

LOYOLA UNIVERSITY NEW ORLEANS

Loyola University New Orleans escaped the severe flooding after Hurricane Katrina that the city's other universities experienced. When operations were resumed, the administration circulated a plan that it called "Pathways," stating that its purpose was to bring about more effective academic programs for the post-hurricane city. The plan included discontinuing several programs, not on grounds of financial exigency but primarily on the basis of educational considerations. Eliminating the programs was to be accompanied by terminating the appointments of eleven tenured professors and six probationary professors who previously had been notified of reappointment.

The stated policies at Loyola New Orleans for program discontinuance, and indeed for all matters relating to tenure and academic due process, comport fully with applicable AAUP-supported standards. Terminating an academic program requires evaluation of the proposed action by an elected faculty body under criteria formulated by the university senate. The administration proceeded with its Pathways plan without the participation of these bodies, both of which sharply faulted the substance of the plan as well as the process in moving it forward. Despite successive votes of "no confidence" in the administration by the senate and by the faculty of Loyola's largest college, the board of trustees officially adopted the plan in May 2006.

Notifications of termination, sent a month later to the seventeen professors, informed them that they would receive a year of severance salary but would have no further teaching or other responsibilities, that they were to vacate their offices within a fortnight, and that they could no longer appear on campus. New instructors needed to be engaged to teach courses that had already been assigned to some of the professors for the next term.

Eleven of the dismissed professors filed for a hearing under the institutional regulations, and proceedings in each case took place before the elected faculty hearing body in the fall and spring of the 2006-07 academic year. In all of the cases, the hearing body found unanimously that the administration failed to follow required procedures, failed to relocate the professor in an available suitable position, and, regarding the eight hearings involving tenured professors, failed to provide adequate severance salary. In all of the eight cases, the hearing body called for the professor's reinstatement.

The reply from the university president to the hearing body came late in June 2007, shortly after the AAUP had imposed censure on the administration for having acted “in gross disregard of its own applicable policies and of the Association-recommended standards with which those policies comport.” In a single brief letter that served as his response to the eleven cases, he rejected all of the hearing body’s findings and recommendations. Seven of the dismissed professors initiated litigation, and the next three years brought depositions, rejected motions for summary judgment, pretrial briefs, and numerous negotiation sessions. Substantial out-of-court settlements were reached in one case after another, with the final one among them, that of the professor who had been the AAUP chapter president when the dismissals occurred, concluded this past fall.

Committee A, in deciding whether to recommend removing a censure, customarily considers not only the soundness of official policies and affordance of redress to injured faculty members but also the current climate at the institution for academic freedom and tenure. Last December, with all the cases having been settled, the AAUP staff wrote to the Loyola New Orleans president recounting the successive votes of no confidence in 2006 and 2007 coupled with calls from the senate and the AAUP chapter for corrective actions. The staff invited the president and a new provost to comment on their perception of changes in the climate for academic freedom over the ensuing four years.

The president met in Washington with AAUP staff members in February, and shortly thereafter he followed with a written response in behalf of the current provost and himself. He attributed the Pathways plan and the dismissal of selected professors to several administrators whom his predecessor had appointed to office and who are no longer at Loyola New Orleans. He acknowledged that faculty dissatisfaction had become so intense that the need to restore collegial faculty governance was manifest. He pointed to the work of two key 2008 appointees, the current provost and a new chief financial officer, who have improved the campus climate by meeting regularly with faculty groups and ensuring transparency in making decisions. He concluded by emphasizing his “commitment to the spirit and the letter of the provisions in the *Faculty Handbook*” and affirming the university’s commitment to academic freedom and tenure.

On the agenda of the university senate’s April meeting, at which the president spoke, was a detailed statement regarding the censure and an accompanying resolution that the senate

adopted. The resolution supported censure removal conditioned on two additional steps: reaffirmation that the university's stated provisions regarding its faculty are contractually binding; and official adoption of newly formulated provisions regarding faculty governance. The president provided assurance of his approval in his oral remarks and in a confirming letter. In a report to the board of trustees dated May 1, he reaffirmed Loyola's position that the handbook provisions on faculty carry contractual force, and at its meeting on May 20 the board adopted the new provisions relating to faculty governance.

The AAUP Louisiana conference's executive committee has endorsed removal of the censure. As a final step in gauging current conditions for academic freedom, a former AAUP general counsel has gone to Loyola New Orleans and held successive meetings with the executive committee of the senate, with a committee of the AAUP chapter, and with the president and the provost. He has reported positively on each meeting, saying he encountered nothing at them that would argue against the censure's removal.

Committee A recommends to the Ninety-seventh Annual Meeting that Loyola University New Orleans be removed from the Association's list of censured administrations.