ECC’s closing was announced, the NKU administration stated that the administrators who closed the ECC viewed themselves as stakeholders in the ECC. These administrators, however, included no “current and past ECC families,” as specifically called for in the Senate Resolution of May 4, 2017. Moreover, these administrators will suffer no direct consequences as a result of their decision to close the facility – i.e. they did not lose their jobs, they did not lose their childcare/support systems, they did not lose a teaching resource, they did not lose an experiential education opportunity. In short, the populations most affected by the decision did not have a seat, or voice, at the table. Any effort to characterize such persons as the “stakeholders” contemplated by the Senate Resolution of May 4, 2017 appears disingenuous and can only serve to illustrate the administration’s lack of “good faith” in its consideration of faculty views on this issue.

The decision to eliminate childcare options on campus is shortsighted and in opposition to nationwide efforts to support students, staff, and faculty that are balancing work and family. While leaders in the field and the federal government are working to increase childcare options and accessibility, NKU is making the perilous decision to erect barriers to higher education for our most vulnerable students, contribute to the leaky pipeline in academia, and undermine gender equality in academia.

The messaging around the decision to close ECC continues to frame ECC as a tremendous financial burden to NKU. This is misleading. The ECC was not a for-profit enterprise. NKU’s small subsidy to ECC provided support for academic programs. In particular, the ECC was used as a placement for the ECE program Non-Certification teacher candidates. ECC children visited the campus rec center so that Kinesiology students could implement activities that fosters physical development of young children. The ECC classrooms and children were also used by NKU students to complete various course assignments. The applicable courses are:



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- EDU 551 Preschool Education and Programming, where our students completed in-depth projects with children.
- EDU 552 Infant Development and Programming, where quality level of classroom environment are assessed.
- EDU 554 Language Development and Emergent Literacy & EDU 566 Ongoing Assessment in Early Childhood Education, where students gathered artifacts for child assessment/evaluation.
- NRS 415 Principles of Pediatric Nursing & NRS 415P Pediatric Nursing Practicum, where nursing students practice growth & development assessments.

In addition, NKU's small subsidy to ECC provided support for student success (through experiential education and employment opportunities) and NKU students, faculty, and staff (through the benefit of providing a campus childcare option). The median salary of the staff listed on the NKU ECC webpage is \$28,860 per year. These staffers have dedicated years of service to NKU. They worked closely with NKU faculty to provide experiential learning opportunities for our students and they were an invaluable resource for student parents. They helped raise our kids. This is not a simple issue of semantics, framing the ECC solely as an unsustainable financial subsidy communicates what is valued and worthy of investment, and what is not.

Indeed, the total cost of NKU's subsidy to NKU never exceeded roughly \$200,000 per year. This cost included the costs of KERS retirement contributions, and also the costs of cleaning, heating, cooling, electricity, etc. The latter set of costs will continue to be borne by the University after the ECC's space is repurposed to other uses. The KERS costs might likewise be eliminated without terminating the ECC, were the University to redouble its efforts to outsource the ECC's operations.

Additional outside support may have been available to support the operations of the ECC. In March 2018, Congress enacted a FY2018 federal budget that includes an increase of \$2.37 billion in the Child Care and Development Block Grant (CCDBG). This bill also includes:

- A \$610 million increase for Head Start
- \$299 million increase for Part B and C of the Individuals with Disabilities Education Act (IDEA) providing early intervention, special education and related services to children with disabilities.
- \$35 million increase for the Federal Child Care Access Means Parents in School (CCAMPIS) Program to support child care for student parents
- sustained funding for year-round Pell grants
- a one-time fix to the Public Service Loan Forgiveness program that expands eligibility to (some) additional borrowers.

Moreover, the University routinely spends greater sums on programs that add far less value to the University. The Office of the Chief Financial Officer, for example, has an annual budget of more than \$11 million per year (including \$5 million in debt service and lease payments). When the cost of athletic scholarships is included, athletic programs are subsidized by a similar amount. The Office of the Chief Information Officer spends more than \$10 million per year on personnel costs alone. It is hard to believe that a sum as small as \$200,000 could not be cut from these giant budgets without inflicting adverse effects of similar magnitude on the NKU community. And in 2017-18 alone, in the midst of the present budget crisis, the University decided to convert the Honors Program to an Honors College (with

**Discussion Draft – Recommended By PCC; Not Voted or Approved By Faculty Senate**

a new Dean) and to add a new Assistant Vice President Position for Accelerated Online Programs. Each of these decisions will cost the University roughly \$200,000 per year going-forward. Neither will add more value to the University than the ECC had added.

Closing the ECC is a heartbreaking loss to our community and many of the things lost (community-university relationships, social capital, support networks, and friendships) are intangible and difficult to quantify. But, how the process unfolded is the greatest concern and a threat to what we as a university have always valued – **transparent and open communication and shared governance**. As we continue to navigate financial insecurity at NKU, decisions that impact members of our community must involve stakeholder representation

**RESOLUTION**

“The Faculty Senate is of the position that good faith consultation with faculty bodies did not occur and it is disappointed that faculty opinion does not appear to have been strongly considered before the university made its decision to close the Early Childhood Center.”

DRAFT

# McDaniel Amendment to Gut Tenure Protections

UNOFFICIAL COPY  
KY Senate, Substitute Amendment SCS 1 to H.B. 200, <sup>18 RS HB 200/SCS 1</sup> passed the Senate

March 20, 2018

1 compliance with appropriate government and accounting standards.

2 The Department of Education shall submit a report to the Legislative Research  
3 Commission by December 31 of each fiscal year verifying the information submitted by  
4 local school districts in subsections (1) and (2) of this section.

5 **27. Faculty Employment:** Notwithstanding KRS 164.230 and 164.360, each  
6 Board of Regents or Board of Trustees of a state-funded university or the Kentucky  
7 Community and Technical College System may reduce the number of faculty, including  
8 tenured faculty, when the reduction is a result of the Board discontinuing or modifying an  
9 academic program upon compelling evidence the program changes are in the university's  
10 or college's best interest due to low utilization, financial feasibility, budgetary constraints,  
11 or declaration of financial exigency.

12 Notwithstanding KRS 164.230 and 164.360, when a faculty reduction occurs  
13 pursuant to this section, the board shall provide ten days' notice in writing to the faculty  
14 member or members being removed as a result of the reduction stating the Board's  
15 reasoning. The provisions of this section supersede any and all policies governing the  
16 faculty employment approved by a Board of Regents or Board of Trustees.

17 **28. Employee Layoffs, Furloughs, and Reduced Hours:** Notwithstanding any  
18 statute to the contrary, the following process and procedure is established for July 1,  
19 2018, through June 30, 2020, in the event that the Commonwealth or any agency  
20 determines that it is desirable for the Executive Branch to layoff, furlough, or reduce  
21 hours of employees:

22 (1) For the purposes of this section:

23 (a) "Appointing authority" means the agency head or any person whom he has  
24 authorized by law to designate to act on behalf of the agency with respect to employee  
25 appointments, position establishments, payroll documents, register requests, waiver  
26 requests, requests for certification, or other position actions;

27 (b) "Secretary" means the Secretary of the Personnel Cabinet as provided for in

Dear COSFL Members,

I have prepared a proposed statement for us to consider as a joint response to HB 200 - Budget Bill. If we agree on the statement, then we can start distributing to Kentucky legislators as the COSFL position in addition to our communications as faculty from our institutions.

