

COLLEGE AND UNIVERSITY GOVERNANCE: MEDAILLE COLLEGE (NEW YORK)

The investigating committee's report addresses the actions of the Medaille College president and governing board to respond to a preexisting budget crisis that, they argued, was exacerbated by the COVID-19 pandemic. In response, the president invoked a provision of the faculty handbook, over the vehement opposition of the Faculty Council, that permitted him to petition the chair of the board to suspend the handbook when faced with "natural disasters, acts of God, declared states of emergency or other emergency situations." The unilateral suspension of the faculty handbook facilitated the termination or nonrenewal of the appointments of seven tenured and tenure-track faculty members through an administratively appointed and administratively driven task force. The report found no evidence that faculty representatives participated meaningfully in these decisions.

While the alleged basis for the actions was financial, the institution did not declare financial exigency, and, because the administration failed to provide financial data in support of that contention and because the college received significant federal pandemic funding, the investigating committee's report deemed the administration's contention that the COVID-19 pandemic necessitated program eliminations and appointment terminations to be largely pretextual.

Although the investigation focused on evident violations of standards of shared governance, the investigating committee stated that it felt compelled to observe that the actions of the Medaille board and administration had deleterious effects on the climate for academic freedom at the college. In particular, it noted the alarming decision to abandon the tenure system—the most critical line of defense for academic freedom—based on the unsubstantiated claim that an alleged financial crisis made such an action necessary.

The investigating committee concluded that the administration and governing board of Medaille College violated the principles and standards set out in the *Statement on Government of Colleges and Universities* by suspending the faculty handbook and imposing a new one and by discontinuing departments and programs and eliminating faculty positions without meaningfully involving the faculty. The investigating committee also found that the college's administration and board violated the 1940 *Statement of Principles on Academic Freedom and Tenure* by abolishing tenure at the institution.

The Committee on College and University Governance therefore recommends to the Association's governing Council that Medaille College be added to the Association's list of institutions sanctioned for substantial non-compliance with standards of academic government.