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Academic Freedom for a Free Society

September 19, 2007

Dr. Tullisse A. Murdock
Acting Chancellor
Antioch University
150 E. South College Street
Yellow Springs, Ohio 45387

Mr. Arthur J. Zucker
Chair, Board of Trustees
Antioch University
2012 Prescott Pl
Raleigh, North Carolina 27615

Dr. Andrzej Bloch
Chief Operations Officer/Chief Academic Officer
Antioch College
795 Livermore Street
Yellow Springs, Ohio 45387

Dear Chancellor Murdock, Chair Zucker, and Dr. Bloch:

We have yet to receive a response to my letter of August 7, 2007, concerning the June 2007 actions taken by the Antioch University board of trustees to declare Antioch College in a state of financial exigency and to suspend college operations as of July 2008, with the intention of reopening in 2012. We raised with you in that letter a number of important issues: the apparent absence of meaningful faculty participation in the decisions that resulted in the declaration of financial exigency and the suspension of college operations, the extent of the college's financial difficulties, and the importance of maintaining an intact tenure system should the college reopen. Recent information shared with us by members of the faculty, available in news accounts and in newly released documents, has heightened our concerns regarding these matters.

On August 14, twenty Antioch College faculty members filed suit against the board of trustees of Antioch University to prevent the planned closure of the college. The lawsuit alleges that by suspending college operations for four years, the university

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bypassed a provision of the college's *Faculty Personnel Policies and Procedures* manual giving tenured faculty "the right to be reappointed within a period of three years to any positions eliminated due to a declaration of financial exigency. By limiting the declaration of financial exigency to Antioch College, Antioch University is in a position to eliminate the only tenured faculty within the Antioch University system." The lawsuit also questions the fundamental basis for the board's declaration that the college is in a financially exigent condition, alleging that "less drastic means existed and exist to address the financial crisis at Antioch College." It charges the university with breaching college policies with respect to "procedures to be followed in the event of necessary and justifiable budget curtailment," and further states, "Antioch University's poor governance of Antioch College also created the supposed financial crisis that purportedly supported the declaration of financial exigency by . . . mandating a 'Renewal Plan' that consisted of the elimination of the college's entire existing curriculum and majors." When the curriculum plan "led to a rapid decline in enrollment and revenues," the suit alleges, the board failed to consult the college faculty "regarding the appropriate means to correct the numerous and significant problems created by Antioch University's 'Renewal Plan'."

University trustees, following a meeting with faculty and alumni on August 25, released an August 27 statement confirming a resolution agreeing "to work with the College Alumni Board to demonstrate, by the October 2007 Board of Trustees meeting, the financial and academic feasibility of the College Alumni Board's proposal for the continued operation of the College." In a second August 27 resolution, the trustees also agreed to a faculty and alumni request that they consider the possibility of establishing a separate board of trustees for the college. Chancellor Murdock, earlier addressing this possibility in a July 30 *Inside Higher Ed* article ("Who Should Control Antioch?"), stressed that, regardless of the amount of authority delegated to the college board, final decision-making authority would continue to rest with the chancellor and the university's board, and stated, "We are one corporation and all the assets are owned by one corporation."

On August 31, Chancellor Murdock asked college president Steven Lawry to step down effective immediately, four months prior to his previously announced December 2007 resignation date. We understand that the president was placed on administrative leave and barred from campus. The university also announced the appointments of several new administrators, including a chief operations officer, and the reorganization of the college's development office. The latter was preceded, according to faculty accounts, by the changing of office locks and the early dismissal of staff for the day. Faculty members report they were dismayed with the administration's failure to consult them prior to acting against President Lawry, and prior to making new senior-level administrative appointments. They expressed concern that the president was asked to resign because of his public commitment to alumni fundraising efforts to keep the college open.

Within days of the administration's announcement regarding President Lawry, the faculty voted no confidence in Chancellor Murdock. Their September 4 resolution stated,

> In light of the August 31st news that the leadership of Antioch College has been dramatically restructured, including 1) the elimination of the position of College President; 2) the invention of new administrative positions; 3) and the encroachment onto the operations of the Alumni and Development offices, all of which were done without consultation with the College Administrative Council or College faculty, we the faculty of Antioch College, issue a vote of 'no-confidence' in Tullisse Murdoch, Chancellor of Antioch University. The Chancellor's precipitous actions have damaged the college to such an extent that her continuation works against the survival of the institution. The vote was unanimous among the twenty-six faculty present.

With respect to the matter of tenure, as we wrote in our August 7 letter, "[i]f the college does reopen, we hope and expect that it will do so with a tenure system intact, and with a sense of its continuing obligation to the current college faculty with regard to reinstatement." We understand that when the board of trustees met in June, they considered two scenarios for the future of Antioch College. The first scenario detailed the college's permanent closure, while the second plan, which was ultimately approved by the board, involved the suspension of college operations and its planned reopening in four years. Recently released university documents indicate that the approved plan included a year-by-year countdown to the college's 2011 reopening. We were dismayed to learn that during year two of the four-year closure searches are to be conducted for the first eight faculty members to be appointed for the 2010 academic year, and that these appointments will not be eligible for tenure.

These ongoing issues of faculty governance, and what appears to be the planned reopening of the college without a system of tenure, have contributed to the faculty's deepening skepticism about the university administration's claim that the college is financially exigent and about the reasons for the decisions to declare exigency and to suspend college operations. In particular, faculty members have maintained that the board's failure to consult them adequately when it redesigned the college's curriculum, and later when enrollments dropped as a result of curricular inadequacies, raises serious questions not only about faculty governance, but more importantly about the sufficiency of the board's financial planning. In this regard, we draw your attention, as we had in our

August 7 letter, to Regulation 4c of our *Recommended Institutional Regulations on Academic Freedom and Tenure*. Under this regulation, a "demonstrably bona fide exigency" – an exigency, that is, which permits the "termination of an appointment with continuous tenure, or a probationary or special appointment before the end of a specified term" – is "an imminent financial crisis which threatens the survival of the institution as a whole and that cannot be alleviated by less drastic means" than the termination of tenured appointments. As noted above, the chancellor has stated that the university is one corporate unit owning all the corporate assets, including presumably those of the college. It is clear that the financial situation confronting Antioch College over the past several years has been a serious one, but we are not aware that the survival of the university as a whole is threatened or that the university administration has shown that the college's situation could not be alleviated by means less drastic than suspending operations for a period of four years. Even if the college does suspend operations because of a bona fide financial exigency, the university is obliged under Association-supported standards to make every effort to place affected faculty members in other suitable positions within the institution.

We would welcome your comments on these several matters. We also hope that the October meeting of the board of trustees and the college faculty and alumni, where the alumni will present their plan for the continuation of the college, will be conducted in the spirit of cooperation that characterized the August meeting. We look forward to learning about the meeting and its outcome.

Sincerely,

Anita Levy

Anita Levy, Ph.D.
Associate Secretary

cc: Professor Tom Arysman, Faculty Senate Steering Committee
Professor Jill Becker, Faculty Senate Steering Committee
Professor Susan Eklund-Leen, Faculty Senate Steering Committee
Professor Pat Mische, Faculty Senate Steering Committee,
Professor Paul Davis, President, Ohio Conference AAUP