The Kentucky Coalition of Senate & Faculty Leaders [COSFL] strongly opposes any budget bill provision that would permit the summary dismissal of tenured faculty. The Senate budget bill permits Board of Regents and Trustees to eliminate or modify majors or degree programs due to “low utilization, financial feasibility, budgetary constraints, or declaration of financial exigency” and to terminate tenured faculty after a ten-day notice.

Salaries are the largest and most controllable expense for universities. Shortsighted strategies designed to achieve immediate financial savings, such as eliminating programs, their supporting staff, and faculty, including those with tenure, will cripple universities as engines for growth and development in our communities. The devastating impact on our students and state will reverberate for decades to come. The Senate bill will do more harm, and devalues universities, their faculty, and public education. It will not yield savings because of our ethical responsibility to “teachout” students to degree attainment. This obligation takes years to accomplish and is an accreditation requirement for many institutions and programs.

Faculty believe that public universities have a collective mission to provide access to education to *all* Kentuckians. Decisions to close or modify academic programs require careful consideration relying on faculty expertise to evaluate current trends, long term projections, and historical data in their academic fields. While “low utilization” or low enrollment may seem like an obvious reason, there are cycles in the popularity of some programs and other programs must be continued to provide the well-rounded education students need and expect in order to compete in a global economy.

Universities have an ethical obligation to our students to avoid what seems like an “easy fix” to eliminate majors and degree programs based on financial feasibility and budgetary constraints. Rather, faculty and university administrators must evaluate these challenges with integrity and transparency, and work collaboratively to avoid the extreme measures proposed.

The First Amendment of the U.S. Constitution protects freedom of speech and this is the bedrock of American universities. Tenure is the method by which U.S. universities establish teaching and learning environments free from ideological constraints, and advance new ideas regardless of controversy in research, scholarship and creative activity. Faculty, protected by this academic freedom, are the heart of U.S. universities which make us attractive to students from across the globe. Tenure protects the academic freedom to teach unpopular topics and to explore the full range of thought on a topic, ensuring students develop the critical thinking skills most valued by U.S. employers.

**Enid Trucios-Haynes**

Professor of Law, Louis D. Brandeis School of Law

Chair Faculty Senate & Trustee of University of Louisville

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**From:** Jonathan William Pidluzny  
**Sent:** Wednesday, March 28, 2018 11:19 PM  
**To:** AAUP members KY@LISTSERV.LOUISVILLE.EDU  
**Subject:** Re: [AAUP\_members\_KY] HB 200 - Budget Bill--Information from COSFL listserv

Dear AAUP/COSFL members,

The language in question actually goes all the way back to the Governor's budget proposal. I offer the following observation:

Under an existing statute, KRS 164.360, "no president or faculty member shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct." Under the governor's proposed budget bill, "notwithstanding KRS 164.360 or any statute to the contrary," universities and technical colleges are permitted to fire tenured faculty if the institution eliminates their department or program. (I think some will reasonably read this as encouragement.) Here is the concerning language from page 126.

**...each Board of Regents may remove any faculty member or employee:**

[...]

**(2) If a university or Kentucky Community and Technical College System department or academic program has been eliminated. Under this subsection, an employee or faculty member shall not be removed until after ten days' notice in writing;**

I know several institutions have revised their own tenure policies in recent years in hope of eliminating tenured positions (this includes MSU), only to find a potential roadblock in KRS 164.360. If the state protection for tenure faculty is weakened along these lines, I think it is likely several institutions will contemplate eliminating programs and associated faculty to deal with anticipated budget deficits in the next fiscal years.

I also noted that I was aware of administration-driven efforts at several institutions in recent years to revise [internal] tenure policies... in hope of eliminating tenured positions (this includes MSU), only to find a potential roadblock in KRS 164.360. If the state protection for tenure faculty is weakened along these lines, I think it is likely several institutions will contemplate eliminating programs and associated faculty to deal with anticipated budget deficits in the next fiscal years.

Since then, *I have learned that this idea has been floating around Frankfort for well over a year — at the request of the universities.* That is, some of our administrations have been asking for language that not only allows them to fire tenured faculty, but that allows those institutions that have not revised internal policies to do so in violation of their institutions' tenure protections. That is what we now see in the Senate version of the budget bill. The point I'm

trying to make is that there are clearly concrete plans stretching back some time, at at least a handful of KY institutions, to fire tenured faculty. Some of our admins have been actively lobbying Frankfort for the power to do so.

I suggested in January that COSFL make a statement/ contact the AAUP and/or state legislators/ draft an open letter or op-ed on the cuts and/or proposed weakening of the tenure system, etc. All of these things seem to me to remain viable options, though now on a shorter timeline. What the legislature is contemplating would change the face of public education in Kentucky: by weakening shared governance, and by making it more difficult to retain and attract excellent faculty. This would be an immense disservice to Kentuckians, which (taken together with the decade's higher ed budget cuts) will take us decades to recover from. When we were fighting this fight on our campus respecting our internal policies — a fight that lasted more than two years — the AAUP was actually very helpful. I recommend them to everyone.

At MSU today, we are fortunate to have a new president who doesn't believe it is in the institution's interest to weaken tenure protections or to fire tenured faculty. That said, if there is interest in convening a meeting to discuss these issues, and how we might respond as entities, I think those of us who were involved in the effort to resist our previous administration's efforts to weaken tenure protections at MSU would be happy to share what we learned over a grueling 2+ year ordeal. Nothing is more important than familiarity with the institution's budget and IPEDS data — to be able to show campus constituencies and the Board of Regents that there are other places to cut. What is more, I think open letters and op-eds are more powerful coming from unified groups than aggrieved individual parties. And so, I reiterate my proposal that we meet to draft an open letter or op-ed if other members of the AAUP group and COSFL are interested.

Sincerely,

JP

Jonathan W. Pidluzny, Ph.D.  
Associate Professor of Government & Program Coordinator  
Faculty Regent, MSU Board of Regents

Morehead State University  
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## Tenured Kentucky professors could be fired under a late addition to the state budget

By Phillip M. Bailey and Justin Sayers, *Louisville Courier Journal*

Published 11:12 a.m. ET March 28, 2018 | Updated 5:07 p.m. ET March 28, 2018  
<<https://www.courier-journal.com/story/news/politics/ky-legislature/2018/03/28/tenured-kentucky-professors-fired-state-budget/464060002/>>.

College professors in Kentucky are furious after learning language was reintroduced in the state budget that would allow universities to fire tenured faculty when making financial cuts.

The provision, added by state Sen. Chris McDaniel, would allow public colleges and universities to remove positions if it changes or eliminates an academic program. McDaniel told Courier Journal that passage was added to the state budget bill after consulting with Kentucky university board members and presidents.

"The protections for academic freedom are still intact (under state law)," McDaniel, R-Taylor Mill, said in a statement. "This language just affects the potentially eliminated programs."

