



Illinois Conference - American Association of University Professors

Academic Freedom for a Free Society

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VIA U.S. AND ELECTRONIC MAIL

February 14, 2018

Dr. Jack Thomas
President, Western Illinois University
1 University Circle
Macomb, IL 61455-1390

Dear President Thomas:

Dr. Holly Stovall contacted by email the Illinois Conference of the American Association of University Professors Committee A on Academic Freedom and Tenure on February 2, 2018. It was a complaint over her layoff and failure of Western Illinois University to restore her position in areas that she is academically trained to teach and in which there is ongoing programming. Prior to her layoff, she achieved the rank of associate professor and was awarded tenure. For twelve years she taught at the university.

Dr. Stovall was initially informed orally on December 10-11, 2015 that she would be subject to a layoff and that her Department of Women's Studies would be reviewed for elimination—the Academic Program Elimination Review Committee per Article 26 of the Collective Bargaining Agreement had not yet met, but Women's Studies immediately began plans to join the Department of Liberal Arts and Sciences. In December, 2015, approximately forty (40) other faculty were notified that they would be laid off. Twelve of these faculty were tenured, and three had completed the work of tenure and were preparing tenure files that were submitted on January 15, 2016. Holly belonged to the latter group. In January, 2016, allegedly negative publicity induced the administration to "unlayoff" faculty who were actually tenured.

President Jack Thomas notified Dr. Stovall in a letter on February 26, 2016 that she would be laid off effective May 17, 2017. During the interval between notification and implementation of the layoff, President Thomas notified Dr. Stovall on May 6, 2016 that he would recommend the granting of tenure to the board of trustees! He even stated at the conclusion of his letter, "I look forward to your continuing contributions to Western Illinois University." This followed the president's layoff notice of February 26. On June 10, 2016, the Board of Trustees granted her tenure.

Dr. Stovall claims she was the only tenured faculty member that was terminated at WIU effective May 17, 2017. She alleges none of the twelve-tenured faculty originally laid off, were ultimately subjected to separation in this manner. Of the three (3) that received tenure June, 2016, she is the only one whose contract was terminated due to layoff.

We see a clear violation of American Association of University Professors standards as articulated in the *Redbook (Policy Documents and Reports)*. Specifically, AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* serves as a national model for academic due process across the academy, when there are disruptions of continuous tenure either for financial exigency and other financial considerations. While Western Illinois did not declare financial exigency, you did announce the layoffs were related to projected financial shortfalls arising of budgetary defunding under Governor Bruce Rauner.

Regulation 4(c) requires a good faith effort to relocate a tenured faculty member into teaching areas in order to defend and honour the tenure commitment that was previously rendered by your institution:

(5) Before terminating an appointment because of financial exigency, the institution, with faculty participation, will make every effort to place the faculty member concerned in another suitable position within the institution.

The American Association of University Professors Illinois Committee A on Academic Freedom and Tenure does not see a good faith effort, much less "every effort" and is deeply troubled that Dr. Stovall has not been restored to her appointment as an associate professor with tenure.

Article 25 of the 2010-2015 Collective Bargaining Agreement states in 25.1:

The university (Western Illinois) may transfer an employee from one department/unit to another...as a result of reorganization or program need.

We are concerned that she was the only faculty member with continuous tenure who was eventually laid off. Her tenured appointment was within the Women's Studies Department that was eliminated along with Religious Studies, Philosophy, and African-American Studies. Dr. Stovall claims she would be the only member of the professoriate with an advanced degree in Women's Studies. She earned a master's degree in Women's History at Sarah Lawrence College in Bronxville, NY which is a seamless fit given the relocation of Women's Studies as a minor with the Department of Liberal Arts and Sciences. Professor Stovall, prior to her layoff, was a member of that reconstituted department and we recommend, given adequate enrollment, that she be allowed to teach courses within that minor.

More importantly in terms of full-time restoration of her teaching load, Dr. Stovall has two advanced degrees in foreign languages. She has a Ph.D. in Hispanic and Luso-Brazilian Literatures and Languages from The Graduate School and University Center of the City University of New York, and an M. Phil., Hispanic and Luso-Brazilian Literatures and

Languages, The Graduate School and University Center of the City University of New York. Western Illinois offers several degrees in Spanish which Dr. Stovall is obviously prepared to teach. Within the Department of Foreign Languages and Literature, the department offers three degrees in Spanish-language instruction: a B.A. in Spanish; a B.A. in Spanish Teacher Certification; an undergraduate minor in Spanish.

