

Report

College and University Government: Lindenwood College (Missouri)¹

I. The Institution

Lindenwood College, an independent liberal arts institution affiliated with the Presbyterian Church (U.S.A.), was founded in 1827 as a school for women and is the second oldest continuously operating institution of higher education west of the Mississippi River. It became coeducational in 1969. The college is situated on about one hundred wooded acres near the banks of the Missouri River in St. Charles, Missouri, a town of some fifty thousand people located twenty miles west of St. Louis.

The college currently enrolls approximately four thousand students, divided almost equally between full-time undergraduates and those in graduate/adult-accelerated programs. They are served by almost one hundred full-time members of the teaching faculty, organized in six academic divisions. Lindenwood College offers nearly four dozen academic programs, graduate as well as undergraduate, leading to baccalaureate and master's degrees. It has been accredited since 1918 by the North Central Association of Colleges and Schools.

Mr. Dennis Spellmann has been the president of Lindenwood College since 1991. He had served the institution during the previous two years as consultant and then as chief operating officer. He has held high-ranking administrative positions or done consulting work for at least a dozen small colleges—sometimes, as at Missouri Valley College and Lindenwood College, simultaneously. James I. Spainhower, who had been president of Lindenwood College since 1983, resigned effective February 1989. Dr. Daniel N. Keck, vice president for academic affairs, served as acting president from February until May 1989. Dr. Arlene Taich, who had been Dean of Evening Programs and Dean of Graduate Studies under the previous administration, is currently Provost and Dean of the Accelerated Programs Division. The college's twenty-eight-person board of directors is chaired by Mr. Raymond W. Harmon, chief executive officer of Hasco International, Inc.

¹The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was then edited by the Association's staff, and as revised, with the concurrence of the investigating committee, was submitted to Committee T on College and University Government. With the approval of Committee T it was subsequently sent to the administration of Lindenwood College, to the chair of the board of trustees, to the AAUP chapter, and to other persons concerned in the report. In the light of the responses received and with the editorial assistance of the Association's staff, this final report has been prepared for publication.

II. Factual Background

During the 1980s, the financial condition of Lindenwood College worsened steadily. Residential student enrollment dropped to around two hundred by the end of the decade—from a high of over 650 in the 1960s—and the endowment declined to \$1.5 million from a high of some \$10 million in the 1960s. Despite record amounts in gifts and the sale in 1985 of fifty acres of real estate holdings to private developers (land which was reacquired by 1992), the college was forced to draw on its unrestricted funds to cover operating deficits.

On January 17, 1989, with the college foundering, its board of directors declared a state of financial exigency. An audit report issued a few months earlier had questioned whether the institution could remain financially viable. In March the board engaged the services of Mr. Spellmann, known as a higher education financial expert with a reputation for having saved several other colleges from extinction. The board appointed Mr. Spellmann vice president and chief operating officer, charged with finding ways and means to cut the budget deficit and restore the institution to fiscal health.

Shortly after his arrival on campus, Mr. Spellmann, armed with broad powers granted him by the board of directors and following a pattern he had established at other struggling colleges, moved quickly to address the institution's financial problems. He ordered substantial cuts in the college's staff and dismissed several senior administrative officers, including the comptroller, the head of development, and the dean of students, replacing several of them with persons with whom he had worked previously. He engaged his son-in-law, who had worked with him at Missouri Valley College, as Director of Admissions and Financial Aid, and his daughter became Director of Campus Life. The college embarked on a major campaign to recruit new students, particularly those who qualified for federal and/or state loans and grants; athletics and other organized student activities were expanded to attract enrollment.

The financial and recruiting measures adopted by Mr. Spellmann seem to have met with success. A press release issued on October 23, 1989, announced that the institution's latest "audit report does not include a statement questioning the financial ability of Lindenwood to continue in existence," as it had the previous year, "because the financial condition of the college has improved so much in the last twelve months." Mr. Harmon, soon to be the board's chair, ascribed the improved condition of the college's fi-

nances to "a number of positive changes put into place by the current administration." That fall the board gave Mr. Spellmann a two-year contract and named him the college's interim president.

The ensuing years brought further news of enhanced material conditions at Lindenwood College. By the fall of 1992, according to the administration's reports, balanced budgets had become the rule, a fully funded endowment had been restored, and the historic buildings on campus had been renovated and modernized. Student enrollment had tripled since 1989, with the number of residential students having quadrupled. The size of the faculty had nearly doubled, and faculty salaries had increased dramatically. (All this good news notwithstanding, President Spellmann was to write to the Association's staff in July 1993 that "the official condition of financial exigency continues.")

