

REPORT TO THE EMORY COLLEGE FACULTY

From

The Process Review Committee

January 26, 2014

Report Executive Summary:

The Process Review Committee (né Payne Committee) was elected on March 19, 2013, by a vote of the College faculty to review the process involved in the September, 2012, reorganization and reallocation of some departments and programs in the College. Our other principal charge was to issue suggestions for potentially improving future processes of reorganization and reallocation, should such needs arise. Using interviews, written materials, and informal communications we have come to the following conclusions, observations, and recommendations:

Findings

- We have determined that the current Bylaws of the College do not contain clear and sufficient procedures for the closing, changing, or reorganizing departments or programs.
- We have determined that Deans Robert Paul and Robin Forman did not violate the College Bylaws in their decisions to reduce and reorganize the affected departments and programs and reallocate the associated resources.
- We have determined that there were problems in communication between the College administration and the affected departments and programs.

Recommendations

- We recommend that the Bylaws of Emory College be re-written to include a clear procedure for the reorganization of departments and programs. The procedure should include steps to be taken for evaluating programs; who should do that; what will be the timeframe; what the evaluated program is owed as far as consultation and notification; and what broad criteria should be used in such cases. Another part of the procedure should include an explicit and well-defined procedure for appeal or review.

- We recommend that Emory College faculty join with the University Faculty Senate to clarify and strengthen the appeals procedure beyond the College for lecture-track faculty who might be affected by reorganizations and reallocations.
- We recommend that the Faculty of Emory College and the Dean of the College work out less ambiguous and more effective avenues of communication to improve planning and reduce unpleasant surprises.
- We recommend that the Emory College Faculty work with the Dean of the College in as open and transparent fashion as possible to develop an up-to-date vision of the liberal arts mission for Emory College that will help us going forward to build consensus around the changes that are certain to come in our future.

History:

In December 2012, the College faculty voted to create a committee to review the role of the Emory College Governance Committee and its sub-committee, the College Financial Advisory Committee in the decision by Dean Robin Forman to re-allocate some Emory College resources, eliminate or suspend some Emory College and Laney Graduate School academic programs, re-locate some tenured faculty, and not renew some lecture-track faculty at the end of their current contracts. This committee, initially referred to as the Payne Committee after the author of the motion to create it, was elected on March 19, 2013, by a vote of the College faculty. Its members are Prof. Matthew Bernstein, Prof. Oded Borowski, Prof. Scott Lilienfeld, Prof. Fred Menger, and Prof. Gordon Newby, Chair.

In our initial meetings, the members of the committee understood our role to be to conduct a review of the process surrounding the decision and implementation of the reallocation, so we re-named the committee the *Process Review Committee*, a name that, we felt, would reflect both our function and our circumscribed charge. The committee was not empowered by the faculty with any special investigative powers or authority, so we have relied on the willingness of our colleagues to provide information from their perspectives about the reallocations, particularly as it affected their own departments and programs.

This report reflects our deliberations based on the at times incomplete information available to us through interviews with Deans, principals of the directly affected departments, public records, written communications to the committee, and conversations with interested individuals. As will become clear from our report, we were unable to gain access to some potentially important areas of information, and our report reflects our best judgments based on what was available to us.

Members of the committee interviewed the following principals of the affected departments and programs, as well as members of the administration who played a role in

the recent decisions. We requested that each individual tell the committee their recollections of what transpired surrounding the reorganizations and reallocations. We then asked questions until the interviewees and we were satisfied that we had obtained all the relevant information that would help us understand the process, as they perceived it.

Prof. Juliette Apkarian, Former Chair of REALC
Prof. Kevin Corrigan, Chair of the ILA
Prof. Michael A. Elliott, Senior Associate Dean for Faculty
Dean Robin Forman, Dean of Emory College
Prof. Jason Francisco, Visual Arts
Prof. Robert Jensen, Chair of the Division of Education Studies
Prof. Hank Klibanoff, Chair of Journalism Program
Ms. Julia Kjelgaard, Former Chair of the Department of Visual Arts
Prof. Robert Paul, former Dean of Emory College
Prof. Elena Pesavento, Former Chair of the Department of Economics
Mr. Stephen D. Sencer, Senior Vice President and General Counsel
Prof. Karen Stolley, Chair of the Department of Spanish

We have also received information informally from many individuals including:

Dr. David Armstrong, Department of Journalism
Dr. Patricia Brennan, Department of Psychology
Prof. Bruce Knauff, Department of Anthropology
Dr. Vera Proskurina, Department of Russian

Additionally, we reviewed the minutes of the College Governance Committee (available to the faculty on Blackboard).

