

VIA FACSIMILE (504-865-5202)

June 14, 2006

Dr. Scott S. Cowen
President
Tulane University
6823 St. Charles Avenue
New Orleans, Louisiana 70118

Ms. Catherine D. Pierson
Chair, Board of Administrators
Tulane University
6823 St. Charles Avenue
New Orleans, Louisiana 70118

Dear President Cowen and Chair Pierson:

We have received a copy of the June 12 report that was issued by the Tulane University Senate Committee on Faculty Tenure, Freedom and Responsibility (FIFR) in response to the appeal that faculty members in the Department of Mechanical Engineering filed in early March against the administration's decision to discontinue their department and, as a consequence, terminate faculty appointments.

We note that the FIFR has sustained the faculty petitioners on most of the key issues they had raised in their appeal. The report rejects the financial information provided by the administration as valid grounds for discontinuing the mechanical engineering department and concludes that, necessarily, "the decision was based on other factors." The report finds that the department's "elimination served to worsen rather than resolve any condition of financial exigency that may have existed." The report further finds that the Tulane faculty was denied a meaningful role in the development of the administration's "Plan for Renewal," which formed the basis for most of the actions taken with regard to the discontinuance or modification of academic programs and the termination of faculty appointments. Finally, the report concludes that the administration has made "no attempt to place terminated faculty in other suitable positions [in the university] despite the explicit charge to do so contained in the Faculty Handbook."

The findings and conclusions in the FIFR's report appear to confirm the mechanical engineering faculty's complaints that they conveyed to our Association and that have been among the concerns

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we have addressed in the several letters we have written to you beginning in late January. We note the committee's recommendations that: (1) "[s]ince a decision to eliminate an academic program for other than financial reasons directly involves academic and curricular issues," the administration's decision to eliminate the Department of Mechanical Engineering be referred for review to the Senate Committee on Educational Policy, (2) the department be retained pending that body's review of the decision, and (3) the administration make every effort to place the affected faculty in other suitable positions.

Unless and until the administration is willing and able to demonstrate to the FTFR that the specific action to discontinue the mechanical engineering department was warranted by financial exigency, we urge you to comply with the recommendation to rescind the decision on discontinuance, assuming that this can be feasibly done, pending the appropriate faculty body's evaluation of the educational considerations. Should you demonstrate to the FTFR that continuing the department is no longer feasible because of steps to discontinue it that have already been taken, we urge you to relocate the affected faculty in suitable positions elsewhere in the university.

Sincerely,

B. Robert Kreiser
Associate Secretary

BRK:id

cc: Dr. Lester A. Lefton, Senior Vice President for Academic Affairs and Provost
Dr. Nicholas J. Altiero, Dean, School of Engineering
Professor Edward C. Strong, Chair, Senate Committee on Faculty Tenure, Freedom
and Responsibility
Professor Robert M. Hill, Vice-Chair, Senate Committee on Faculty Tenure, Freedom
and Responsibility
Professor Graeme Forbes, Secretary, Faculty Senate
Members of the Department of Mechanical Engineering
Professor Parviz Rastgoufard, President, AAUP Chapter
Professor Linda L. Carroll
Professor Alvin Burstein, President, Louisiana Conference AAUP

Office of the President

June 22, 2006

B Robert Kreiser
Assistant Secretary
American Association of University Professors
1012 Fourteenth Street, NW, Suite 500
Washington, DC 20005-3465

Dear Dr. Kreiser:

We have received your letter dated June 14, 2006. Comment on the FTFR report you reference would be inconsistent with University policy because FTFR proceedings are confidential unless all parties involved in a hearing agree otherwise. Furthermore, the report has not been vetted by all parties involved in the hearing. The administration will review and respond to the report in due course consistent with the procedures set forth in the university's Faculty Handbook. Those procedures then call for the Board of Tulane to decide any controverted issues.

Further, we feel it is inappropriate for an outside organization to urge the administration to take actions that would short-circuit the procedures in the Faculty Handbook, a document approved by the Tulane faculty, administration and Board. We are surprised that you would ask us to follow a procedure in conflict with our own Faculty Handbook.

Finally, we once again question the ability of your organization to comprehend the trying circumstances this university has been through and continues to endure. People of good faith at Tulane are working to address the concerns of our faculty members, including following the procedures in the Faculty Handbook. Efforts by an external organization to publicize confidential documents produced pursuant to those procedures and to influence internal processes are counter-productive, as are suggestions that we rescind the very decisions that have enabled the university's survival and renewal.

Sincerely,



Scott S. Cowen
President



Catherine D. Pierson
Chair, Board of Tulane University

VIA FACSIMILE (504-865-5202)

June 27, 2006

Dr. Scott S. Cowen
President
Tulane University
6823 St. Charles Avenue
New Orleans, Louisiana 70118

Ms. Catherine D. Pierson
Chair, Board of Administrators
Tulane University
6823 St. Charles Avenue
New Orleans, Louisiana 70118

Dear President Cowen and Chair Pierson:

Thank you for your letter of June 22, responding to mine of June 14, concerning the report issued by the FTFR sustaining the appeal submitted by the Department of Mechanical Engineering against the Tulane administration's decision to discontinue the department and terminate the appointments of its faculty.

You state that the "FTFR proceedings are confidential unless all parties involved in a hearing agree otherwise." There appears to be no provision in the Tulane Faculty Handbook stipulating that a hearing conducted under Article V, Section 2 is "confidential." Likewise, the document is silent as to whether a resulting report has to be "vetted by all parties involved in the hearing" before it may be shared with third parties, in this case the AAUP.

You go on to state that "the administration will review and respond to the report in due course consistent with the procedures set forth in the . . . Handbook," and that the governing board will ultimately be called upon "to decide any controverted issues." You then question the appropriateness of the AAUP, as "an outside organization[,] to urge the administration to take actions that would short-circuit the procedures in the Faculty Handbook." By urging you to consider accepting the hearing committee's report, we do not see us as short-circuiting any procedure. Our Association is committed to sound policies and sound practice, and it would be contrary to our longstanding practice for us to await the final results of a process before offering our comments as a kind of post-mortem. We believe it is incumbent upon us to offer our advice and recommendations in situations like this where time is of the essence, and where we believe they might be useful for the well being

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of the institution and the parties concerned. And given the strong and unequivocal findings and recommendations contained in the FTFR report, we do not believe we would be carrying out our responsibilities were we not to speak out promptly.

It is, of course, the prerogative of the Tulane administration to decide whether or not to follow our recommendations. We continue, however, to urge that you do so.

Sincerely,

B. Robert Kreiser
Associate Secretary

BRK:id

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Members of the Department of Mechanical Engineering
Professor Parviz Rastgoufard, President, AAUP Chapter
Professor Linda L. Carroll
Professor Alvin Burstein, President, Louisiana Conference AAUP
Members of the AAUP's Special Committee