If material conditions at Lindenwood College were improving, however, the same cannot be said for collegial government, faculty status, and, as many faculty members perceived it, the quality of academic life. In a memorandum of March 13, 1990, addressed to the entire faculty, President Spellmann had conveyed his appreciation for their efforts "which enabled the College to regain strength during a year of significant change." He stated that the "admissions efforts are yielding strong candidates," and that "we anticipate adding several new full-time faculty to our numbers for the coming year." He indicated that contracts were about to be issued for the 1990-91 academic year and in that connection he was enclosing a revised *Faculty Handbook*. Despite improved financial health and increased enrollment, the new handbook, revised without any consultation with the faculty, included a provision that, "As a result of the declaration of financial exigency on January 17, 1989, the College has placed a freeze on tenure. This freeze is effective with the adoption of this handbook and will be in effect throughout the period of financial exigency." Subsequent editions of the handbook, issued by the administration in succeeding years, were to state simply that "the College does not grant tenure." The 1993-94 handbook provides that "faculty members are issued annual contracts, based upon individual merit, institutional needs, and available resources." It further provides that "faculty members will be notified of nonrenewal of contracts by March 15."

The revised *Faculty Handbook*, initially operational for the 1990-91 academic year, also informed faculty members of drastic changes in academic governance. By presidential action and with the approval of the board of directors, the governance documents previously in force, the *Faculty Constitution* and *Faculty Bylaws*, were rescinded. Also eliminated was an elected Faculty Council and the existing faculty committee system. Replacing them was a new governance structure centered on a Council of Deans, responsible to the president, with its members appointed by the president and serving at his pleasure. The issues posed by these changes in governance will be the central feature of this report.

In October 1992, the president of the AAUP chapter at Lindenwood College, Professor James W. Swift, initiated discussion

with the Association's staff about an accumulation of developments bearing on AAUP-supported standards that, on preliminary examination by the staff, appeared to raise serious issues relating to academic government. It became clear to the staff, in the months ahead, that local faculty efforts were not achieving a resolution of the issues. Accordingly, by letter of May 24, 1993, addressed to both President Spellmann and board chair Harmon, the staff conveyed the Association's concerns. An ensuing exchange of letters with the administration left those concerns unresolved, whereupon the administration and governing board were informed that the Association's general secretary had authorized the appointment of an *ad hoc* committee to undertake an investigation of conditions of governance at Lindenwood College and to prepare a report for submission to the Association's Committee T on College and University Government.

The planned visit of the undersigned investigating committee was scheduled for October 8 and 9. President Spellmann declined to meet with the committee, citing the pendency of litigation involving a former member of the faculty. The members of the committee, having examined the available documentation, visited the St. Louis area on the aforementioned dates and conducted interviews at an off-campus location with several members of the college faculty who had asked to meet with them. The chair of the committee spoke with President Spellmann by telephone, hoping to arrange a time for meeting with him and with the chair of the board of directors, but he declined the invitation. While regretting the lack of opportunity to meet with the administration, the investigating committee believes that it has obtained sufficient information to assess the relevant issues of academic governance and to report its findings and conclusions.

III. The Issues of Concern

1. *General Conditions of Governance.* Circumstances at different colleges and universities may well require particular governance practices and arrangements adapted to local needs, but the general principles set forth in the 1966 *Statement on Government of Colleges and Universities* provide, at the least, a set of standards against which local practice can be measured.² This statement rests on the premise of "appropriately shared responsibility and cooperative action" among governing board, administration, and faculty in determining educational policy and in resolving educational problems within the academic institution. It also refers to "an inescapable interdependence" in this relationship which requires "adequate communication among these components, and full opportunity for appropriate joint planning and effort."

²The *Statement on Government* was jointly formulated by AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. It was adopted as policy by AAUP in 1966. The latter two organizations, while not officially endorsing the statement, commended it to the attention of their respective members.

In order to assess the degree of adherence to these basic principles at Lindenwood College under the presidency of Dennis Spellmann, the investigating committee began by acquainting itself with the college's governing documents (as well as its undergraduate catalogues) both before and since President Spellmann's arrival at the institution. These documents set forth the policies, regulations, and procedures of the college and presumably are—or previously were—the institution's basic documents on academic government.

In contrast to the norms enunciated in the *Statement on Government* governance at Lindenwood College under its current administration is firmly controlled from the top. In various pronouncements made and actions taken over the last several years President Spellmann has made known his views on the nature of college government, emphasizing a philosophy of administration that appears to envision a highly centralized decision-making process, with most power and authority concentrated in the office of the president.

Prior to Mr. Spellmann's arrival at Lindenwood College in 1989, the faculty was significantly involved in institutional government. The college's official governing documents, the *Faculty Constitution* and *Faculty Bylaws*, had been developed over ten years of joint work among the board of directors, the administration, and the faculty, and were premised on a commitment to shared authority and cooperative action and to the "inescapable interdependence" between faculty and administration that is called for under the *Statement on Government*. The "Preamble" to the *Faculty Constitution* stated as follows:

Students, faculty, and administrators together make up the community dedicated to learning called Lindenwood College. Each segment of this community has its particular responsibility: the students to study, the faculty to provide instruction and counsel, the administration to develop and implement institutional goals. While the ultimate accountability and hence authority for maintaining institutional welfare rests with the [Board] through [its] designated officer, the President, all segments share in the responsibility for the success of the College. As members of a scholarly profession, moreover, the faculty and administration have an additional responsibility to promulgate the pursuit of truth and its reasoned, free, and honest dissemination. This concept of responsibility to the institution and to the profession is the principle from which collegiate procedures and policies are derived.