In our process, we requested a meeting with the members of the College Faculty Advisory Committee (CFAC) or a representative of that committee given that CFAC had played a key advisory role in the decisions. The committee declined to meet with us on the grounds of “grave concern over the precedent established by creating a faculty committee to “review” the work of another duly created faculty committee...” and the “...limits afforded by our promise to keep our conversations and advice to Deans Paul and Forman confidential,” but they did send us a letter outlining aspects of their work and their perspectives on their contribution to the restructuring (See Appendix 1).

One of the first matters of concern to the committee was to understand the relationship of the reallocation process to the Bylaws of the Emory College Faculty. Through our interviews, it became clear that the committee would need to examine more than just the bylaws, particularly if we were to fulfill our goal of using our review to make recommendations to the Faculty and to the Shared Governance Committee to improve the Emory College Faculty governance structure and procedures for reorganizing departments and programs and reallocating College resources, should the need arise again.

The Emory College Faculty Bylaws and Modifications of College Programs:

In Article V, Section 1. **Governance Committee** the section titled “**Jurisdiction and Functions**,” which spells out the role of the Governance Committee as the representative of the Emory College Faculty, paragraph (a) states:

The Administration shall consult with the Governance Committee on all matters pertaining to the College and to the Faculty of the College. This consultation shall include but not be limited to proposals for the development and modification of College programs and the setting of priorities and goals for the College. Consultation shall include reference to the budgetary implications of such proposals. The Committee shall have access to information necessary to conduct studies and make recommendations to the Administration.

Paragraph (e) states:

In conducting its business, the **Governance Committee** may appoint subcommittees, which may be composed of members of the **Governance Committee** or non-members, or both.

In Section 4, **Ad Hoc Committees**, we read:

The Dean may create Ad Hoc Committees from time to time as these may become necessary for proper transaction of business and supervision of the affairs of Emory College, provided that the purpose of any such committee does not fall within the jurisdiction of a Standing Committee. The Dean shall consult with the Governance Committee concerning any ad hoc committee’s purpose and membership before appointing it; shall regularly inform the Governance Committee of its activities; and shall consult with the Governance Committee before taking any action based on its findings. No ad hoc committee shall be appointed for a term longer than two calendar years.

In 2008, Dean Robert Paul appointed an ad hoc committee to advise him about budgetary matters. It was made up of former chairs of departments who were familiar with the College budget process and included the Chair of the Governance Committee as an *ex officio* member. In a faculty meeting on February 11, 2009, it was announced that this committee had become a subcommittee of GovCom, and a request for nominations to this committee was made to the College faculty. This subcommittee was formally named the College Financial Advisory Committee (CFAC) and received a mandate to give advice to the Dean. Because the members of CFAC had access to confidential departmental information, each member of CFAC was asked to promise confidentiality about the discussions and about the advice given to the Dean. As stated in the April 15, 2013 letter from CFAC to our committee (See Appendix 1), CFAC fulfilled its mandate to provide advice to the Dean of the College, first Dean Robert Paul and then Dean Robin Forman, across a broad range of topics, including revenue enhancement, student aid, budget reduction, and the cutting of departments and programs.

In late 2009 and early 2010, the College, at the direction of then Dean Robert Paul, prepared a budget that included the reduction of funding for the Physical Education program and a transfer of aspects of that program to Campus Life. The budget was prepared in consultation with CFAC. After this budget was presented to the University Ways and Means Committee and accepted, Dean Paul worked with GovCom on a proposal to reduce the PE requirement. In the Spring of 2010, this proposal was brought to the College faculty for a vote, with the result that the faculty voted against the reduction of the GER requirements in Physical Education. In October of 2010, Dean Forman informed four full-time lecture-track faculty members and 3 temporary faculty members in the Physical Education program that their contracts would not be renewed at the end of their current terms. In the Spring of 2011, following the reduction in the budget for the Physical Education program and the reduction in personnel, the College faculty approved a reduced GER requirement for Physical Education. In the Spring of 2012, Dean Forman met with the faculty of the Physical Education department and informed them that the department would close as a College academic department at the end of 2012-2013. During 2012-2013, the activities of the department changed from the prior academic model to Play Emory, and a new athletic director was announced in November 2012 to direct this new program.