Asked through a spokesman which university officials or presidents had been consulted, McDaniel said he did not want to mention anyone by name, "but that conversation did take place and he believes he has support for this language."

Spokesmen for both University of Louisville and University of Kentucky said their presidents – Greg Postel and Eli Capilouto – and board chairs – J. David Grissom and Dr. Edward Britt Brockman – did not have talks with McDaniels about the provision.

When asked if Louisville plans to fight the provision, university spokesman John Karman said the school "is in Frankfort every day during the session fighting for higher education."

"We will continue to monitor the measure as it is debated in the General Assembly," Karman said.

Several other officials from universities across the state did not immediately respond to a request for comment.

Tenure is considered a core of academic freedom among university faculty that is bestowed on a select group of professors who have gone through a rigorous combination of research, publishing and teaching. But it has been under attack in recent years by Republican-led state legislatures and governors.

Susan Jarosi, president of the U of L chapter of the American Association of University Professors, said Wednesday there is a huge amount of anxiety about the proposal.

"It's so destructive, it ignores completely how universities work and existing policy," she said.

Professor Ricky L. Jones, chairman of the Pan-African Studies Department, said this represents another attack on higher education.

"You've seen it historically where politicians or dictators with these type of sensibilities always attack intellectuals because they prefer a non-thinking citizenry," he said.

Jones, a former candidate for U of L president, said Wednesday morning that he would be contacting university officials about their stance on McDaniel's proposal.

"When you talk about 'brain drain' in Kentucky, moves like this will add to the more talented people in the state leaving, and it will prevent more talented people from around the country coming," Jones said.

Nancy McKenney, president of the AAUP's Kentucky conference, echoed those sentiments saying tenured faculty whose programs are eliminated should be moved to another area of the university because they are not tenured to a program but to the institution as a whole.

"The best and brightest faculty will no longer want to work in Kentucky," she said. "Those already working at universities in the commonwealth will be looking for greener pastures."

Gov. Matt Bevin had similar language about tenured faculty in his original budget that was presented earlier this year. The House removed those provisions in its version, but the language was added back by a 26-11 vote in the Senate last week.

McDaniel, who is chairman of the Senate budget committee, said the governor's office had no input in crafting the substitute provision.

Jarosi said she is skeptical about McDaniel's claim that he has support from university leaders when he won't specify who is backing the provision.

"The whole language that 'I have support of university presidents' makes us have this question about what Dr. Postel is doing behind closed doors, what the board of trustees is doing behind closed doors that we don't know about," she said.



McKenney, who is a professor at Eastern Kentucky University, said she isn't aware of President Michael Benson's meeting with any lawmakers about changes to tenure protections.

"I cannot imagine that any university president would want to alienate faculty and tarnish his/her academic reputation by supporting such a provision," she said.

She said the most objectionable part of the provision is that a university board shall provide ten days' notice in writing to the faculty member or members being removed.

McKenney said such an abrupt firing could harm students and might jeopardize an institution's accreditation. She added it is, "completely inadequate for any faculty member but especially for those who have gone through the rigorous process necessary to obtain tenure."

The move regarding tenured faculty would come at a time when Kentucky universities are getting rid of programs and offering faculty members buyouts after years of deep budget cuts.

Since 2008, Kentucky's public post-secondary education system has been cut by 26.4 percent, or \$2,832 per student, according to the Center on Budget and Policy Priorities.

Bevin proposed 6.25 percent cuts to higher education, but the House's 2-year budget tried to protect colleges and universities from those reductions. The Senate version put Bevin's cuts back in place, however.

Kentucky is not the first state to take aim at the tenure system at public universities.

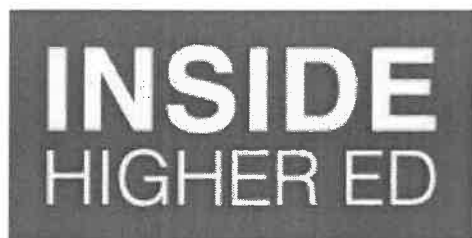
In Wisconsin, for instance, Gov. Scott Walker wrote tenure protections out of state law, instead leaving those decision-making powers to the individual schools' board of regents. The board initially adopted the old tenure language, which only allowed for layoffs of tenured faculty for just cause or in the case of a system-wide financial emergency.

Despite faculty objections, the University of Wisconsin board approved changes in 2016 to allow for tenured faculty layoffs when academic programs are discontinued.

A bill to eliminate tenure at state universities was also proposed in Iowa this year. The bill died after opposition led by the Iowa Board of Regents and state university administrators.

The fate of McDaniel's tenure provision will be decided — as with the rest of the budget bill — by Democratic and Republican leaders who are negotiating the state's spending plan in the final days of the session.

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## Kentucky legislation could limit tenure protections

Submitted by Scott Jaschik on March 29, 2018 - 3:00am

Kentucky could soon significantly curb tenure protections in public higher education.

A last-minute addition to the Senate version of the state's budget bill says that public universities could dismiss tenured faculty members due to program changes or eliminations, not just the traditional reasons related to serious misconduct or failure to perform their jobs, or an institution being on the verge of financial collapse. Similar legislation was floated earlier in the legislative session but was dropped. The return of the provision -- quite late in the legislative process -- has frustrated professors.

The House of Representatives has yet to take up the Senate version of the bill.

State Senator Chris McDaniel, a Republican, sponsored the budget provision. He told *The Courier Journal* <sup>[1]</sup> that academic freedom is "still intact" because the provisions apply only to programs that are changed or eliminated. He also said that he had consulted with public university presidents and had their support, although he declined to name those with whom he talked.

The University of Kentucky released a statement indicating that it was not backing a change in tenure protections. "The university's governing regulations define a procedure for the removal of tenured and non-tenured faculty in a manner that provides the due process required by the Constitution. Our intent is to continue to abide by that regulatory framework," said the statement. The spokesman said that the university did not seek these changes. No university leaders to date have indicated that they spoke with McDaniel.

The Kentucky debate comes at a time when many faculty members say tenure rights are being weakened elsewhere. The University of Tennessee System, for example, is considering changes in posttenure review <sup>[2]</sup> that faculty leaders say will essentially gut tenure.

And the planned elimination of 13 majors -- most of them in the humanities and social sciences -- at the University of Wisconsin at Stevens Point <sup>[3]</sup> has become a rallying point for faculty members nationwide. They note that the cuts -- and the expected elimination of the jobs of tenured faculty members -- would not have been possible without limits on tenure adopted by the Wisconsin Legislature in 2015. Those changes, like the Kentucky proposal,

limit tenure rights when programs are eliminated.

John Thelin, a professor at the University of Kentucky who studies the history of higher education, said the legislation would damage efforts at his institution and others in Kentucky to attract top faculty talent. The universities would be seen as "untrustworthy" by faculty members elsewhere. Thelin said that Kentucky has been making real progress in attracting top scholars -- and that this momentum could be lost. He noted that state's reputation would take a hit -- especially with this happening at the same time as Governor Matt Bevin, a Republican, has proposed eliminating the state's decorated university press [4]. (The outcome of that proposal is not yet clear.)