The document declared that "The President has administrative authority over the College, such authority sustained and qualified by collegial support as represented in the faculty's position of shared responsibility. This responsibility is represented in the Faculty Council."

The system of academic governance then in place provided for an elected, representative Faculty Council having broad authority

and responsibility in college government. "When making a decision," according to the *Faculty Constitution*,

the Faculty Council and the Administration share responsibility in one of two ways, following either the principle of consultation or of joint action.

a. Consultation means that after a discussion with the Dean or the President, the Faculty Council will formally present its judgment, in the form of a recommendation, vote, or other expression, in a manner sufficiently explicit to record their position on issues for administrative action.

b. Joint Action means that agreement to a proposal by both the Faculty Council and the Administration is required for action. If concurrence of the Faculty Council and the President is not obtained within the regular procedures of the Council, the President shall meet with the Council to seek a resolution. If the matter cannot then be resolved the matter shall be taken by the President to the Board of Directors for final resolution.

The *Faculty Bylaws* also made provision for several elected faculty committees, including an Educational Policies Committee. The faculty had an effective voice in determining all the basic academic policies of the institution through these well-developed instruments of shared, consultative governance, in which virtually all regular faculty members participated, and through the considerable degree of independence exercised by the faculty in the important areas of academic activity.

Soon after its appointment of Mr. Spellmann, the board of directors suspended the *Faculty Constitution* and *Faculty Bylaws* and authorized him to develop new structures of governance for the institution. The following March, the faculty was presented with a new handbook, promulgated by the administration and board without discernible faculty involvement, which made no reference to the Faculty Council or to the faculty committees.

In his memorandum of March 13, 1990, which was accompanied by a copy of the revised handbook, President Spellmann informed the faculty that the latter document had "been modified to reflect the operational model under which we currently function with the Faculty being directly represented in the administration of the College through the Division Deans." In place of the elected Faculty Council, Mr. Spellmann established the current Council of Deans, consisting of administrators he has appointed: "six deans who serve as heads of the college's six academic divisions, the provost, the dean of the college, the dean of admissions and financial aid, and such other deans and faculty members as the president may designate." (Contrary to the provision in the *Statement on Government* that "the selection of academic deans and other chief academic officers should be the responsibility of the president with the advice of, and in consultation with, the appropriate faculty," the investigating committee was informed that most, if not all, of these appoint-

ments were made without faculty consultation.)

According to President Spellmann, the present governance arrangements allow for "greater flexibility" and "quicker, more efficient action" than did the former system. In his correspondence with the Association's staff, President Spellmann has stated that "faculty participation in governance and curricular decisions [takes place] through participation in their academic divisions.... Individual faculty members participate through their divisions to bring agenda items to the Council for their review and commendation to me. The Council may also initiate agenda items for all or specific divisions for action and recommendation. It is the responsibility of each dean to meet frequently with his/her division to bring them up-to-date on items under review by the Council." Faculty members have complained, however, that few of the deans regularly meet with their faculty to conduct substantive business, that they communicate infrequently and inconsistently about council activities, and that the minutes of council meetings are not generally distributed to the faculty.

In his July 1993 letter to the Association's staff, President Spellmann asserted that, while the new structure of governance "is much more streamlined than the elaborate melange of committees that existed prior to 1989, it emphasizes faculty participation in the academic governance process." The investigating committee, having examined the relevant texts and having discussed this matter with members of the faculty, fails to see any such emphasis.

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The *Statement on Government* provides that "An agency should exist for the presentation of the views of the whole faculty. The structures and procedures for faculty participation should be designed, approved, and established by joint action of the components of the institution. Faculty representatives should be selected by the faculty according to procedures determined by the faculty."

The governance system in place prior to Mr. Spellmann's arrival at Lindenwood College provided such structures and procedures: meetings of the faculty afforded a forum for discussion of faculty concerns; agendas were published in advance; and an elected faculty secretary was responsible for keeping a record of the proceedings.

Faculty members complained to the investigating committee that under President Spellmann, in contrast, faculty meetings, over which either he or Provost Taich presides, are conducted with rigidly controlled agendas, not published in advance, and with little purpose other than to hear administration reports and announcements of decisions previously made, or actions already taken, by the president. According to these faculty members, questions are discouraged as much by direct admonition as by the general climate. They were critical of the lack of an adequate forum for the full faculty to exchange views freely and openly or to engage in unstructured discussion of general educational questions or of the administration and operation of the college. They stated that few, if any, issues come to the whole faculty for debate and resolution.