Dean Robin Forman formally assumed the position of Dean of Emory College on July 1, 2010, although in May of 2010 he attended meetings conducted by outgoing Dean Robert Paul to ensure continuity. On September 14, 2012, Dean Forman announced the closing of three academic departments and one academic program: The Division of Educational Studies; the Department of Physical Education, the Department of Visual Arts, and the Program in Journalism (See Appendix 2). In conjunction with this announcement concerning the Emory College programs, Dean Forman announced that graduate student recruitment in Spanish, Economics, and the ILA would be suspended. In his description of the process by which he reached his decision, Dean Forman said in the September 14 letter:

In making decisions about these steps, I have been guided by my work with the Faculty Financial Advisory Committee – whose members formally represent, and are appointed by, the College Faculty Governance Committee. Our discussion of these questions builds on two years of planning that this committee conducted with the previous Dean of Emory College. I have also worked very closely with the Dean of the Laney Graduate School, Lisa Tedesco, and Provost Earl Lewis. This plan has been approved by both the President and the Board of Trustees. However, I want to make clear that these decisions were finally made by me.

In reference to the obligation of the College Dean to consult with GovCom as stated in Article V, section 1 of the Bylaws, the members of the Process Review Committee understand that consultation with the College Financial Advisory Committee (CFAC) follows precedent and satisfies the formal letter of the requirement for consultation with GovCom, as CFAC could be understood as the sub-group of GovCom constituted by that committee to address the subjects of College finances and departmental and programmatic changes. This is notwithstanding any perceived precedent that some

faculty members to whom we talked understood to have been established by the actions of Dean Paul in bringing a proposal to change the GER requirements in Physical Education to the College faculty for a vote, because the changes in programs and departments and the reallocation of resources did not affect the GER requirements.

In addition, according to Appendix A, paragraph 2 of the Bylaws, “The Dean of a school or college shall have responsibility for the direction of the work of his or her division and shall be responsible to the President for the administration thereof. The Dean shall exercise leadership in the development of educational policies and programs... The Dean shall supervise the work and direct the discipline of his or her division; the Dean shall advise with the President in the formation of the faculty, the determination of curricula, and concerning all the interests of his or her division, including its relationship with other divisions of the University and to the interests of the University as a whole.”

Another bylaw-related issue was raised by a number of Lecture-Track faculty (LTF) whose contracts will not be renewed at the end of their present contract expiration date. They sought an avenue of appeal. The College Faculty Bylaws do not provide a straightforward avenue of appeal for cases of non-renewal of LTF individuals who have not been terminated for cause. After deliberations by GovCom and the Faculty Grievance Committee, an appeal was brought to the full faculty as provided in the bylaws Article V, section 3. This appeal was defeated in a vote by the faculty at the September 25, 2013 faculty meeting. Notwithstanding the absence of a clear process of appeal beyond the College, some faculty appeals have gone forward to the Provost of the University after being heard by the Lecture-Track Faculty Promotion Committee.

It is clear to this committee that the Emory College Faculty Bylaws were not written to take into account an appeals process against reorganization of College Departments and Programs and reallocation of College resources. The implementation of an appeals process for those cases would necessarily be limited by the fact that all personnel in the College who are not tenured are regarded as employees of the College with employment rights limited to the College except in limited cases. The Committee believes that this is an area in both the College Bylaws and the University Bylaws that needs clarification and amplification. In the Committee’s view, some form of well-defined appeals process is necessary given that administrative decisions concerning departmental or program cuts can in rare cases be based on inaccurate or incomplete information. In such cases, the affected departments or programs should have some formal avenue of recourse. We recognize that there would be complications in implementing any appeal or review process, but we are in unanimous agreement that this is a crucial and needed area for faculty consideration.

Information from Interviews with Principals of Directly Affected Programs:

The committee decided to conduct interviews with the principals of the directly affected programs, with Deans Paul and Forman, and with Stephen Sencer, the General Counsel of the University. In the interview process, we discovered that the grounds for the actions of September 2012 were initiated as early as 2008 and were related to the general

financial crisis in the University and the country. In our interview with former Dean of Emory College Robert Paul, he indicated that his appointment of the *ad hoc* committee that later became CFAC was to help him respond to the complexities of Emory College financing as greater demands were placed on College funds by the University. As noted above, and in the letter from CFAC (Appendix 1), the financial difficulties continued through the end of Dean Paul's term as Dean of Emory College. When Dean Forman assumed the deanship in 2010, he spoke generally about areas he saw to offer opportunities for growth and strength: the study of health, quantitative theory and methods, and questions about how communities struggle with difference. He also mentioned that Emory College resources "have placed in doubt our ability to sustain our accomplishments. We have too many departments and programs where resources are stretched to the limit, leaving us in danger of falling short of our goal of providing a world-class education for our students" (See Appendix 2).

