



April 26, 2018

BY ELECTRONIC MAIL AND USPS

Mr. Laurin Hendrix
President
Governing Board of the Maricopa County Community College District
2411 West 14th Street
Tempe, Arizona 85281

Dear President Hendrix:

Members of the faculty of the Maricopa County Community Colleges have advised the American Association of University Professors of a resolution adopted by the governing board on February 27, 2018, and the issues it poses regarding academic governance and academic freedom. The resolution terminated the “meet-and-confer” provision of the Residential Faculty Policies manual and directed Chancellor Maria Harper-Marinick to “oversee the creation of” a new manual, to take effect on November 1, 2018, and, in doing so, to sharply limit the faculty’s role in institutional decision making. Both the unilateral termination of the “meet-and-confer” provision and the directive regarding the creation of a new manual appear to be severely at odds with widely-accepted principles of academic governance enunciated in the enclosed *Statement on Government of Colleges and Universities*.

The AAUP’s *Statement on Government*, originally formulated in conjunction with the American Council on Education and the Association of Governing Boards of Universities and Colleges, encourages appropriately shared responsibility and cooperative action among governing board, administration, and faculty. It refers to “an inescapable interdependence” requiring “adequate communication among these components and full opportunity for joint planning and effort.” The *Statement* observes that “a college or university in which all the components are aware of their interdependence, of the usefulness of communication among themselves, and of the force of joint action will enjoy increased capacity to solve educational problems,” and it warns that “unilateral effort can lead to confusion or conflict.” As the *Statement* further specifies, “[t]he structure and procedures for faculty participation [in institutional governance] should be designed, approved, and established by joint action of the components of the institution.” It follows that significant changes to the structure and procedures for faculty participation should not be imposed unilaterally. The *Statement* also recognizes that the faculty has “primary responsibility” for decision making, not only in matters related to teaching, but also in matters related to “faculty status,” such as “appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.”

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We understand that the faculty of the Maricopa County Community Colleges participates in institutional governance through its elected senates and through the Faculty Executive Council, which, according to its constitution, “serve[s] as the representative of the Faculty Association and College Faculty Senates to the District Administration and Governing Board in matters of shared governance.” The Faculty Association, in turn, is an Internal Revenue Code 501(c)5 voluntary labor organization. The “meet-and-confer” process is described in the Residential Faculty Policies manual as “a process of deliberation between the Chancellor and Faculty Association, including Residential Faculty who are not members of the Faculty Association, for the purpose of articulating agreement regarding change with respect to responsibilities, wages, governance, benefits, and all other terms and conditions of Residential Faculty employment.”

We have been provided with a resolution approved by the senates of all ten institutions of the Maricopa Community Colleges opposing the governing board’s resolution. The senates’ resolution asks for “the immediate reestablishment of the Meet and Confer process” and further resolves that unilaterally eliminating “the Residential Faculty Policies ... imperils accreditation ... and creates uncertainty and a disruptive work environment that negatively impacts the learning environment,” that preserving “reassigned time for participation in the Faculty Executive Council ... is imperative to a robust system of shared governance,” that depriving the Faculty Executive Committee of its responsibility for faculty personnel matters “erodes shared governance and the academic foundation of MCCCDC as an institution of higher education,” and that “prohibiting conversations about the Faculty Association during business hours ... significantly impinges upon the academic freedom of faculty.” We understand that on March 28 the Faculty Executive Council, through its attorney, filed a notice of claim against the governing board and the chancellor.

The termination of the “meet-and-confer” provision abolishes the role of the Faculty Executive Council—a regularly constituted representative faculty body—in the process of making changes to the Residential Faculty Policies manual. The condition that the chancellor, in preparing a new faculty policies manual, may not include provisions that include the faculty in decision making related to “compensation, benefits, accountability, and organizational operations” will deprive the MCCCDC faculty of its proper role in several areas of institutional governance. Thus, both the method by which the manual is to be revised and the revisions themselves appear to represent serious departures from normative standards of academic governance, which as we have pointed out, require not only that the faculty, through jointly established governance channels, play a meaningful role in the formulation of policies affecting faculty governance but also that the faculty play a meaningful role in all major institutional decisions, even in areas—such as long-range planning and budgetary matters—where the faculty does not exercise primary responsibility. The *Statement on Government* specifically provides that the faculty should “have a voice in the determination of short- and long-range [budgetary] priorities” and “should actively participate in the determination of policies and procedures governing salary increases.” As noted above, under the *Statement on Government*, the faculty does have primary responsibility for

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“faculty status and related matters,” which include not only issues of faculty workload but also of faculty discipline, which would seem to be two areas included under the “accountability” provisions the board has directed the chancellor to remove from the Residential Faculty Policies manual.

In addition to our concerns regarding apparent departures from widely accepted standards of academic governance, we have additional concerns related to potential incursions upon academic freedom. As referenced in the senates’ resolution quoted above, on February 28, 2018, following the adoption of the governing board’s resolution, Provost Karla Fisher wrote the college presidents to inform them that “Senate Presidents and Representatives must be dutiful in avoiding any FEC or Faculty Association-related work or conversations during business hours.” As the AAUP’s statement *On the Relationship of Faculty Governance to Academic Freedom* (also enclosed) observes, “[t]he academic freedom of faculty members includes the freedom to express their views . . . on matters having to do with their institution and its policies.” The Faculty Executive Council properly concerns itself with matters having to do with Maricopa County Community College and its policies. The provost’s directive thus appears to circumscribe the academic freedom of the identified faculty members.

The information in our possession regarding these issues has come to us primarily from faculty sources. We would welcome any information that you can provide that would contribute to our understanding of the situation as we have described it. Assuming the essential accuracy of the information in this letter, we urge you to rescind the resolution of February 27 and to restore the “meet-and-confer” provision. We further urge the MCCCDC administration to rescind immediately the prohibition against “any FEC or Faculty Association-related work or conversations during business hours.”

We look forward to your response.

Sincerely,



Hans-Joerg Tiede
Associate Secretary

Enclosures by electronic mail

cc: Dr. Maria Harper-Marinick, Chancellor
Dr. Karla Fisher, Provost
Professor Paul Petrequin, Senate President, Chandler Gilbert Community College
Professor Nikol Price, Senate President, Estrella Mountain Community College
Professor Sasha Radisich, Senate President, Glendale Community College

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Professor Matt Jolly, Senate President, GateWay Community College

Professor Pam Harrison, Senate President, Mesa Community College

Professor Kory Ambrosich, Senate President, Phoenix College

Professor Jon Storslee, Senate President, Paradise Valley Community College

Professor Angela Felix, Senate President, Rio Salado Community College

Professor Miguel Lucas, Senate President, Scottsdale Community College

Professor Camille Newton, Senate President, South Mountain Community College

Professor Mike Mitchell, President, Faculty Association

Professor John Schampel, President Elect, Faculty Association

Professor Keith Heffner, Past President, Faculty Association