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VIA U.S. AND ELECTRONIC MAIL

November 14, 2014

Mr. David T. Flanagan
President
University of Southern Maine
707 Law Building
Portland, Maine 04104

Dear President Flanagan:

As you may know, we wrote to former president Kalikow by attached letter of April 10 regarding the actions of the University of Southern Maine administration to discontinue four academic programs, with the consequent result of the termination of the appointments of numerous tenured as well as long-serving nontenured faculty members, eventually twenty to thirty in all. We urged that the administration rescind the notices of termination that had been issued. We were pleased that, shortly thereafter, President Kalikow rescinded these appointment terminations.

Members of the University of Southern Maine faculty have again sought our assistance, this time as a result of actions announced by the USM administration in an October 6 memorandum from Provost Joseph W. McDonnell to discontinue two programs (French and Applied Medical Sciences) in addition to the three programs (Geoscience, Arts and Humanities, and American and New England Studies) eliminated by the University of Maine Board of Trustees on September 22, to reduce or consolidate numerous academic departments, and to reduce the size of the faculty by fifty positions effective as of the end of the current semester. You are quoted in the press as having stated that the decisions were made in part due to a \$16 million budget deficit caused by a “lower-than-expected” USM enrollment.

The now heightened interest of our Association in the situation at the University of Southern Maine stems, as we stated in our April 10 letter, from its longstanding commitment to academic freedom, tenure, and due process, as articulated in the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*, jointly formulated by the AAUP and the Association of American Colleges and Universities and endorsed by more than 220 scholarly and higher-education organizations. Derivative procedural standards are set forth in the AAUP’s enclosed *Recommended Institutional Regulations on Academic Freedom and Tenure* and particularly, with the problem at USM identified in Provost McDonnell’s lengthy memorandum as “Closing the Budget Deficit and Putting Academic Programs on a Sustainable Course,” Regulation 4c (Financial Exigency).

We have noted provisions of Article 17 – Retrenchment in the collective bargaining agreement between the University of Maine System and the Associated Faculties of the University of Maine System. We have also noted that the provisions of the USM Faculty Senate constitution, as stated in its Preamble, “are based largely on the widely accepted traditions and principles expressed in the AAUP’s *Policy Documents and Reports*.” The *Recommended Institutional Regulations* with its Regulation 4c is one of the policy documents in the publication.

Regulation 4c calls for meaningful faculty participation in determining that a condition of financial exigency exists and in deciding where terminations based on programmatic considerations will occur. In making such a decision, appointments of tenured faculty members are not to be terminated while nontenured faculty members are retained, and every effort is to be made to place affected faculty members in another suitable position within the institution. Faculty members whose positions are selected for termination are afforded opportunity for an adjudicative hearing of record before a duly constituted faculty body.

Faculty members at the University of Southern Maine continue to raise questions regarding the extent of the ongoing financial difficulties, especially when the financial condition of the University of Maine system appears to be by no means precarious. They cite analyses of the system’s finances carried out at the request of faculty leaders by professor of accounting Howard Bunsis, who has been national AAUP’s secretary treasurer, concluding that the system “is in very strong financial condition, with solid reserves, annual operating cash surpluses, and a very high bond rating.” They point out that the decision to discontinue or combine the affected programs at USM was not preceded by the administration’s having demonstrated that the magnitude of the budgetary constraints facing the institution necessitated the closing of the programs and departments and terminating faculty appointments. They contend that the administration has not come forth with a detailed accounting of the projected budget deficit, despite repeated requests from the Faculty Senate and from the Associated Faculties of the Universities of Maine (AFUM). If these faculty assertions are essentially accurate, the USM administration is clearly acting in disregard of Regulation 4c in terminating the fifty faculty positions.

Moreover, from all available evidence, the actions are being taken in blatant disregard not only of the tripartite (AAUP, ACE, and AGB) *Statement on Government of Colleges and Universities*, but also of the detailed amplification of the document’s provisions, specified in the USM constitution, for the functions of the Faculty Senate and of academic departments. According to the constitution, the Faculty Senate is the USM body that recommends the addition and elimination of academic programs. With respect to departments, a decision to establish or discontinue a department requires, before any administrative review, a recommendation from the faculty to the dean. In fact, however, we are informed that the complex plan of action set forth in the provost’s October 6 memorandum was devised in closed administrative meetings absent faculty consultation as called for under AAUP standards. According to press accounts of your six-member budget reduction advisory team, the group was composed entirely of administrators, who were, you are quoted as stating, “ready to get to work to implement a new model for USM.” We understand that Faculty Senate officers, as well as the faculty at-large, were informed about the program eliminations and faculty terminations only upon their announcement in the provost’s October 6 memorandum, that the Faculty Senate was given an October 17 deadline for its review, and that the senate’s October 10 resolution calling on the administration to extend the deadline received no response. The imminent result strikes us as something that goes much

beyond retrenchment. The “fundamental change,” as the provost calls it, is to a new “metro university” that is being thrust upon the surviving USM faculty from the outside as something radically different from the public and private institutions of higher education that Maine has known.

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We are deeply troubled by the sequence of events we have recounted above. We question why the administration should embark on a second, more drastic round of faculty terminations and program eliminations just when the university appeared to be emerging from a period of program reductions, and following the rescission of the spring faculty terminations. Moreover, why undertake such measures when there is little evidence to suggest that the institution’s financial situation had worsened so dramatically in the past six months as to warrant severe faculty and programmatic reductions? And why, if the situation was so dire as to necessitate the termination of fifty tenured and long-serving faculty members, keep the decision making process secret from the faculty—most of whom learned of their terminations on the day they were publicly announced?

We recognize that the information in our possession on which this letter is based has come to us primarily from faculty sources at the University of Southern Maine, and that you may have additional information that would contribute to our understanding of the events we have recounted and the issues with which we are concerned. We would therefore welcome your comments. Assuming the essential accuracy of the facts as we have recounted them, we urge that the administration rescind the notices of termination that have been issued and that any further action be in accordance with the procedural standards we have set forth.

The issues raised in this case are of critical importance to us under our longstanding responsibilities. We await your response as we determine our next steps in the matter. We thus would welcome hearing from you before the Thanksgiving holiday.

Sincerely,



Anita Levy, Ph.D.
Associate Secretary

Enclosures by Email

cc: Dr. James H. Page, Chancellor, University of Maine System
Dr. Joseph McDonnell, Provost and Vice President for Academic Affairs
Dr. Lynn Kuzma, Dean, College of Arts, Humanities, and Social Sciences
Dr. Andrew Anderson, Dean, College of Science, Technology, and Health
Professor Gerald Lasala, Chair, University of Southern Maine Faculty Senate
Professor Christy Hammer, President, Associated Faculties of the University of
Maine, University of Southern Maine chapter
Professor Susan Feiner