Thelin predicted that the biggest impact could be at the state's regional public universities, which are already talking about deep cuts they will soon be making -- cuts that could be deeper without tenure protections. Eastern Kentucky University [5], for example, is considering a plan to eliminate 200 jobs and programs such as bachelor-level offerings in economics, chemistry and mathematics teaching.

Faculty members statewide are trying to rally support against the provision on tenure.

**Ricky L. Jones**

@DrRickyLJones

Reps from BOTH #UK AND #UofL say they have NOT talked to @kychrismcdaniel about @KYGOP attack on tenure in #HB200 . He refuses to name which presidents or university board members support this. Again, I THINK HE'S A LIAR!  
@phillipmbailey [courier-journal.com/story/news/pol...](http://courier-journal.com/story/news/pol...)

2:37 PM - Mar 28, 2018

**Tenured Kentucky professors could be fired under a late addit...**

Kentucky Republican Sen. Chris McDaniel says the substitute provision was added after discussions with university administrators.  
[courier-journal.com](http://courier-journal.com)

16 See Ricky L. Jones's other Tweets

Nancy McKenney, a faculty member at Eastern Kentucky and president of the Kentucky Conference of the American Association of University Professors, said via email, "I think this unfortunate provision has the potential to do serious damage to higher education in Kentucky. Why would the best and brightest faculty want to come here under such circumstances? We already have difficulty retaining faculty at my institution because our salaries aren't competitive with those of other states. Introducing uncertainty about tenure and job security will make recruitment and retention of faculty even more problematic."

**Source URL:** <https://www.insidehighered.com/news/2018/03/29/kentucky-legislation-could-limit-tenure-protections?width=775&height=500&iframe=true>

**Links:**

[1] <https://www.courier-journal.com/story/news/politics/ky-legislature/2018/03/28/tenured-kentucky-professors-fired-state-budget/464060002/>

[2] <https://www.insidehighered.com/news/2018/02/27/debate-university-tennessee-over-posttenure-review-plan>

[3] <https://www.insidehighered.com/news/2018/03/13/faculty-members-wisconsin-stevens-point-react-plan-cut-13-majors>

- [4] <https://www.insidehighered.com/news/2018/01/29/kentucky-governor-seeks-kill-states-university-press>
- [5] <http://www.kentucky.com/news/local/education/article206869779.html>
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<<http://www.kentucky.com/news/local/education/article206523269.html>>

LEXINGTON HERALD LEADER (KENTUCKY.COM)

## UNIVERSITY FACULTY ALARMED BY KENTUCKY BUDGET LANGUAGE THAT GUTS TENURE PROTECTIONS

By Linda Blackford  
March 23, 2018 10:03 AM  
Updated March 26, 2018 11:50 AM

University faculty around the state are raising red flags over proposed legislative language that appears to let administrators ignore tenure protections as they downsize because of financial cutbacks.

The Senate version of Kentucky's budget bill contains language that says university leaders may reduce tenured faculty when programs are modified or eliminated because of budgetary issues. What really alarms them is the last line: "The provisions of this section supersede any and all policies governing the faculty employment approved by a Board of Regents or Board of Trustees."

"This goes right to the heart of academic freedom, but it should concern every single person in the commonwealth," said Patti Minter, a Western Kentucky University history professor and former faculty regent who's running for the House of Representatives. "Regardless of politics and ideology, it's a grave threat to the free exchange of ideas that goes to the heart of what American universities are and what they should be."

The language is timely because most state universities are in the process of cutting programs after nearly a decade of state budget cuts. The Senate's version of the next budget also endorses Gov. Matt Bevin's proposal to cut the state's allocation to universities another 6.25 percent in the next biennium.

Eastern Kentucky University, for example, announced Thursday that it plans to cut \$25 million by eliminating 200 positions, closing its Danville campus, suspending academic programs and slashing athletics spending by 20 percent.

So far, the school is following internal policies that respect tenure, said Matthew Winslow, chairman of the ECU faculty senate.

"What a disaster it would be if ECU followed that language and basically destroyed tenure," he said. "We might as well close our doors if that happened."

Bevin, a Republican, included similar language in his budget proposal made earlier this year, but the Senate's version more explicitly allows schools to ignore their own rules. It's not clear who

requested the language or what its fate will be as leaders of the House and Senate negotiate a final budget bill in coming days.

Tenure grants job protections to faculty who have undergone a rigorous academic process, including book publication, teaching and service. In other words, it allows faculty to research or teach free of political pressure, especially at public institutions funded by state governments. Tenured faculty can lose their jobs after poor performance reviews or for other cause, but it's a lengthy and complicated process.

Tenure, though, has been greatly eroded in the U.S. in recent years, both by administrators looking to contain costs and by Republican lawmakers who see the employment security and academic freedom as a threat, said Anita Levy, a senior program officer at the American Association of University Professors. In 2016, Wisconsin Gov. Scott Walker successfully passed similar laws that eliminated tenure protections in state law and allowed the state university system to ignore tenure in the case of financial cutbacks.

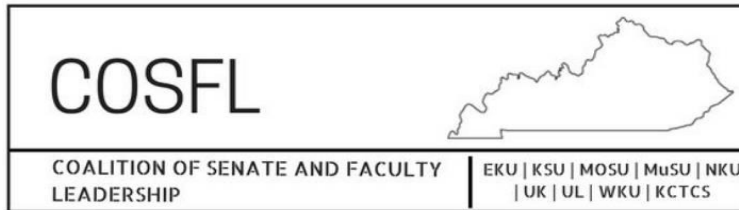
"This is very far reaching and over-reaching on the part of the Kentucky Senate," Levy said. "It's obviously very disturbing in that it completely supplants the role of faculty governance, and supersedes all governing policies."

It's not clear that university boards, who are appointed by the governor, would invoke the language without support from university administrators.

For example, Morehead State University is also facing financial pressures, and recently announced it would accept voluntary buyouts. But President Jay Morgan said the Senate language — which requires only 10 days notice to affected faculty — might cause problems with accreditation standards, which require enough faculty to "teach-out" a program so that current students can finish their program of study.

"So, it is crucial, in my opinion, that if a university decision affects a tenured faculty member that they be given ample professional notice and that some faculty are retained during the course of the teach-out provision to serve the students," Morgan said. "At this point in time, Morehead State is concentrating on lowering our administrative overhead."

University of Kentucky spokesman Jay Blanton said UK's governing regulations outline a process for the removal of tenured and non-tenured faculty in a way that ensures constitutional due process. "Our intent is to continue to abide by that regulatory framework," he said.



## **COSFL Statement on Kentucky Budget Bill**

**Submitted by Enid Trucios-Haynes, President of COSFL  
on behalf of COSFL Membership**

**April 4, 2018**

### **FOR GENERAL DISTRIBUTION**

The Kentucky Coalition of Senate & Faculty Leaders [COSFL] strongly opposes the pending Budget Bill reducing funding for higher education and the provision that would permit the summary dismissal of tenured faculty. The Budget Bill permits Boards of Regents and Trustees to eliminate or modify majors or degree programs due to “low utilization, financial feasibility, budgetary constraints, or declaration of financial exigency” and to terminate tenured faculty after a ten-day notice.