Faculty members have also expressed displeasure with the administration's unwillingness to share basic information. They report that over the 1992-93 winter recess, the administration, without having consulted with the faculty and without offering any explanation, changed the college's academic divisional structure. In January 1993, when the president of the AAUP chapter proposed that the next faculty meeting take up such matters as "the new divisions, projects and programs, and [the] core curriculum," he received the following response from Provost Taich: "Those are expansive topics. In order to recommend an agenda for a faculty meeting to the President, I will need more specifics. What questions do you wish to have answered on the aforementioned topics? Do you have a proposal you wish to have discussed?" She went on to add, "Our current structure brings business to the faculty floor through divisions. Do you wish to have our division propose something?"

In May 1992, a senior faculty member, appointed by President Spellmann to serve as coordinator of the college's self-study, preparatory to an accreditation visit scheduled for the spring of 1994, wrote that "the regular monthly faculty meeting must be a *business meeting*, with minutes and formal actions taken. A record needs to be generated showing faculty involvement in the academic governance process. The informational faculty meetings that we had during the past year will not meet anyone's definition of a normal faculty meeting." The response of Provost Taich is telling: "The monthly full faculty meetings," she wrote, "feature reports rather than debate...[and] a summary of programs and policies that have been finally approved by the President.... The President may elect to bring certain recommended issues to the full faculty for discussion before he makes a decision, but it should not be expected that most items will come before the full faculty. No one can honestly believe that educated and well-deliberated decisions can be made in the short, monthly faculty meetings by individuals who have varying degrees of interest [in] and knowledge about the items under discussion."

The investigating committee finds that faculty meetings at Lindenwood College do not provide the vehicle, called for in the *Statement on Government*, for the faculty to bring its collective judgment to bear on decision-making processes within the college.

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Finally, the *Statement on Government* declares that it is "incumbent on the president to ensure that faculty views...are presented to the board."

Under the *Faculty Constitution* in effect at Lindenwood College until 1989, the Faculty Council was charged with "maintain[ing] effective communication between the Board of Directors of the College and the Faculty." Provision was also made for a joint standing faculty-board committee to meet periodically. Such a body has not existed at the college under Dennis Spellmann, and direct communication between the faculty and the board is discouraged by the administration. For several years, the investigating committee was informed, members of the faculty have been

unsuccessful in their efforts to convey to the board of directors their concerns over an erosion of faculty rights and a breakdown in normal governance patterns and to seek the board's assistance in restoring the faculty to its proper position in the college's governance structure. In January 1993, a group of senior faculty members, contending that the college's "academic organization is becoming even more chaotic [and that] decisions are being made without consideration of consequences and are carried out for purely personal reasons," went so far as to call for President Spellmann's removal from all academic decision-making at the college and the creation of the position of vice president for academic affairs. The group's concerns seem to have fallen on deaf ears, for less than two months later the board voted to extend the president's contract for five more years (see discussion below).

At Lindenwood College the board of directors has been unwavering in its support of President Spellmann and conspicuous in its unresponsiveness to faculty complaints. The investigating committee finds that the board has not provided the responsible oversight that is called for under the *Statement on Government*.

2. *The Faculty Role in Curricular Matters and Academic Policy.* The *Statement on Government* provides that "The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction,... and those aspects of student life which relate to the educational process.... The faculty sets the requirements for the degrees offered in course [and] determines when the requirements have been met." The particular authority and primary responsibility of the faculty in the decision-making processes in these areas derive from its special competence in the educational sphere. It follows from this proposition that the faculty should play an active and meaningful role in the development as well as in the revision of institutional policy in those areas. The establishment of procedures through and by which these matters are acted upon should similarly be a primary faculty responsibility.

Prior to 1989, the college's faculty, principally through the Faculty Council and the Educational Policies Committee (EPC), was in charge of overseeing the college curriculum and had primary responsibility over all educational policy matters, including those relating to the academic progress of students. The *Faculty Constitution* assigned to the Faculty Council the following "corporate duties" in these areas: "to determine, in consultation with the administration, the academic curriculum"; "to determine the requirements for earned degrees"; "to determine the nature of the system to be used in evaluating students' academic performance"; and "to make recommendations to the President and Dean concerning any other matters of educational policy." The *Faculty Bylaws* conferred upon the EPC the following duties: "to represent the faculty in a consultative and advisory capacity to the President and the Dean of Faculty in academic matters"; "to initiate or consider proposed changes in the educational program including the creation, merger, or abolition of departments and programs, and to make recommendations to the faculty regarding such changes";

"to consider and approve all exceptions to graduation requirements"; "to review the academic programs...for the purpose of establishing and maintaining consistent and appropriate academic standards" and "to review and recommend to the faculty procedures relating to academic standards, specifically to include grading practices, the granting of academic credit for practica, internships, and experiential learning, transfer credit policies, and probation, suspension, and readmission policies." The Bylaws set forth certain procedures to be followed in dealing with these matters:

a. Proposals for new courses, course deletions, substantive changes in course descriptions or credit hours, and changes in departmental or divisional requirements should originate in the department, obtain divisional approval, and be approved by the EPC. Such actions are reported to the full faculty by the EPC minutes and may, by motion of any faculty member, be considered by the full faculty.

b. All general education requirements, all specific graduation requirements, elimination or creation of programs and degrees, changes in the academic calendar, and basic academic policies and standards which are approved by the EPC must be submitted for full faculty vote.

