



December 7, 2012

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Atlanta, Georgia 30322

Dr. Barbara Ladd  
President  
Emory Chapter, AAUP  
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Dear President Wagner and Professor Ladd,

The Emory University chapter of the AAUP has requested our reaction to the open letter it recently sent to the university administration, expressing its concern about the administration's announcement earlier this fall of program discontinuances in the College of Arts and Sciences (CAS) and Laney Graduate School (LGS) to be implemented over the next several years, and we find it fitting to share our response with the Emory administration.

According to the chapter's letter, the closures affect the Department of Visual Arts, the Program in Journalism, the Division of Educational Studies, and the Department of Physical Education, as well as graduate programs in economics, Spanish, and the Institute of Liberal Arts. The chapter states that these decisions were made by CAS Dean Robin Forman, in consultation with the dean of LGS, the provost, and the Faculty Financial Advisory Committee, a small committee composed of appointed faculty initially created four years ago to advise the then-dean of CAS on financial, rather than curricular, matters.

The chapter alleges that the administration in making these decisions failed to adhere to widely accepted standards of academic governance, as well as to its own established governance procedures, by not allocating to the faculty, or an appropriate body thereof, the primary responsibility for the curricular matters that are at the heart of these program discontinuances. The lack of transparency in the process, the chapter reports, precluded any opportunity for the

faculty to raise questions before the decisions were made, with the result that adequate consideration was not given to concerns such as “the impact of the cuts and discontinuations on minority faculty and women;” their effect on “policies and practices . . . concerning the hiring, retention, and promotion of Lecture Track Faculty;” their relationship to a potentially “greater reliance on adjunct labor in teaching at Emory;” and “the impact of the relocation of tenured faculty in affected departments on the work of those faculty, along with any other questions or concerns deemed to be within the purview of faculty responsibility.”

The letter calls for an immediate review by appropriate faculty bodies of the decision to close programs at Emory, citing the *Statement on Government of Colleges and Universities*, jointly authored by the AAUP, the American Council on Education (ACE), and the Association of Governing Boards of Universities and Colleges (AGB), which states that “the faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, [and] faculty status,” which includes “appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.”

According to the documentation we have seen, including a letter sent by Dean Forman to the campus community, it appears that the faculty was not afforded adequate opportunity to exercise its primary responsibilities in these matters, and if this is indeed the case, a review of the administration’s actions by a faculty body would be warranted.

In addition to issues related to the faculty’s proper role in institutional governance, the program closures raise concerns about the adequacy of the procedural protections afforded to the affected faculty members. The procedures in the Emory University handbook do not seem to accord in all respects with AAUP-recommended procedural standards. Regulation 4d of the AAUP’s *Recommended Institutional Regulations on Academic Freedom and Tenure* (copy attached) sets forth widely accepted procedural standards for the termination of faculty appointments in cases of program closures not mandated by financial exigency. Under Regulation 4d, “the decision to discontinue formally a program or department of instruction will be based essentially on educational considerations, as determined primarily by the faculty as a whole or an appropriate committee thereof.”

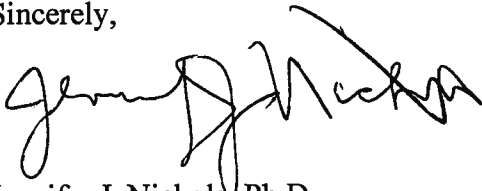
Further, “before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the institution will make every effort to place the faculty member concerned in another suitable position.” These efforts may include providing “a reasonable period of training,” with the institution proffering financial and other support for such retraining.

An affected faculty member should be afforded the opportunity to “appeal a proposed relocation or termination resulting from a discontinuance and has a right to a full hearing before a faculty committee” that observes “the essentials of an on-the-record adjudicative hearing.” The regulation specifies that “the issues in such a hearing may include the institution’s failure to satisfy any of the conditions specified in Regulation 4d. In such a hearing a faculty determination that a program or department is to be discontinued will be considered presumptively valid, but the burden of proof on other issues will rest on the administration.”

We share the Emory AAUP chapter's concerns that adequate standards of academic governance have not been met in the administration's actions to close programs. Further, we are troubled that long-serving faculty members appear not to have been afforded the due process protections that, under our standards, should be accorded those who have exceeded the maximum probationary period. We support the chapter's call for a substantive faculty review of the process and resulting decisions and for the suspension of any implementation of the closures pending such a review.

If we may be of further assistance in the efforts to ensure due process and uphold faculty governance at Emory, we welcome the opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer J. Nichols". The signature is fluid and cursive, with a prominent initial "J" and "N".

Jennifer J. Nichols, Ph.D.

Associate Secretary

Department of Academic Freedom, Tenure, and Governance