

## VII. OVERALL OBSERVATIONS

From the investigations and the resulting findings and conclusions, several overall observations emerge as prelude to general conclusions.

*First*, none of the authors of the applicable existing personnel or other policies could possibly have imagined conditions approaching the gravity of those that the New Orleans universities faced in the days following Hurricane Katrina. Such policies were framed in the context of fathomable, if not familiar, challenges, and could not have anticipated the inconceivable.

*Second*, however, the relevant AAUP-supported policies—most notably those that recognize the special challenge of “financial exigency”—are sufficiently broad and flexible to accommodate even the inconceivable disaster. These policies have, in fact, been successfully invoked (as documented through AAUP experience) by institutions in situations that, while perhaps not matching the gravity of those in New Orleans in fall 2005, surpassed in severity those imagined.

*Third*, applicable AAUP policies that address financial exigency might—but should not—be confused with other policies that permit termination of continuing appointments because of the bona fide discontinuance of an academic program or department essentially for educational reasons. There are situations in which financial considerations lead to program discontinuance. Whether financial exigency *mandates* the discontinuance is crucially important in determining which procedures are followed.

*Fourth*, the AAUP’s recognition that a condition of financial exigency may justify termination of tenured and continuing appointments presupposes extensive faculty consultation both in the making of such a declaration and in its implementation, as well as rigorous procedural safeguards to protect affected faculty members. However grave the institution’s fiscal situation may be, and however clearly a lay observer might assume that a state of fiscal exigency does exist, adverse personnel judgments are permissible only if the attendant procedures have been scrupulously observed.

*Fifth*, however cumbersome faculty consultation may at times be, the importance and value of such participation become even greater in exigent times than in more tranquil times. The imperative that affected faculties be consulted and assume a meaningful role in making critical judgments reflects more than the values of collegiality; given the centrality of university faculties in the mission of their institutions, their meaningful involvement in reviewing and approving measures that vitally affect the welfare of the institution (as well as their own) be-

comes truly essential at such times. The Special Committee has been impressed with how deeply devoted the vast majority of faculty appeared to be to their institutions at a time of stress and, often, of significant personal economic loss. Administrators were able effectively to draw from that wellspring in dealing with the immediate aftermath of the disaster, in pulling their institutions together. But an institution cannot be rebuilt on mistrust or worse on a broadly shared sense of betrayal. Action that manifests regard for the faculty’s collective role is essential in order to rebuild commitment and trust.

*Sixth*, the Special Committee is unaware of evidence that the faculties of the New Orleans universities failed to appreciate the gravity of the post-Katrina environment and the severe consequences of drastically changed conditions. Indeed, it is evident to the committee that the faculties by and large understood the critical challenge their institutions faced and were prepared to share in the sacrifices that would be required in the rebuilding process.

*Seventh*, the central issue before the Special Committee has not been whether, given the benefit of hindsight and time for reflection, it might have addressed the post-Katrina situation at the particular institution differently. Rather, the committee believes the fair and proper issue to be whether key actions that were taken at the five investigated institutions departed significantly and detrimentally from their own and AAUP-recommended policies designed to protect academic freedom and due process.

*Eighth*, the Special Committee learned of examples of commendable practice on the part of several of the beleaguered institutions, and appropriate note has been taken in the preceding chapters. The laudable incidents do not, however, mitigate or diminish the Special Committee’s deep concerns about reprehensible actions, nor do they excuse lapses in other areas.

