

AAUP Tulane chapter members and friends:

On January 26, the national office of the American Association of University Professors sent the attached letter to President Scott Cowen and Chair of the Board Catherine Pierson. As the letter notes, the information received to date by the AAUP national office is based primarily on faculty and media sources and the AAUP, as always, is eager to have the administration's response to the statements and recommendations contained in the letter and hopes that the concerns will be addressed. Since receiving the letter, President Cowen has been in communication with AAUP General Secretary Roger Bowen and is preparing a response. We look forward to receiving the response and making it available.

January 26, 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:

Together with other groups and individuals throughout American higher education, we at the American Association of University Professors have been deeply concerned over what Tulane University as well as other New Orleans universities and colleges have had to endure in the debacle of Hurricane Katrina and its aftermath. The decision at Tulane to eliminate more than 200 full-time faculty positions, by far the largest number of mass terminations of faculty appointments ever, is of course a key concern for the AAUP under our longstanding responsibilities. Thus we appreciate your telephone call to our general secretary, Roger Bowen, expressing interest in adhering to applicable AAUP-recommended standards. We similarly appreciate that a need to meet our recommended standards had been a consideration in deciding on processes to be followed.

Following the issuance of notifications of termination, each action based on a declaration of financial exigency and the resulting "Plan for Renewal" adopted by the university's board of administrators, numerous affected tenured professors in the Schools of Business, Engineering, and Medicine have sought our assistance. We have also been kept abreast of developments, beyond what the media continue to report, by officers of the Tulane AAUP chapter and by others in the Tulane academic community. We write now to address the matter of adherence to AAUP-supported standards, both in what appears to

have happened thus far and in what lies ahead. As you doubtless know, the AAUP's recommended criteria and procedural standards in this area, deriving from the provision in the 1940 Statement of Principles on Academic Freedom and Tenure that "[t]ermination of a continuous appointment because of financial exigency should be demonstrably bona fide," are set forth in Regulation 4(c) of our enclosed Recommended Institutional Regulations on Academic Freedom and Tenure.

The standards set forth in Regulation 4(c), many of them incorporated in Tulane's official policies, call for meaningful faculty involvement in arriving at a decision that a condition of financial exigency is at hand, and that all feasible alternatives to the termination of appointments have been pursued. They provide for a primary faculty role in determining the criteria for identifying the individuals whose appointments are to be terminated, and they place responsibility for identifying the individuals who are to receive notice of termination of appointments in "a person or group designated or approved by the faculty." If notices are then issued, these standards afford affected faculty members with opportunity for an on-the-record adjudicative hearing before an elected faculty committee. At the hearing, the burden rests with the administration to prove the existence and extent of the financial difficulty, the validity of the criteria for identification for termination, and the proper application of the criteria in the individual case. The standards also require that the services of a faculty member with tenure not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result. They further require that the administration, before terminating appointments, make every effort to place those affected in other suitable positions in the institution.

That last fall's disaster plunged Tulane into a state of financial exigency has not been seriously disputed, although some have asserted that the magnitude of the exigency did not warrant so many terminated appointments. Affected faculty members and others at the university have, however, criticized the degree of faculty participation in the decisions on where within the university terminations were to occur. In addition, affected faculty members have sharply challenged the actions taken in their individual cases. They contend that in many instances their appointments as tenured members of the faculty are being terminated, contrary to the applicable AAUP-recommended standard, in favor of retaining nontenured colleagues, and that they are qualified to teach courses and carry out other academic responsibilities that will be assigned instead to nontenured faculty. They further contend that the administration, here, too, in disregard of the AAUP's applicable standard, has made no apparent effort to relocate the affected faculty members elsewhere in the institution.

Finally, they have also complained about the adequacy of the procedures available to them for contesting these actions, having thus far been offered only opportunity to appeal to the administrative officer who notified them of termination, with the burden of proof on them to demonstrate why their services should not be terminated. If the notices of termination on the uptown campus are not to take effect until spring 2007, and if the affected faculty in the medical school continue to be compensated until that time as well, it would seem to us still timely for the administration to offer to demonstrate, in a hearing

of record before an elected faculty body, that financial exigency necessitates the termination of these particular appointments. Adding to our concerns in this regard are documents we have received and media accounts we have read which appear to indicate that the appointments of some of these individuals are being terminated because the administration has arrived at unilateral judgments on their relative merit. We see terminating tenure on grounds of fitness of performance to be tantamount to dismissal for cause, to be pursued under different procedures.

Beyond the concerns posed by the announced terminations of faculty appointments, we have additional concerns relating to the development and promulgation of the "Plan for Renewal" itself, which involves a major reorganization of the university's academic structure, with resulting curricular and programmatic changes affecting the entire university, but especially the Faculty of the Liberal Arts and Sciences and the Schools of Business and Engineering.

After Hurricane Katrina struck New Orleans, the university's faculty and administration were dispersed across the country, but we understand that a good many faculty members have returned to the campus with the start of the new semester. At a faculty forum sponsored by Tulane's AAUP chapter last Thursday, faculty members in attendance reportedly questioned why the administration acted in December to announce the "Plan for Renewal," thereby seeming to foreclose the opportunity for meaningful faculty participation in commenting on a proposed restructuring framework. Whatever the merits of the reorganization plan—and we note that members of the faculty have also questioned both the rationale for the changes and their academic soundness—the faculty, it seems to us, are understandably disturbed about the process that was followed.

The information in our possession on the matters discussed in this letter has come to us primarily from press accounts and from faculty sources at Tulane University, and we realize that you may have additional information which would contribute to our understanding of what has occurred.

Assuming the essential accuracy of the facts as we have presented them, we would hope and expect that the administration and governing board of the university will be open to further consideration and potential hearings on notification of termination that are being contested. We would also urge opportunity for further consideration of decisions that have been made to discontinue and or reorganize academic programs.

We may well be back to you with concerns relating to specific cases. Meanwhile, we shall welcome your comments on the concerns this letter conveys.

Sincerely,

B. Robert Kreiser
Associate Secretary

CC: Dr. Lester A. Lefton, Senior Vice President for Academic Affairs and Provost
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