Salaries are the largest and most controllable expense for universities. Shortsighted strategies designed to achieve immediate financial savings, such as eliminating programs, their supporting staff, and faculty, including those with tenure, will cripple universities as engines for growth and development in our communities. The devastating harm to our students and state will reverberate for decades to come. The Budget Bill devalues the integrity of universities, and our students, faculty, and public education. It will not yield savings because of our ethical responsibility to “teachout” students to degree attainment. This obligation takes years to accomplish and is an accreditation requirement for many institutions and programs.

Faculty believe that public universities have a collective mission to provide access to education to *all* Kentuckians. Decisions to close or modify academic programs require careful consideration relying on faculty expertise to evaluate current trends, long term projections, and historical data in their academic fields. While “low utilization” or low enrollment may seem like an obvious reason, there are cycles in the popularity of some programs and other programs must be continued to provide the well-rounded education students need and expect in order to compete in a global economy.

Universities have an ethical obligation to our students to avoid what seems like an “easy fix” to eliminate majors and degree programs based on financial feasibility and budgetary constraints. Rather, faculty and university administrators must evaluate these challenges with integrity and transparency, and work collaboratively to avoid the extreme measures proposed.

The First Amendment of the U.S. Constitution protects freedom of speech and this is the bedrock of American universities. Tenure is the method by which U.S. universities establish teaching and learning environments free from ideological constraints, and advance new ideas regardless of controversy in research, scholarship and creative activity. Faculty, protected by this academic freedom, are the heart of U.S. universities which make us attractive to students from across the globe. Tenure protects the academic freedom to teach unpopular topics and to explore the full range of thought on a topic, ensuring students develop the critical thinking skills most valued by U.S. employers.

COSFL is a statewide forum of senate and faculty leadership representing the eight public institutions of higher education in the Commonwealth of Kentucky and the Kentucky Community and Technical College System (KCTCS). It was formed July 13, 1979 as a collective advocacy body of public higher education faculties.  
<https://www.wku.edu/cosfl/>



## MEMORANDUM

To: Faculty Senate  
From: PCC  
Re: NKU Early Childhood Center  
Date: April 5, 2018

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The PCC recommends that Faculty Senate adopt a Resolution that expresses the disappointment of the Faculty in the NKU administration's recent decision to close NKU's Early Childhood Center (ECC). While the closing of the ECC is a tremendous loss to our community, our greatest concern is the process through which this decision was made.

On May 4, 2017, Faculty Senate unanimously adopted a prior Resolution that stated, in pertinent part:

As NKU evaluates the future of the ECC, we request that the process be inclusive and transparent, directly involving stakeholders (including current and past ECC families) in the decision making process. Specifically, we request the:

- (1) continuation of a child care facility on-campus that serves, at least, faculty and staff members and NKU students;
- (2) maintenance of a high standard of quality (e.g. NAEYC accreditation or equivalent);
- (3) continuation of placement opportunities for early childhood education program teacher candidates for field work and course projects;
- (4) continuation of student employment opportunities; and
- (5) maintenance of subsidies for NKU students who use the facility.

We also encourage NKU to explore options that increase child care options on campus (e.g. by accepting students younger than one year of age). Moreover, in calculating the true cost to NKU of ECC's operation, the university should take account of (and seek to quantify) the corresponding and off-setting benefits that may accrue from staff and faculty retention and job satisfaction, as well as from student retention.

This prior Faculty Senate Resolution memorialized certain specific representations made by NKU VP for Student Affairs Daniel P. Nadler to PCC on April 6, 2017. Accordingly, when Senate issued this prior Resolution on May 4, 2017, it acted based on its well-justified understanding that the NKU

## Discussion Draft – Not Voted or Approved

administration concurred in Senate's recommendations (at least with respect to process and goals) and had agreed to comply with them.

The Senate was thus surprised and disappointed when, on March 15, 2018, President St. Amand notified the entire NKU community that the Early Childhood Center will close its doors permanently on June 1, 2018, and that no outside vendor will provide similar childcare services on campus. Contrary to the understanding set forth in the May 4, 2017 Senate Resolution, the process that led to this decision was neither inclusive nor transparent, nor did it directly involve stakeholders (including current and past ECC families) or the Faculty Senate. Nor did it yield the recommended continuation of a high-quality child care facility on-campus that serves faculty and staff members and NKU students and that provides placement opportunities for early childhood education program teacher candidates for field work and course projects or student employment opportunities. Nor, as far as we know, did the University take account of (or seek to quantify) the corresponding and off-setting benefits that may accrue from staff and faculty retention and job satisfaction, as well as from student retention, when it calculated the true cost to NKU of ECC's operation. Accordingly, after purporting to accept the Senate's May 4, 2017 recommendation, the administration failed to abide by that recommendation.

The Statement of Collegial Governance at NKU proclaims that:

The Faculty and Administrators of Northern Kentucky University believe in a collegial system of university governance, based on a concept of authority and responsibility shared among colleagues, some who have primary duties as faculty and some who have primary duties as administrators. A collegial system has, as its fundamental principle, the concept of good faith consultation among these colleagues prior to decision-making. . .

All colleagues in the system, regardless of their respective roles as faculty or administrators, have an obligation to honor and support the decisions reached through the collegial process. If good faith consultation among colleagues exists, if decision-making authority is delegated appropriately, and if all participants are committed to the decisions made through the collegial system, non-productive adversarial relationships among groups are minimized, and university goals and objectives are more easily achieved.

Given the prior course of events described above, the Faculty Senate has grave concerns that the good faith consultation envisioned by this Statement was dishonored by the Administration in this case.

The closing of the Early Childhood Center reflects a change in institutional budget priorities. The Statement on Collegial Governance classifies the setting of "institutional budget priorities" as an activity that "fundamentally affects academic programs." For such matters, the Statement proclaims that "[g]ood faith consultation with faculty bodies is routine" and that "[f]aculty opinion in these matters should be strongly considered."

On May 4, 2017, the Faculty Senate formally expressed the opinion of the faculty concerning the future of the Early Childhood Center and the process by which decisions should be taken. With regret, the Senate believes that its opinion was not "strongly considered" by the Administration in this case, and was not treated with "good faith." Certainly, at no time has the NKU Administration ever communicated to the Faculty Senate any reasons for its ultimate rejection of the Senate's recommendation, with which it had earlier purported to agree.

## Discussion Draft – Not Voted or Approved

Like the Administration, the Faculty Senate is aware that NKU may be facing considerable budget cuts in the very near future. As a community we value **transparent and open communication and shared governance** – neither of which were honored in the process of closing the ECC. Specifically, no stakeholders of the ECC (ECC staff, Early Childhood Education faculty, ECC parents, or ECC student workers) were present at the meeting where it was decided to close the facility or had any meaningful input into the decision making process.

To the contrary, following the PCC Meeting of April 6, 2017, two Early Childhood Education faculty members were added to the Review Committee that was instituted to review applications from outside vendors to operate the ECC. But these two faculty members subsequently were never notified of any review committee meetings, nor given any updates. Instead, after inquiring, they were told that the review committee had not met to decide on the outside vendors because there was only one vendor submission. This was the only correspondence these faculty members ever received from the NKU administration after formally being added to the review committee.