As we interviewed principals of the directly affected departments and programs, we learned that some departments were aware that some aspects of their programs were under scrutiny and were in conversation with Dean Forman and other administrators in the Emory College Office, as well as with Dean Tedesco in the Laney Graduate School, concerning their future. The graduate programs in Economics, Educational Studies, and Spanish in particular had on-going conversations about the future directions of their programs, but among these, only the chair of Spanish said that she knew of any kind of action affecting the department's graduate program was forthcoming. For other department chairs, we were told that the cuts and closings came as a surprise in whole or part. From the perspective of the Committee, each of these graduate programs was confronting challenges that were specific to them. From our interviews, we could not determine a single or a set of overarching metrics by which these programs were evaluated. This was also the case with the graduate program in the ILA.

In all interviews, we asked about the nature of and response to the annual planning document, submitted annually by department chairs, and any feedback that the departments received that might have been a signal of their vulnerability. In almost all cases, the interviewees found that responses to the annual planning sessions offered them no clear indication that there needed to be or would be major changes to their programs. Some of the interviewees said that in hindsight the fact that their requests for more resources were not granted might have been interpreted as a sign that they would remain in the under-resourced column. Nevertheless, they felt that the long-standing custom of being denied resources was not a sufficiently clear indication that they could anticipate their being included in the September 2012 list.

Most of the people we interviewed expressed at least some surprise and reported that they did not anticipate that they would be cut; in a few cases, they described their reaction as shock. Although they acknowledged that they were aware of the general problems that led up to the restructuring, some mentioned such factors as increased enrollments in their courses, eminence of their faculty, interconnections of their curricula with other departments and programs, and the hiring of new faculty members in their programs as

recently as Spring 2012 as indications that they were not under consideration for termination.

In contrast, in Dean Forman's view, all the affected departments were given definite indications and communications that the department or program was not meeting the goals set for them by the administration, and that in some cases, the conversation had been quite explicit about the possibility of reorganizing. In some cases, these indications were given to previous chairs who stepped down in Summer 2012; in one case, they were given in a meeting with departmental senior faculty as well as the chair. Hence, there appear to have been sharp differences in perception between the affected programs and the Dean in terms of how clear-cut these warnings were. Based on our conversations with the affected faculty, the Committee believes that there may not have been consistently clear indications of future cuts to all of the affected departments and programs that were heard by departments and programs. In our recommendations, we propose that the Faculty of Emory College and the Dean of the College work out less ambiguous, more transparent, and more effective avenues of communication to improve planning and reduce unpleasant surprises.

Our committee also noted the lack of any consultation with the Graduate Executive Committee of the Laney Graduate School. This committee was afforded no opportunity for feedback, and members of the committee were in some cases informed of closures before chairs of the affected departments were. This lack of consultation is particularly troublesome given that the Executive Committee could have provided valuable feedback regarding closures. In the by-laws of the Laney Graduate School, the explicit role of this committee is to provide feedback to the administration on graduate curricular and program issues, so the failure to consult with the committee prior to the cuts is both puzzling and a troublesome precedent. The Committee is pleased that these by-laws have since been modified to be more explicit regarding the need for consultation with the Graduate Executive Committee in advance of graduate program cuts.

Throughout our inquiry, our committee tried to determine a common, underlying set of principles that would account for choosing the particular programs and departments that were affected. In none of our interviews, either with the affected department and programs or with Dean Forman, could we determine the exact role of CFAC in any recommendations or, more particularly, precisely what, if any, metrics were used to compare departments and programs. Nor was it clear to the Committee what the definitions of the "certain criteria" were that CFAC employed. In CFAC's April 15 letter (See appendix 1), they say:

It was evident that even without review of the documents that some departments could not be cut because of their centrality to the College curriculum. However, the Committee determined that reviewing material from all departments was essential for placing its judgment in perspective. In making any recommendations to the Deans, the Committee deployed certain criteria, including excellence or distinction, essentialness to the liberal arts, interdependence with other College