



VIA ELECTRONIC MAIL

June 3, 2020

Dr. David W. Andrews  
President  
National University  
La Jolla, California 92037

Mr. Thomas Clevinger  
Interim Chair  
Board of Trustees  
National University  
La Jolla, California 92037

Dear President Andrews and Chair Clevinger:

Members of the faculty at National University have sought the advice and assistance of the American Association of University Professors. They have done so as a result of the action taken by the administration to abrogate all faculty contracts in order to issue new contracts, to suspend the university's *Faculty Policies* in preparation for issuing its own version. We understand that the stated grounds for the actions taken by the president, which were announced in his May 22, 2020, letter to the faculty, were the "disruption of COVID-19," and the likelihood that those returning to work will "seek different careers requiring new skills and competencies." We understand further that the president and the board of trustees have mandated changes to programs "assuring [their] workforce relevance," and involving "redefining" faculty roles for "high-value student experiences." We also understand that the board approved a "substantial investment" in online programs." We understand that the faculty senate passed a May 27 resolution calling for the faculty to continue to follow well-established principles and procedures of shared governance as set forth in the university's 2018 faculty handbook and the AAUP's *Statement on Government of Colleges and Universities*, noting that the handbook includes a process for changing it, thus calling into question the reason for its suspension.

This Association has long held that decisions about a college's long-range objectives, faculty appointments, and changes in the structure of academic programs are of basic importance to the faculty and require their direct involvement. This fundamental principle is set forth in the Association's attached *Statement on Government of Colleges and Universities*, jointly formulated with the American Council on Education and the Association of Governing Boards of Universities and Colleges. The *Statement on Government*, which embodies standards widely upheld in American higher education, 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 refers to "an inescapable interdependence" in this relationship which requires "adequate communication among these components, and full opportunity for appropriate joint planning and effort."

Section V of the *Statement on Government* also defines the particular role of the faculty in institutional government, stating in pertinent part:

The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president or board.

The particular authority and primary responsibility of the faculty in the decision-making processes of the academic institution 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 in which the faculty has primary responsibility.

With regard to the governing board, the *Statement on Government* provides that

The governing board of an institution of higher education, while maintaining a general overview, entrusts the conduct of administration to the administrative officers—the president and the deans—and the conduct of teaching and research to the faculty. The board should undertake appropriate self-limitation.

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Faculty members at National University have complained that the unilateral action of the administration and the board to cancel all faculty contracts and suspend the university's *Faculty Policies*, are part of what they perceive as a pattern of disregard for the legitimate role of the faculty in institutional decision making and a lack of sensitivity to faculty needs and concerns. Among other matters of particular concern that they have brought to the Association's attention are the following:

1. Complaints that the administration and board made unilateral changes to the academic model of the university without respecting the centrality of the faculty's judgment in relation to general educational policy, as expressly called for in the *Statement on Government*. In particular, their concern about the disregard for the role of the faculty in long-range academic planning matters stems from the

- president's May 22 letter to the faculty, in which he states that "National University's academic model will be reorganized" with the "goal" of "mov[ing] beyond the traditional classroom model." They maintain that the administration's academic reorganization plan, which will have a substantial impact on teaching, curricula, and programs, had already been rejected by the faculty senate at its February 12 retreat.
2. Distress with the action taken in March 2020 to merge all eleven National University System libraries into one central library absent meaningful consultation with the faculty. Faculty allege that this decision has significant implications for the conduct of academic programs, teaching, and student and faculty research. Of special relevance here, according to concerned members of the faculty, is the principle set forth in the *Statement on Government* that "Effective planning demands that the broadest possible exchange of information and opinion should be the rule for communication among the components of a college or university. The channels of communication should be established and maintained by joint endeavor."
  3. Objections to the procedures that were followed in connection with the closure of several significant academic centers throughout California and in Nevada. Faculty state that a joint administrative-faculty taskforce met during the spring 2019 to develop a process for determining which centers would be considered for closure, and a timeframe for informing affected faculty of impending closures. They complain that the administration ignored the joint committee's plan in announcing center closures after they had already occurred, and in disregard of the principle set forth in the *Statement on Government* that "a second area of joint effort in internal operation is that of decisions regarding existing or prospective physical resources. The board, president, and faculty should all seek agreement on basic decisions regarding buildings and other facilities to be used in the educational work of the institution." We understand that President Andrews justified the administration's unilateral action on the basis of the COVID-19 pandemic, stating in an April 9 Zoom "town hall" meeting that the "crisis" had "truncated" the "traditional timeframe" for faculty consultation and shared governance.
  4. Concerns that that the administration has expedited the decision-making process regarding the discontinuation of academic programs, thereby preempting the faculty's primary responsibility in this regard. They state that faculty had been extensively involved in developing program closure procedures that had yet to be finalized. They complain that the president's April 9 announcement that recommendations related to the discontinuance of programs must be submitted by the end of June unduly interferes with faculty governance processes and prevents appropriate consultation with the faculty as a whole.

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Faculty members at National University have questioned the adequacy of faculty participation as called for in AAUP-recommended standards—by the faculty as a whole or by a representative body of the faculty—in the discussions that preceded the administration’s announced actions as detailed above. They argue that the administration is using the COVID-19 crisis as a justification for shelving detailed academic plans already developed in consultation with the faculty, in order to enact new plans without meaningful faculty consultation. They contend there is no financial justification for doing so, a view confirmed by the president’s statement at the April 9 meeting that the university’s financial condition is sound and its reserves extensive.

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We recognize that the information in our possession on which this letter is based has come to us primarily from faculty sources at National University, and that you may have additional information that would contribute to our understanding of the events we have recounted and the issues with which we are concerned. We would accordingly welcome your comments. Assuming the accuracy of the foregoing, we hope the administration and board will address the faculty’s concerns and do so in a manner that is respectful of the principle of shared authority and collegial responsibility that we have commended to your attention.

Sincerely,



Anita Levy, Ph.D.  
Associate Secretary

Enclosure (by electronic mail)

cc: Dr. Michael Cunningham, Chancellor, National University System  
Professor Alexander Zukas, President, National University AAUP Chapter