CUPP Motion
For AY20-21, terminal contracts should not be issued to faculty members whose majors and minors have been slated for closure by the Board of Trustees, to allow an opportunity for the faculty as a whole to re-envision and re-structure offerings.

Rationale

*Every effort.* Three programs were closed by the Board of Trustees following the 7/16/20 Board meeting, and the nine faculty in the discontinued programs are at risk of receiving terminal contracts on August 1, 2020. However, CUPP believes such issuance of terminal contracts does not follow Handbook procedure, especially as it will occur before “every effort” can be made to identify a suitable position within the university.

According to the Faculty Handbook, “Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the University will make every effort to place the faculty member concerned in another suitable position.” CUPP asserts that the administration has not made every effort to place faculty in another suitable position.

From all reports, the nine affected faculty from these areas are being given the “opportunity" to express interest in one of only five currently open faculty lines: two in accounting; two in economics; and one in the library. There have then been follow-up conversations with the Provost, but these do not involve any sort of additional effort to consider other options for placement. We expect a more thorough review of potential university needs in order to place faculty prior to issuance of a terminal contract.

At a July 20 meeting with the chairs and vice-chairs of both CUPP and the Curriculum Council, and at which the Provost was present, President Nugent noted that their efforts satisfy the Handbook requirements and that they were following the advice of counsel who state that the policy requires that the University “place” and not “create” positions for affected faculty.

However, two things are relevant here:

1. There is a great deal of space between placing and creating. Somewhere in that space exists the amount of effort that the University needs to exert to have undertaken “every effort.” New roles do not need to be created out of thin air, but much more needs to be done than the administration so far is doing. The University has not even started on the curricular question about what courses from these units will be retained and taught in academic year 2021-2022, and nor has the administration engaged in a process to review all positions held by visitors, adjuncts, and instructional staff in order to see what relevant positions can be configured.
2. Even administrators know more needs to be done. In a July 1 email to the campus community with the subject line “IWU, Liberal Arts, and the Future,” President Nugent describes just such an effort. She notes that “[t]here is an opportunity to re-found and re-vitalize the Center for Human Rights and Social Justice,” clarifying that “[t]his center would enable faculty with expertise and experience in the areas of racial and ethnic studies, equity and inequity, and human values broadly conceived, to work together to design a curricular, co-curricular, and research home for these studies, so critical to our students and our future.” Additionally, in at least one of his meetings with the nine affected faculty, the Provost has noted that if it becomes a reality the proposed Institute for Global Learning and Leadership (IGLL) could offer an institutional home for affected faculty. These are examples of making “every effort.”

*Educational concerns.* "In all cases of termination of appointment because of discontinuance of a program the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it" (Handbook, Ch. IV, 62). The programs that were closed by the Board in July are integral for the general education program. It is important that faculty have the opportunity to consider how general education and interdisciplinary programs may be impacted by the closure and have the opportunity to re-envision and restructure offerings.

The work of creating the proposed IGLL and re-envisioned Center for Human Rights and Social Justice has not begun and certainly cannot be completed before August 1, 2020. In order to assure that every effort is made and that educational ramifications are considered, it is important that these initiatives be completed before terminal contracts are issued. It is CUPP’s belief that the administration has fallen short of the expectation of making every effort to place affected faculty and to consider potential educational repercussions of the closures. The respect of tenure, expressed through what is proper procedure, therefore requires that terminal contracts not be issued on August 1.