As contrasted with what existed prior to 1989, current governance practices at Lindenwood College do not provide for a meaningful faculty role in these areas. As noted earlier, the new *Faculty Handbook* issued by the Spellmann administration deleted any reference to the Faculty Council. Under the new handbook each of the division deans is charged, *inter alia*, with exercising responsibility for academic programs within the division, and the Council of Deans is responsible for "over[sight] and management of the academic programs and policies of the College and serves in an advisory capacity to the President on academic matters."

The investigating committee was informed that under the current administration significant academic and curricular decisions have been made with little or no faculty involvement. These include changes in general education and graduation requirements, the creation of new majors and degree programs, and the addition or deletion of courses. In a letter of January 1993, intended for general distribution to the college's board of directors, senior faculty members complained that it was "becoming increasingly clear that no one has an overall view, let alone a grip, on the many directions of the academic program. No one is around the President who is willing to urge caution or offer legitimate reactions regarding the quality or advisability of academic decisions."

In his July 15, 1993, letter to the Association's staff, President Spellmann asserted that "faculty participate in...curricular planning through two standing committees, the Educational Policies Committee and the General Education Committee." The president also wrote, "No changes have been made in the general education requirements since 1987.... There has been no change in the graduation requirements since prior to 1987.... As the Col-

lege has reorganized and grown, new programs and majors have been proposed by the respective divisions. These proposals, generated by the faculty, have been processed through the pertinent divisions, to the Council of Deans, and to my office for final approval."

Faculty members who met with the investigating committee paint a very different picture. They report that the two "standing committees" to which Mr. Spellmann refers were established by presidential appointment in December 1991, but neither has been given any real responsibility. They acknowledge that in the important area of course content and methods of instruction the faculty still operates with relatively unfettered autonomy, but beyond that, they say, the hand of the administration weighs heavily. They report that programs have been initiated and departments reassigned between divisions without advance notification to the faculty, let alone involvement. As one example, a plan to institute high school English courses that would carry Lindenwood College credit was first proposed through the Education Department without consulting the English faculty. When the English Department was asked to comment on the proposed courses, its suggestions were not followed, and the department found out only later that three courses had been instituted. Decisions on the college's general education requirement in English were made by the Council of Deans, and the English Department was not notified.

A new program in "Humanics" (to prepare students for management positions in such organizations as the Scouts and the YMCA/YWCA), modeled on a similar program at Missouri Valley College, was introduced by President Spellmann through unilateral administrative action. It was initially located in the College for Individualized Education, then moved to Social Sciences (fall 1991), then to Business (fall 1992), and then placed under the Dean of Academic Services. President Spellmann subsequently asked the Council of Deans to make it a degree-granting program, and it was put back in the Business Division. As of January 1994, however, the program was relocated to the Education Division. Members of the faculty told the investigating committee that the faculty was never afforded opportunity to vote upon accepting Humanics as a new degree program for the college. Without involving the faculty, President Spellmann also reportedly appointed a student working for a master's degree at Missouri Valley College as an instructor for a new course on drug and alcohol abuse.

Members of the faculty complained that they have had little say in setting admissions standards yet have been berated for the number of failing grades they have assigned. Raising the graduation requirement from 120 to 126 units was accomplished by administrative edict. The faculty no longer has any role in decisions relating to the readmission of students who had been placed on probation for their poor academic records. The standards for appeal are described by one faculty member as "much more generous" than heretofore, with readmission decisions made by the provost and the dean of campus life.

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In a memorandum on "Corporate Responsibilities of the Faculty" that he prepared as part of the college's self-study, the faculty coordinator of that project proposed that the faculty be given the authority it previously had under the old *Faculty Constitution* and *Faculty Bylaws*.

Responding for the administration, Provost Taich rejected the proposal on grounds that it would "replace the responsibility of the faculty to recommend curriculum, requirements for graduation, and academic standards policies with the concept that the faculty *determine* the academic programs and policies of the College. This removes the administration, especially the Deans and the President, from a position of management of the institution to a pose of acquiescence. I believe in the necessity of a managed institution" (emphasis in original).

The investigating committee finds that the administration's view of the faculty's role in dealing with academic and educational policy is incompatible with the principles enunciated in the *Statement on Government*.