After the ECC's closing was announced, the NKU administration stated that the administrators who closed the ECC viewed themselves as stakeholders in the ECC. These administrators, however, included no "current and past ECC families," as specifically called for in the Senate Resolution of May 4, 2017. Moreover, these administrators will suffer no direct consequences as a result of their decision to close the facility – i.e. they did not lose their jobs, they did not lose their childcare/support systems, they did not lose a teaching resource, they did not lose an experiential education opportunity. In short, the populations most affected by the decision did not have a seat, or voice, at the table. Any effort to characterize such persons as the "stakeholders" contemplated by the Senate Resolution of May 4, 2017 appears disingenuous and can only serve to illustrate the administration's lack of "good faith" in its consideration of faculty views on this issue.

The decision to eliminate childcare options on campus is shortsighted and in opposition to nationwide efforts to support students, staff, and faculty that are balancing work and family. While leaders in the field and the federal government are working to increase childcare options and accessibility, NKU is making the perilous decision to erect barriers to higher education for our most vulnerable students, contribute to the leaky pipeline in academia, and undermine gender equality in academia.

The messaging around the decision to close ECC continues to frame ECC as a tremendous financial burden to NKU. This is misleading. The ECC was not a for-profit enterprise. NKU's small subsidy to ECC provided support for academic programs (Early Childhood Education and Kinesiology/Phys Ed). In particular, the ECC was used as a placement for the ECE program Non-Certification teacher candidates. ECC children visited the campus rec center so that Kinesiology students could implement activities that fosters physical development of young children. The ECC classrooms and children were also used by NKU students to complete various course assignments. The applicable courses are:

- EDU 551 Preschool Education and Programming & 552 Infant Development and Programming where quality level of classroom environment are assessed.
- EDU 551 where our students completed in-depth projects with children

EDU 554 Language Development and Emergent Literacy & EDU 566 Ongoing assessment in Early Childhood Education where students gathered artifacts for child assessment/evaluation.

## Discussion Draft – Not Voted or Approved

In addition, NKU's small subsidy to ECC provided support for student success (through experiential education and employment opportunities) and NKU students, faculty, and staff (through the benefit of providing a campus childcare option). The median salary of the staff listed on the NKU ECC webpage is \$28,860 per year. These staffers have dedicated years of service to NKU. They worked closely with NKU faculty to provide experiential learning opportunities for our students and they were an invaluable resource for student parents. They helped raise our kids. This is not a simple issue of semantics, framing the ECC solely as an unsustainable financial subsidy communicates what is valued and worthy of investment, and what is not.

Indeed, the total cost of NKU's subsidy to NKU never exceeded roughly \$200,000 per year. This cost included the costs of KERS retirement contributions, and also the costs of cleaning, heating, cooling, electricity, *etc.* The latter set of costs will continue to be borne by the University after the ECC's space is repurposed to other uses. The KERS costs might likewise be eliminated without terminating the ECC, were the University to redouble its efforts to outsource the ECC's operations.

Additional outside support may have been available to support the operations of the ECC. In March 2018, Congress enacted a FY2018 federal budget that includes an increase of \$2.37 billion in the Child Care and Development Block Grant (CCDBG). This bill also includes:

- A \$610 million increase for Head Start
- \$299 million increase for Part B and C of the Individuals with Disabilities Education Act (IDEA) providing early intervention, special education and related services to children with disabilities.
- **\$35 million increase for CCAMPIS to support child care for student parents**
- sustained funding for year-round Pell grants
- a one-time fix to the Public Service Loan Forgiveness program that expands eligibility to (some) additional borrowers.

Moreover, the University routinely spends greater sums on programs that add far less value to the University. The Office of the Chief Financial Officer, for example, has an annual budget of more than \$11 million per year (including \$5 million in debt service and lease payments). When the cost of athletic scholarships is included, athletic programs are subsidized by a similar amount. The Office of the Chief Information Officer spends more than \$10 million per year on personnel costs alone. It is hard to believe that a sum as small as \$200,000 could not be cut from these giant budgets without inflicting adverse effects of similar magnitude on the NKU community. And in 2017-18 alone, in the midst of the present budget crisis, the University decided to convert the Honors Program to an Honors College (with a new Dean) and to add a new Assistant Vice President Position for Accelerated Online Programs. Each of these decisions will cost the University roughly \$200,000 per year going-forward. Neither will add more value to the University than the ECC had added.

Closing the ECC is a heartbreaking loss to our community and many of the things lost (community-university relationships, social capital, support networks, and friendships) are intangible and difficult to quantify. But, how the process unfolded is the greatest concern and a threat to what we as a university have always valued – **transparent and open communication and shared governance**. As we continue to navigate financial insecurity at NKU, decisions that impact members of our community must involve stakeholder representation.

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- (4) continuation of student employment opportunities; and
- (5) maintenance of subsidies for NKU students who use the facility.

We also encourage NKU to explore options that increase child care options on campus (e.g. by accepting students younger than one year of age). Moreover, in calculating the true cost to NKU of ECC's operation, the university should take account of (and seek to quantify) the corresponding and off-setting benefits that may accrue from staff and faculty retention and job satisfaction, as well as from student retention.

This prior Faculty Senate Resolution memorialized certain specific representations made by NKU VP for Student Affairs Daniel P. Nadler to PCC on April 6, 2017. Accordingly, when Senate issued this prior Resolution on May 4, 2017, it acted based on its well-justified understanding that the NKU

## Discussion Draft – Not Voted or Approved

administration concurred in Senate's recommendations (at least with respect to process and goals) and had agreed to comply with them.

The Senate was thus surprised and disappointed when, on March 15, 2018, President St. Amand notified the entire NKU community that the Early Childhood Center will close its doors permanently on June 1, 2018, and that no outside vendor will provide similar childcare services on campus. Contrary to the understanding set forth in the May 4, 2017 Senate Resolution, the process that led to this decision was neither inclusive nor transparent, nor did it directly involve stakeholders (including current and past ECC families) or the Faculty Senate. Nor did it yield the recommended continuation of a high-quality child care facility on-campus that serves faculty and staff members and NKU students and that provides placement opportunities for early childhood education program teacher candidates for field work and course projects or student employment opportunities. Nor, as far as we know, did the University take account of (or seek to quantify) the corresponding and off-setting benefits that may accrue from staff and faculty retention and job satisfaction, as well as from student retention, when it calculated the true cost to NKU of ECC's operation. Accordingly, after purporting to accept the Senate's May 4, 2017 recommendation, the administration failed to abide by that recommendation.

The Statement of Collegial Governance at NKU proclaims that:

The Faculty and Administrators of Northern Kentucky University believe in a collegial system of university governance, based on a concept of authority and responsibility shared among colleagues, some who have primary duties as faculty and some who have primary duties as administrators. A collegial system has, as its fundamental principle, the concept of good faith consultation among these colleagues prior to decision-making. . .

