

AAUP

American Association of University Professors

Academic Freedom for a Free Society

October 9, 2007

Rev. Kevin Wm. Wildes, S.J.
President
Loyola University New Orleans
Campus Box 9
6363 St. Charles Avenue
New Orleans, LA 70118

Dear Father Wildes:

I am writing on the matter of what lies ahead regarding the AAUP censure that was imposed in June by our 2007 Annual Meeting. A censure remains in effect until issues of redress for improperly injured faculty members have been resolved, the administration and governing board are committed to adherence to official policies comporting with AAUP-supported standards on academic freedom and tenure, and a climate favorable for academic freedom at the institution appears to exist.

As you doubtless know, our Special Committee's report on post-Katrina issues at five New Orleans universities led to censure by the 2007 Annual Meeting in four cases and no 2007 action in the fifth (the LSU Health Sciences Center) but with the case to be brought back for further consideration by our Annual Meeting in 2008. We are pleased to have experienced progress over the ensuing months in resolving redress issues and considering policy modifications at four of the universities, at three of them with the active cooperation of administrative officers. (An example of this progress is the enclosed account of developments at the University of New Orleans, published in the September–October 2007 issue of our journal, *Academe*.)

Loyola University New Orleans has been a conspicuous exception among the five investigated universities regarding developments that would lead to removal (or, in the LSUHSC case, avoidance) of AAUP's censure. A decidedly negative Loyola development in this respect, by our lights, has been your rejection, after the censure was imposed, of all the findings and recommendations of the University Rank and Tenure Committee pursuant to the hearings before that body over the span of six months in the cases of eight tenured and three probationary professors whose appointments you had moved to terminate.

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Widely accepted procedural standards for terminating faculty appointments, dating back to a 1958 document issued jointly by AAUP and the Association of American Colleges and Universities, state that with acceptance of "the principle of the faculty hearing committee, acceptance of the committee's decision would normally be expected." If the findings and recommendations of the hearing committee are not sustained, according to the document, the matter should "be returned to the committee with objections specified." Only after the committee has reconsidered the matter and its reconsideration taken into account should "a final decision overruling the committee" be made.

The University Rank and Tenure Committee, the faculty's hearing body, sent letters to you in early March providing its unanimous findings and recommendations in each of the five cases it had thus far heard, and in May it sent you a further set of letters with its unanimous findings and recommendations in six additional cases. The Loyola administration's stated grounds for rejecting the committee's findings and recommendations in the eleven cases are confined, as far as we know, to your letter dated June 29, running a little over two pages, addressed to the URTC chair. We do not see much in your June 29 letter by way of specified objections to the URTC findings in all eleven cases that three *Faculty Handbook* provisions had been violated and its recommendations in the eight cases involving tenured professors that the violations be remedied through reinstatement.

One of the three URTC findings of *Faculty Handbook* violation was that the administration employed its own process for discontinuing programs rather than adhere to the requirement of evaluation by the Standing Council for Academic Planning of a proposed discontinuance according to criteria established by the University Senate. Your June 29 comments that the two faculty bodies were consulted and were invited to become engaged in the process would not seem to be at odds with the finding that the *Faculty Handbook* requirement was not met. Another of the three findings of *Faculty Handbook* violations was that the administration, in providing a year's severance salary to each tenured professor suffering termination of appointment, did not adhere to the requirement of "severance salary equitably adjusted to the faculty member's length of past and potential service." We frankly do not understand your June 29 comment on this point in which you say that current salaries take past and potential future service into account, thereby providing greater severance to more senior faculty than to more junior faculty.

Your June 29 letter seems simply silent regarding the third of the three URTC findings of *Faculty Handbook* violation, the failure to make "every effort to place the faculty member concerned in another suitable position." In case after case, the URTC letters identify specific course work that the particular tenured professor has done or can do, course work that continues to be offered with instruction provided by temporaries or adjuncts. The URTC found that the "administration made virtually no attempt" to look at these cases individually and see what might be done by way of retention. Indeed,


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while the URTC letters do not mention it, the contrary was true in several cases where a tenured professor had already been listed to teach courses in the following semester, and his or her retention for this purpose was rescinded by the administration.

A final point to be made here is prompted by a sentence in your June 29 letter: "The matter of retention of faculty who were terminated due to program discontinuance was based primarily on financial concerns, specifically the need to reduce expenses at a time when the university was facing a huge deficit." Your emphasis on having to act in the context of a bad financial situation underscores our inability to appreciate why you saw fit to bar the tenured professors notified of termination from doing any further teaching, even though payment for another year would have to be made both to them and to those engaged as their replacements.

It may be easy for us to say, but accepting the URTC recommendations and offering reinstatement to the eight tenured professors would take Loyola a long way from where it is now regarding the AAUP censure and its potential removal.

Sincerely,


Jordan E. Kurland
Associate General Secretary

Enclosure

cc: Rev. Robert Gerlich, S.J., Chair, University Senate
Professor Lynn Koplitz, President, AAUP Chapter