3. *Faculty Status and Related Matters*. As with questions of curriculum and methods of instruction, the *Statement on Government* asserts that "faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, . . . and dismissal."

Under the *Faculty Constitution* and *Faculty Bylaws*, the elected Faculty Council—and through that body the faculty as a whole—had been afforded a central role in faculty personnel matters. Those governing documents also provided for a well-developed system of faculty peer review. The Council's explicit responsibilities in this area included the following: "to consult with the Dean, as administrative representative, in the establishment of priorities concerning faculty appointments"; "to consult with the Dean . . . concerning all faculty appointments, reappointments, and nonrenewals of contract, [and] promotions . . ."; "to take joint action concerning tenure recommendations"; "to take joint action concerning dismissal of tenured faculty"; "to review and recommend criteria concerning faculty appointments, reappointments, nonrenewals of contract, promotion in rank, . . . tenure, and replacement of full- and part-time faculty on leave or sabbatical"; and "to request and consider information that would enhance the judgment of the Council on personnel matters." The *Faculty Bylaws* went on to specify the "procedures for consultation" and the "procedures for joint action" on these matters. The provisions of these documents emphasize a spirit of collegial sharing of responsibility between the faculty and the administration. That situation changed with the arrival of Mr. Spellmann and the rescission of the previous governance documents.

Faculty members expressed concern to the investigating committee about the current lack of procedures or structures that would enable the faculty to play a consistent role in dealing with issues of faculty status and/or with faculty personnel questions generally. Although the committee was told of instances in which

searches have been conducted with faculty participation, it was also informed of cases in which President Spellmann has made faculty appointments with little or no consultation with relevant members of the faculty, often inserting candidates after the initial faculty screening. Reappointments and promotions have been made, or denied, by the president in the face of faculty recommendations to the contrary. Particularly disturbing to the teaching faculty has been the president's granting faculty status and professorial rank to full-time administrators and to members of the coaching staff. Among the full-time administrators granted such status and rank are the president's daughter and son-in-law.

In his correspondence with the Association's staff, President Spellmann stated, "The Council of Deans serves a similar function to that of the earlier Faculty Council with regard to personnel issues. Recommendations for appointment of new faculty and promotion of continuing faculty are directed to the Council for evaluation and recommendation to me. In order to protect the confidentiality of personnel issues concerning nonreappointments or terminations, normally only the division deans, Provost and/or Dean of the College act in a consultative role to my office."

The investigating committee finds that the faculty of Lindenwood College is being denied the opportunity to exercise appropriate responsibility in faculty personnel matters.

4. *Abandonment of the Tenure System.* The *Faculty Constitution* and *Faculty Bylaws* in effect at Lindenwood College until 1989 provided for a system of tenure and protections of academic due process modeled on the 1940 *Statement of Principles on Academic Freedom and Tenure* and the complementary 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*.

Following its appointment of Mr. Spellmann, the Lindenwood College board of directors, apparently on his initiative and pursuant to its declaration of financial exigency, declared a freeze on the granting of tenure. The new *Faculty Handbook* promulgated in 1990 deleted all references to the 1940 and 1958 *Statements* and was silent as to procedural safeguards in cases of dismissal for cause. The tenure freeze was supposed to continue in effect so long as the college remained in an exigent condition. One year later, however, with the issuance of the 1991-92 edition of the *Faculty Handbook* the faculty was informed that "the College does not grant tenure." The administration did not consult with the faculty before taking these steps.

In a resolution presented to the faculty in March 1992, the officers of the AAUP chapter proposed the reinstatement of a faculty probationary period and the adoption of standards and procedures for faculty review of faculty performance and of a grievance mechanism for appealing administrative decisions. The investigating committee was told that the resolution was never brought to a vote. In February 1993, when the coordinator of the college's self-study recommended enhanced safeguards of academic due process for dealing with "Administration/Faculty Disputes," Provost Taich dismissed the proposal as having come "from another source based on tenure. The suggestion of an ap-

peals committee will compromise confidentiality in a faculty community that is as small as ours.... Section IX in the revised Faculty Handbook 1993-94 is sufficiently explicit and grants the same due process to all faculty regardless of length of service. [Your] suggestions give compromised protections to new faculty with less than seven years service."

The action to abandon the tenure system at Lindenwood College was linked with financial exigency. The Association considers the elimination of tenure in the face of financial exigency to be entirely unwarranted. In any event, the exigent condition at the college seems clearly to have passed, yet the system of tenure has not been restored. Indeed, President Spellmann informed the Association's staff that the college's board of directors is not interested in restoring tenure, and he himself has been reported as having disparaged academic tenure as "a license to steal." The investigating committee finds that the abandonment of the tenure system at Lindenwood College serves to inhibit the exercise of academic freedom.