All colleagues in the system, regardless of their respective roles as faculty or administrators, have an obligation to honor and support the decisions reached through the collegial process. If good faith consultation among colleagues exists, if decision-making authority is delegated appropriately, and if all participants are committed to the decisions made through the collegial system, non-productive adversarial relationships among groups are minimized, and university goals and objectives are more easily achieved.

Given the prior course of events described above, the Faculty Senate has grave concerns that the good faith consultation envisioned by this Statement was dishonored by the Administration in this case.

The closing of the Early Childhood Center reflects a change in institutional budget priorities. The Statement on Collegial Governance classifies the setting of "institutional budget priorities" as an activity that "fundamentally affects academic programs." For such matters, the Statement proclaims that "[g]ood faith consultation with faculty bodies is routine" and that "[f]aculty opinion in these matters should be strongly considered."

On May 4, 2017, the Faculty Senate formally expressed the opinion of the faculty concerning the future of the Early Childhood Center and the process by which decisions should be taken. With regret, the Senate believes that its opinion was not "strongly considered" by the Administration in this case, and was not treated with "good faith." Certainly, at no time has the NKU Administration ever communicated to the Faculty Senate any reasons for its ultimate rejection of the Senate's recommendation, with which it had earlier purported to agree.

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Like the Administration, the Faculty Senate is aware that NKU may be facing considerable budget cuts in the very near future. As a community we value **transparent and open communication and shared governance** – neither of which were honored in the process of closing the ECC. Specifically, no stakeholders of the ECC (ECC staff, Early Childhood Development faculty, ECC parents, or ECC student workers) were present at the meeting where it was decided to close the facility or had any meaningful input into the decision making process.

After the ECC's closing was announced, a high-level administrator involved in the decision told a PCC member that the administrators who closed the ECC viewed themselves as stakeholders in the ECC. These administrators, however, included no "current and past ECC families," as specifically called for in the Senate Resolution of May 4, 2017. Moreover, these administrators will suffer no direct consequences as a result of their decision to close the facility – i.e. they did not lose their jobs, they did not lose their childcare/support systems, they did not lose a teaching resource, they did not lose an experiential education opportunity. In short, the populations most affected by the decision did not have a seat, or voice, at the table. Any effort to characterize such persons as the "stakeholders" contemplated by the Senate Resolution of May 4, 2017 appears disingenuous and can only serve to illustrate the administration's lack of "good faith" in its consideration of faculty views on this issue.

The decision to eliminate childcare options on campus is shortsighted and in opposition to nationwide efforts to support students, staff, and faculty that are balancing work and family. While leaders in the field are working to increase childcare options and accessibility, NKU is making the perilous decision to erect barriers to higher education for our most vulnerable students, contribute to the leaky pipeline in academia, and undermine gender equality in academia.

The messaging around the decision to close ECC continues to frame ECC as a tremendous financial burden to NKU. This is misleading. The ECC was not a for-profit enterprise. NKU's small subsidy to ECC provided support for academic programs (Early Childhood Education), student success (through experiential education and employment opportunities) and NKU students, faculty, and staff (through the benefit of providing a campus childcare option). The median salary of the staff listed on the NKU ECC webpage is \$28,860 per year. These staffers have dedicated years of service to NKU. They worked closely with NKU faculty to provide experiential learning opportunities for our students and they were an invaluable resource for student parents. They helped raise our kids. This is not a simple issue of semantics, framing the ECC solely as an unsustainable financial subsidy communicates what is valued and worthy of investment, and what is not.

Indeed, the total cost of NKU's subsidy to NKU never exceeded roughly \$200,000 per year. This cost included the costs of KERS retirement contributions, and also the costs of cleaning, heating, cooling, electricity, *etc.* The latter set of costs will continue to be borne by the University after the ECC's space is repurposed to other uses. The KERS costs might likewise be eliminated without terminating the ECC, were the University to redouble its efforts to outsource the ECC's operations.

Moreover, the University routinely spends greater sums on programs that add far less value to the University. The Office of the Chief Financial Officer, for example, has an annual budget of more than \$11 million per year (including \$5 million in debt service and lease payments). When the cost of athletic scholarships is included, athletic programs are subsidized by a similar amount. The Office of the Chief Information Officer spends more than \$10 million per year on personnel costs alone. It is hard to believe that a sum as small as \$200,000 could not be cut from these giant budgets without inflicting

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adverse effects of similar magnitude on the NKU community. And in 2017-18 alone, in the midst of the present budget crisis, the University decided to convert the Honors Program to an Honors College (with a new Dean) and to add a new Assistant Vice President Position for Accelerated Online Programs. Each of these decisions will cost the University roughly \$200,000 per year going-forward. Neither will add more value to the University than the ECC had added.

Closing the ECC is a heartbreaking loss to our community and many of the things lost (community-university relationships, social capital, support networks, and friendships) are intangible and difficult to quantify. But, how the process unfolded is the greatest concern and a threat to what we as a university have always valued – **transparent and open communication and shared governance**. As we continue to navigate financial insecurity at NKU, decisions that impact members of our community must involve stakeholder representation.

DRAFT



**From:** nkunews-bounces@listserv.nku.edu [mailto:nkunews-bounces@listserv.nku.edu] **On Behalf Of**  
Gerard St. Amand  
**Sent:** Thursday, March 15, 2018 5:06 PM  
**To:** nkunews@listserv.nku.edu  
**Subject:** [NKUNews] Important Update - Early Childhood Center

Dear Colleagues:

As you may be aware, the Early Childhood Center (ECC) has been operating a significant annual deficit for more than five years, which has required the university to subsidize the Center's operations by about \$1 million during that time. In today's fiscal environment, the University is no longer able to continue this significant subsidy. Therefore, we have made the difficult decision to close the Center at the end of this academic year. The last day of operations will be on Friday, June 1, 2018.

In 2015, President Mearns convened a Task Force to evaluate the Center's operations. That Task Force found the Center's expenses were projected to continue rising and that its staffing model was financially unsustainable. However, the University continued to explore ways to manage this challenge.

In 2017, the university began exploring options for an outside provider to operate the Center or provide similar services. Unfortunately, we are disappointed to tell you that the only provider who expressed interest and responded to our request for proposals is unable to provide these services on campus.

We understand that this change may cause a disruption in the lives of the parents and the children who have relied on the center for their child care needs. Knowing this, we want to provide everyone with as much notice as possible to find a new childcare solution. The university is committed to assisting these families affected by the Center's closing with identifying affordable, safe, quality childcare. We are exploring options to secure discounts at local daycares and will share any updates with you as we receive them. We will also be working closely with the NKU Office of Parents Attending College to identify ways in which to assist our student parents.

I would like to thank those who have supported the ECC throughout the years. And most importantly, I would like to thank the ECC team for their care and commitment to the children who have been entrusted to their care. I know that meaningful relationships have been formed and these individuals will greatly miss working with each and every child.

I also recognize and appreciate the dedication of the ECC staff and their tireless efforts to control costs and explore alternative strategies and ideas to help make the Center sustainable. We will work closely with all staff members to help mitigate the adverse consequences for them resulting from the closure of the Center.