Dr. Stovall has extensive experience in teaching Spanish: This includes ten (10) years of teaching Spanish-language classes and other courses that integrate Hispanic culture and bilingual texts into Women's Studies classes. In fact, Dr. Stovall's first teaching assignment at WIU was in the Department of Foreign Languages and Literature. She taught Spanish literature at Western Illinois during the 2005-2006 academic year, and had previously taught Spanish-language classes at Manhattan College, College of Mount Saint Vincent and Pace University. In addition, she has two publications in *Letras Hispanas*, a peer-reviewed journal on Spanish language and culture. It would be a seamless restoration of her position without any need for professional development investment or retooling. She is ready to teach vital courses within her expertise, and offers a compelling case concerning the obligation of an institution to allow tenured faculty after program discontinuance, to teach relevant and current courses within their discipline(s) after a layoff.

Professor Stovall had two grievance hearings. The first was February 26, 2016. The University Professionals of Illinois argued in her favor. The second was June 22, 2016. Again, the UPI argued in her favor. The university denied both grievances. Then her grievance went into arbitration. An arbitrator, Fredric R. Dichter, was jointly selected by UPI and WIU. The first arbitration hearing was April 24, 2017. In July 2017 he ordered the administration to reinstate Dr. Stovall as a tenured associate professor but this was rejected by your university. There was a hearing on January 16, 2018 to determine if this and other arbitrator awards of faculty were implemented. Legal briefs are to be filed we understand subsequent to this hearing.

We are struck by the fact that Interim Provost and Academic Vice President Kathleen Neumann in her September 12, 2017 letter, in responding to the arbitrator award, claims there was a "reasonable effort" at identifying an alternative academic position. Provost Neumann asserts deans, librarians, executive directors all examined Dr. Stovall's résumé. Yet nowhere does she mention the language and women's studies training that she supposedly examined in Dr. Stovall's résumé. We do not see a "reasonable effort" claim is sustained given the obvious training, competence and experience that is clearly included on the cited curriculum vita.

Dr. Stovall claims, when given her layoff notice, a full-time tenure-track probationary colleague in Women's Studies was not laid off despite only two years of service. The probationary colleague chose Women's Studies for her department tenure line, but her appointment was a joint one with FLL—she was to teach in each department. The other colleague was transferred to Foreign Languages and Literatures (FLL) (though actually, her teaching duties remained the same—about half German and half Women's Studies). In January 2017, this colleague

resigned. Dr. Stovall requested that she inherit the joint position between Women's Studies and FLL. That request was denied.

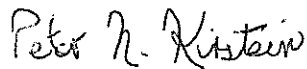
We find unconvincing and without any substantiative evidence your claim on December 15, 2016 that transferring Dr. Stovall to Foreign Languages and Literature would "displace a current faculty member." Nor is there a hint of a claim that Dr. Stovall lacked the requisite academic credentials. Tenure is a sacred commitment on the part of an institution and cannot be arbitrarily revoked through layoffs without a determined, good faith effort at relocation.

We have examined several documents from the administration but realize that those at WIU with administrative responsibilities may have additional information that would contribute to our understanding of what has occurred. We shall, therefore, welcome your comments.

The AAUP Committee A on Academic Freedom and Tenure (Illinois) strongly recommends that Dr. Stovall receive a joint appointment in the Departments of Foreign Language and Literature and Liberal Arts and Sciences. In both departments she has previously served and is qualified and prepared to do so again.

Other members of the Illinois Committee A on Academic Freedom and Tenure are: Professor Iymen Chehade, School of the Art Institute of Chicago; Professor Michael Harkins, William Rainey Harper College, President Illinois AAUP Conference; Professor Alan Iliff, North Park University, Treasurer, Illinois AAUP Conference

Sincerely,



Professor Peter N. Kirstein, Chair, Committee A on Academic Freedom and Tenure, Saint Xavier University

cc:

Dr. Kathleen Neumann, Provost of WIU

Dr. Russ Morgan, Associate Provost for Budget, Planning & Personnel, WIU

Cathy Early, Chair, Board of Trustees, WIU

Dr. Holly Stovall

Dr. Susan Martinelli-Fernandez, Dean of College of Arts and Sciences, WIU

Professor William Thompson, President of University Professionals of Illinois, Local 4100, Thompson

Professor Richard Filipink, Grievance Officer, UPI Local4100,

Dr. John Miller, President of University Professionals of Illinois,

Professor Steve Rock, Chair of Faculty Senate, WIU

Professor Heather Mcilveine Newsad, Vice Chair of Faculty Senate, WIU,

Professor Susan Czechowski, Secretary of Faculty Senate, WIU

Professor Tej Kaul, Parliamentarian of Faculty Senate, WIU

Professor Tim Roberts, Member of Faculty Senate, representing History, WIU

Professor Betsy Perabo, Member of Faculty Senate, representing Liberal Arts and Sciences, WIU

Melissa Auerbach, Attorney for the UPI

Dr. Hans-Joerg Tiede, AAUP Senior Program Officer, Department of Academic Freedom, Tenure, and Governance.