5. *Conditions for Academic Freedom.* The 1940 *Statement of Principles on Academic Freedom and Tenure* refers to faculty members as "officers of an educational institution." In recognition of that status, the *Statement on Government* speaks of the right of faculty members (as well as of other members of the academic community) "to speak on general educational questions or about the administration and operations of the institution."

The *Faculty Constitution* in effect at Lindenwood College until 1989 committed the college to the 1940 *Statement of Principles* and contained a section on academic freedom paralleling the one in that document. The current *Faculty Handbook* has a much briefer section on academic freedom and makes no reference to the 1940 *Statement*. A recent faculty proposal to expand it was met with resistance from President Spellmann, who reportedly responded that the current policy is adequate.

Members of the faculty have charged President Spellmann with having undermined that sense of community which is essential to the health and well-being of an academic institution. More than one person who met with the investigating committee reported that Mr. Spellmann had used abusive language in meetings with faculty members. They referred to a widespread perception that anyone speaking against the president's policies and actions is in danger of being made a target for retribution. The replacement of deans who sought to represent the faculty perspective at meetings of the Faculty Council has added to the sense of unease. The senior faculty members who wrote to the board in January 1993 with complaints about the president observed that "many people are afraid to sign their names to any letter such as this out of a conviction that some reprisal will occur."

The investigating committee finds that the climate for faculty members at Lindenwood College is hostile to academic freedom.

6. *Faculty Workload, Professional Independence, and Personal Autonomy.* The Association's *Statement on Faculty Workload* provides that "The faculty should participate fully in the determination of

workload policy, both initially and in all subsequent reappraisals. Reappraisal at regular intervals is essential, in order that older patterns of faculty responsibility may be adjusted to changes in the institution's size, structure, academic programs, and facilities." It is standard practice for an institution to develop guidelines regarding "maximum teaching loads for effective instruction." Faculty members may also be expected to conduct and supervise research, advise students, and serve on committees as part of their official responsibilities. The carrying out of certain of these responsibilities may require a faculty member's presence in his or her office or laboratory at stated times of the day. But faculty members are usually considered to be free to allocate the time they devote to other tasks, without having to account for their whereabouts when specific duties of teaching, research, or service do not require their presence.

Virtually every faculty member who spoke with the investigating committee agreed that current teaching loads at Lindenwood College (normally five courses per semester, with some individuals teaching even more) are excessive, and that the faculty has had no say in determining workload policy under President Spellmann. In addition to their very heavy teaching loads, faculty members are expected to sponsor on-campus student clubs, work in the admissions office, and recruit new students.

Moreover, the administration imposes limitations on the professional and personal autonomy of faculty members that the investigating committee considers to be out of place for an academic community. According to a memorandum issued in January 1993 by Provost Taich, faculty members are expected to be on campus five days each week for a total of at least thirty-five hours. They are also required to secure advance permission from their immediate administrative superior for any absence from campus, even when the absence is for professional reasons and they have made arrangements to cover their classes and their other academic responsibilities. Absences of three or more working days because of illness must be verified by a physician. In his July 15, 1993, letter to the Association's staff, President Spellmann commented on this matter as follows: "As full-time employees of the College, faculty are expected to devote forty hours per week to their primary duties which include teaching each class to which they are assigned and maintaining sufficient office hours so that all of their advisees and students may easily seek their counsel.... It is logical to expect a professional person to perform the duties for which he or she is paid and it is not a new requirement at Lindenwood for permissions to be sought prior to taking leave from one's duties." In a memorandum, "Re: Standards of Professional Practice," addressed to the faculty in January 1993, Provost Arlene Taich referred to the expectation of the faculty to "meet classes regularly and promptly," which "means teaching one's courses without deviation in accordance with one's assigned schedule." All absences for illness and professional development "will be minimized and approved... by Division Deans and the Provost or President... and in all cases such requests must include a plan for how missed

classes will be taught in the absence of the primary instructor."

While the administration is commendably concerned that faculty members at a small teaching-oriented college such as Lindenwood be readily available to their students, the rigidity reflected in the above-described policies is hardly suitable for an institution of higher learning. The administration's attitude toward the faculty seems to the investigating committee to be encapsulated in the following sentence from the current *Faculty Handbook*. "Employees are expected and required to report to work on time and in appropriate mental and physical condition for work." The investigating committee finds that the excessive regulation and monitoring of faculty behavior reflected in the practices and statements described above are at odds with the general spirit of an academic community and demeaning to the faculty of Lindenwood College.

7. *The Faculty's Assessment of the President and the Board's Response*. Even his harshest critics acknowledge that (as one long-time faculty member has remarked) President Spellmann has done "remarkable things with the financial health of the college." The January 1993 letter sent by a group of senior faculty members to the board stated:

President Spellmann has restored Lindenwood to solvency and dramatically increased the number of resident students. In addition, he must be commended for the rehabilitation of the physical plant. And certainly he has made significant progress in bringing faculty salaries to competitive levels.