Sincerely,

Gerard A. St. Amand  
Interim President  
Northern Kentucky University  
Nunn Drive  
800 Lucas Administrative Center  
Highland Heights, KY 41099  
Phone: 859-572-5123  
Fax: 859-572-6696

## MEMORANDUM

To: Faculty Senate

From: PCC

Re: NKU Early Childhood Center — Voting Item PASSED

Date: May 5, 2017

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The NKU Early Childhood Center (ECC) operates on-campus as “a direct extension of the campus atmosphere -- student-centered and quality driven.” ECC is a not-for-profit organization whose “sole purpose is to provide an excellent child care program and environment for NKU students, staff, faculty, alumni and community members.”

To its detriment, in recent years the NKU Early Childhood Center has operated under conditions of financial and existential uncertainty. As a result, the Center has seen high turnover in staff, delays in filling vacant positions, increased fees, increased student-teacher ratios, loss of NAEYC accreditation due to lack of permission to renew, reduced flexibility, changes to admission policies, and the threat of closure. In addition, the process through which some changes were made was not inclusive or transparent.

Recently, NKU announced that it is once again reevaluating the future of ECC. In principal part, the stated reason for this decision is that the “university has subsidized the operations of the Center over the past five years, but that may no longer be possible in the future.” Accordingly, in connection with the present reevaluation, NKU has issued an RFP to seek an external partner for the ECC. While users have been assured that changes would not affect spring 2017 or summer programming, the future of ECC remains uncertain.

The ongoing uncertainty surrounding the ECC undermines the value of providing on-campus child care and does not support the stated mission, goals, and strategic plan of NKU. Specifically, such tumult undermines student success. It thereby creates tension with NKU’s stated goal to “provide a supportive, student-centered educational environment that promotes academic success, global awareness, and timely graduation” as well as other stated goals to “recruit, retain, and develop outstanding faculty and staff” and “expand and maintain facilities to meet the growing needs of the campus.” In explaining its decision, NKU has framed its support of the ECC as a burden to the university, rather than as a benefit that promotes student success, faculty and staff excellence, and gender equity. This perspective is shortsighted and sends the message that supporting students, staff, and faculty who are parents is not a priority for NKU.

As NKU evaluates the future of the ECC, we request that the process be inclusive and transparent, directly involving stakeholders (including current and past ECC families) in the decision making process. Specifically, we request the:

- (1) continuation of a child care facility on-campus that serves, at least, faculty and staff members and NKU students;
- (2) maintenance of a high standard of quality (e.g. NAEYC accreditation or equivalent);
- (3) continuation of placement opportunities for early childhood education program teacher candidates for field work and course projects;
- (4) continuation of student employment opportunities; and
- (5) maintenance of subsidies for NKU students who use the facility.

We also encourage NKU to explore options that increase child care options on campus (*e.g.* by accepting students younger than one year of age). Moreover, in calculating the true cost to NKU of ECC's operation, the university should take account of (and seek to quantify) the corresponding and off-setting benefits that may accrue from staff and faculty retention and job satisfaction, as well as from student retention.

NKU's enthusiastic support of the ECC is an opportunity for NKU to demonstrate its commitment to student success, gender equity, and a more progressive work-family environment for faculty and staff.

# Professional Concerns Committee Minutes for April 6, 2017

SU 109  
3:15 pm

**Members in Attendance:** K. McErlane, S. Alexander, Maggie Whitson (sub for Kirsten Schwarz), K. Ankem, J. Farrar, S. Weiss, Cynthia Thomas (sub for G. Newell), L. Wermeling, A. Watkins, B. Buckley, A. Miller, K. Fuegen, S. Nordheim, M. Torres, J. Hammons, T. Bonner, B. Zembrodt, J. Gilbert, S. Finke, B. Puente-Baldoceda

**Members Not in Attendance:** K. Katkin, D. Dreese, Y. Kim, H. Ericksen, B. Mittal, M. Carrell, K. Sander, S. Neely,

**Guests:** Provost Sue Ott Rowlands, Dan Nadler, Lois Hammil, Sue Griebing

## 4. New Business

- Discussion Item: **Early Childhood Center** (1 attachment)

Guest: Dr. Daniel P. Nadler, NKU VP for Student Affairs

D. Nadler stated that several years ago, a task force for the Early Childhood Center (ECC) was created and charged with building a solid financial foundation to enable ECC to be sustainable. Work has been ongoing on the recommendations from that task force. One recommendation was to find an external business partner. An RFP is now out to find a partner to run the ECC in a high-quality, sustainable fashion. The deadline for proposals under the RFP is April 15. If, after reviewing the proposals received, the reviewing committee feels that none are of sufficient quality, then NKU does not have to proceed.

D. Nadler stated that the goal of seeking an external partner is to create a sustainable model that needs no subsidy beyond the tuition funds it generates. He noted that increases in KERS retirement costs have increased the expenses of the center. A PCC Member questioned whether any child care center can operate solely on the funds generated by tuition. The Provost replied that the university's goal is to stabilize the ECC by deciding on what value the ECC brings, and then to stop doing patch work as has been done recently. D. Nadler stated that the ECC provides great value to the NKU Community.

To date, the ECC has subsidized the cost for students to bring their children to the center, and has allowed part-time use of the center by faculty members. D. Nadler expressed hope that an external partner would continue to allow part-time use of the

center by faculty members, and an expectation that subsidies for students would continue. He said that NKU's first priority is facilitating student success, especially those on Pell grants.

The university currently subsidizes ECC by about \$200,000 per year, including the costs of KERS retirement contributions and also costs of cleaning, heating, cooling, electricity, *etc.* KERS contributions are the largest component of this \$200,000 shortfall. External providers may be able to keep costs down by not needing to shoulder the KERS retirement constraints that NKU has, and also through economies of scale achieved by spreading costs over several childcare centers.

A PCC Member stated that maintaining the current *status quo* is not good enough. The goal should be to improve the ECC. The ECC was previously nationally accredited, but has lost its accreditation. Improvement in quality is dependent on people. How can quality be maintained when costs are cut?

A PCC Member asked who will review the proposals that are submitted? The process will be confidential, but D. Nadler will reach out to informed stakeholders for a thorough review. The Provost recommended that faculty members be included on the RFP committee. At Mr. Nadler's invitation, PCC Member J. Gilbert agreed to serve on the reviewing committee.

A PCC Member asked whether ECC is used for education purposes by student workers? The concern is that an external partner might not be willing to work around student workers' class schedules, as ECC does now. D. Nadler did not immediately recall the number of student workers employed by ECC. He did note that any external partner would be obligated to retain the current staff for the first year after taking over.

Visitor – ECC faculty member Sue Griebing had questions concerning the quality of the ECC when it is run by an outside agency. How will the quality of the agency be determined? Who will do the visitation? What about the philosophy? How will we assure that the philosophy is maintained? D. Nadler responded that there is an expectation for quality. It will be written into the contractual agreement. He will also ask faculty to be on the committee. The committee will take the time necessary to review all information and make the best decision possible. D. Nadler stated that the university wants to keep the ECC open. The Provost emphasized that if an appropriate external partner is not found, the university will provide funds through base-budgeting to ensure that childcare services remain available on-campus.

PCC Members willing to serve on the Committee are encouraged to email D. Nadler.