The letter then went on in a different vein, suggesting that actions taken by President Spellmann have undermined the academic integrity of Lindenwood College and contending that there is an "urgent need for a reorganization of the administrative structure of the College":

Unfortunately these accomplishments have not been accompanied by concurrent progress in the academic affairs of the College. Consequently we should like to suggest that the Board consider a new administrative structure. We propose that President Spellmann's obvious abilities in financial management, maintenance, and planning be utilized in a more focused manner. Without the necessity of involving himself directly in academic affairs, he would still be able to oversee the dynamic growth of the institution. The best way to achieve this goal is to appoint a Vice President for Academic Affairs and Dean of the Faculty to have administrative responsibility for all academic affairs of the College. It is important that this individual have the overwhelming support of the faculty since faculty morale has been so badly damaged.

The responsibilities of this individual should include all faculty affairs ranging from the academic budget, course schedules, faculty loads, and contract negotiation to catalogs and calendars.

We believe this is the only way to restore faculty confidence and an atmosphere characterized not by fear and intimidation, but rather by negotiations, consideration, and collegiality.

The *Statement on Government* provides that the president of an institution "should have the confidence of the board and faculty." It adds that "the president's leadership role is supported by delegated authority from the board and faculty," and that "[t]he presidential function should receive the general support of board and faculty." The board of directors not only failed to respond to the faculty's stated concerns about the president's academic leadership; it acted to extend President Spellmann's appointment for an additional five years. The investigating committee finds that the board, in extending the appointment after declining even to comment on the views expressed in the aforementioned letter, acted in contravention of the applicable provisions of the *Statement on Government*.

IV. Conclusions

The investigating committee's task was to examine and report on the faculty role in the governance of Lindenwood College. From its review of extensive documentation and from its interviews with several members of the faculty, the committee is left to conclude that current conditions for academic governance are truly deplorable.

The *Statement on Government*, to which frequent reference has been made in this report, is widely regarded as setting out a framework for the faculty role in governance. Only in the matter of detailed course content has the Lindenwood College faculty retained its traditional role. If there is any other aspect of faculty involvement touched on in the *Statement on Government* where faculty members at Lindenwood College have anything more than a token role, this investigating committee has failed to detect it. All things considered, the committee was deeply impressed by the continuing loyalty of faculty members to Lindenwood College and its students and by their continuing efforts to carry out their duties while being treated in so degrading a fashion.

The investigating committee must attribute responsibility for the state of affairs that exists at Lindenwood College overwhelmingly to President Spellmann, who has directed and set the tone since his appointment. Some measure of responsibility must, however, also be assigned to the college's board of directors. When an academic institution is running smoothly, a board can remain discreetly in the background, providing a link with the larger community, assisting in the essential fund raising, and helping to define in broad outline the institution's objectives and policies. But when the relations between faculty and administration

have deteriorated to the extent that they have at Lindenwood College, the board must become involved and not in a partisan fashion. Board involvement can be mediative, seeking ways of restoring a better balance, perhaps in this case moving toward a separation of the fiscal and the academic administrative activities. Unfortunately, the board at Lindenwood College has thus far been notable for its silence.³

MICHAEL W. FRIEDLANDER (Physics), *Chair*
Washington University

LARRY G. GERBER (History)
Auburn University

Investigating Committee

Committee T on College and University Government has by vote authorized publication of this report in *Academe: Bulletin of the AAUP*.

ALAN W. FRIEDMAN (English), University of Texas at Austin,
Chair

Members: HAROLD GOLDWHITE (Chemistry), California State University, Los Angeles; DONALD C. HOOD (Psychology), Columbia University; JAMES A. MCSHANE (English), University of Nebraska-Lincoln; DAVID M. RABBAN (Law), University of Texas at Austin; KEETJIE J. RAMO (Social Work), University of Wisconsin-Green Bay; JACK H. SCHUSTER (Education and Public Policy), Claremont Graduate School; SHEILA SLAUGHTER (Higher Education), University of Arizona; B. ROBERT KREISER (History), Washington Office, *ex officio*; DONALD W. PEARSON (Labor Economics), Eastern Michigan University, *ex officio*; LINDA RAY PRATT (English), University of Nebraska-Lincoln, *ex officio*; ROBERT O. BERDAHL (Higher Education), University of Maryland College Park, *consultant*.

³Commenting on a draft text of this report sent to the principal parties prior to publication, board chair Raymond Harmon expressed disappointment "that the major message of the turnaround here at Lindenwood College has been missed. Apparently the message was not clear enough—teaching institutions like ours must make drastic changes in staffing, work load, productivity, and cost reduction in order to survive in the new competition. We do not believe that a return to the old ways, which caused major problems, is the proper course of action now." He concluded: "Lindenwood College has achieved a remarkable turnaround under the strong leadership of the President and the dedication and commitment of its Board of Directors, faculty, and staff. We are proud of the efforts that have been made to save the institution and the jobs of so many administrators and faculty members."