

To: The Grievance Committee of the Emory College of Arts and Sciences
RE: Violations of Emory Bylaws and the Gray Book
DATE: April 4, 2013

We, the undersigned, hereby file a grievance regarding the decisions announced on September 14, 2012, to eliminate degree programs within the Emory College of Arts and Sciences (College) and the Laney Graduate School (LGS). We contend that the process that led to the elimination of various programs and departments violated, in multiple ways, the Emory University and College Faculty Bylaws (Bylaws), as well as the Statement of Principles Governing Faculty Relations (Gray Book). As detailed below, the University violated explicit rules and mandated protocols governing the process by which curricular decisions are to be made. Because the process by which these programs were eliminated violated the Bylaws and the Gray Book, we request that the Grievance Committee—which has been delegated this [explicit responsibility](#) to "investigate and hear grievances . . . [relating to] improper administration or application of policies"—recommend that the University void the announced elimination of the programs in question as well as the position eliminations that are set to occur in concurrence with the closing of the adversely affected departments and programs.

The Bylaws are the rules by which the College and LGS are to operate. They explicitly set forth the role of University faculty required in the administration of the College and LGS. Under the Bylaws, the Dean relies on the academic expertise of the faculty, just as the faculty depends on the administrative efficacy of the Dean. The system is designed to function through reciprocity and dialogue.

The September 2012 cuts did not arise from the shared governance model implemented by the Bylaws. Instead, the administration embarked on a secretive process that subverted the shared governance model and elevated the Dean's responsibility to exercise administrative leadership above the faculty's responsibility for curricula. If allowed to stand, the administration's actions would be tantamount to a collapse of the College's institutional checks and balances, initiating the equivalent of a constitutional crisis.

The grounds for our grievance are as follows:

Violations of the Emory University Bylaws and the Emory College Faculty Bylaws

The elimination of University departments and programs as announced on September 14, represents two critical violations of the Emory Bylaws. First, they contravene the faculty's primary responsibility for curriculum. Second, they violate the primary responsibility of the Governance Committee (GovCom) to represent the faculty in core College governance matters.

The Bylaws clearly delegate to the faculty, not the Dean, the responsibility for curriculum. Article IV, Section 1 of the [University Bylaws](#) states: “Responsibility for the instructional programs of the University shall be vested in the University Faculty under the direction of the President [T]he faculty of any school or college shall have jurisdiction over the educational program and the internal affairs of that division, instruction, schedules, and degree requirements.”

The Bylaws also designate GovCom as the primary vehicle for the faculty’s exercise of those rights of curriculum oversight. The [College Faculty Bylaws \(Art. V, Sect. 1\)](#) define GovCom’s function in one simple sentence: “The Governance Committee represents the Emory College Faculty.”

The Bylaws also limit the Dean’s role in the governance process by making clear that his primary responsibilities are administrative leadership and supervision. Article IV Section 2 of the [University Bylaws](#) states: “The Dean . . . shall exercise leadership in the development of educational policies and programs . . . [and] 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 relationships to other divisions of the University and to the interests of the University as a whole.”

In unilaterally imposing such drastic cuts in curricula, the administration overstepped its authority under the Bylaws. The process was so secretive that much of faculty was unaware the proposed cuts—the deepest and most extensive in Emory’s history—were even under consideration. Those who were aware were not informed that there would be no opportunity for appeal. GovCom itself had no real understanding of the administration’s intentions until after the fact. As the record makes clear, the faculty did not decide to undertake this major change in curriculum. Rather, the College Office made the decisions and told GovCom about them afterward.

Clear evidence of sundry Bylaw violations comes from the GovCom meeting of September 6, 2012, just days before the public announcement of the cuts. The [minutes of that meeting](#) state:

Dean Forman outlined the topic of his presentation at the upcoming faculty meeting. For strategic reasons the college is going to act on several years of analysis from the dean and [the College] financial advisory committee. This will involve phasing out of some programs to free up resources to support and strengthen other areas in the college. Dean Forman stressed that this is not driven by financial crisis – the budget looks better for this year – but by strategic considerations. . . . The faculty meeting will be used to explain the new strategic directions including phase-out of some departments and programs.

It is clear from the Dean's own portrayal that the decisions were not driven by financial necessity but were curricular choices. He reiterated that point in his September 14, 2012, [letter to the College community](#) announcing the cuts. "While our financial challenges add urgency to these decisions," he wrote, "*these are fundamentally academic decisions.*" (Emphasis added). As such, these decisions rightly fell within the jurisdiction of the faculty. Had the Dean predicated the cuts on financial exigency, it could have been argued that they fell within his responsibility to "exercise leadership." Even then, the Bylaws would have mandated deep and meaningful consultation with the faculty, of which there was none. As it stands, the process was contrary to the established practice of shared governance in which the Bylaws place primary authority for determining curriculum with the faculty, not the Dean.

Under the Bylaws, the Dean should have consulted with GovCom about the proposed cuts. [Article V, Section 1 \(a\) of the Emory College Faculty Bylaws](#) 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." But the Dean did not "consult" with GovCom about the proposed cuts. Rather, he informed GovCom after the fact of decisions he had already made. The lack of required consultation violated the College Bylaws.

The Bylaws establish two Standing Committees whose purpose is to ensure the integrity of the College's curriculum. [Article V, Section 2 G of the College Bylaws](#) calls for the Curriculum committee to "study and make recommendations to the faculty concerning the curriculum of Emory College," and calls for the Educational Policy Committee to "engage in a continuing re-study of the Emory curriculum with the purpose of making proposals and recommendations to the entire faculty, to divisions, to departments and to interdepartmental groups as to new educational possibilities." The failure to include these Standing Committees in the process that resulted in the cuts constitutes a fundamental violation of the College Bylaws.

Rather than consult with these committees, as required by the Bylaws, the administration chose to rely on advice from the College Financial Advisory Committee (CFAC). This panel was first established as an ad hoc committee to advise the College Office on budgetary matters during the global financial crisis that began in September 2008. Such ad hoc committees are allowed under Article V Section 4 of the [College Faculty Bylaws](#), which stipulate that ad hoc committees "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." As described below, however, CFAC was soon transformed into a subcommittee of GovCom and its activities expanded into curricular and programmatic areas for which it was not authorized and which fell within the jurisdiction of Standing Committees that were never consulted, all in violation of the Bylaws.

The College Financial Advisory Committee

In response to criticism of his failure to consult with faculty about the program eliminations, Dean Forman has [noted](#) that he received advice from CFAC, a subcommittee of GovCom. But CFAC was a subcommittee in name only. As the record below demonstrates, it operated in secrecy and was not accountable to GovCom or the faculty at large. The Dean's reliance on CFAC's selections of programs for elimination was not a legitimate substitute for the *required* consultation with the faculty's representative body, GovCom.

CFAC came into existence in Fall 2008, in the wake of the financial crisis. Then-Dean Bobby Paul created it as an ad hoc committee to advise him on financial matters. He unilaterally appointed its members and it reported only to him. (See ["Minutes Reveal Administrators' Influence."](#)) By January 2009, CFAC had developed specific suggestions. At that time, GovCom [members were told](#) that CFAC had "some ideas how to close the [budget] gap." These included cutting savings from the College's reserve fund; eliminating \$2 million in "non-personnel expenses;" cutting temporary faculty; and selling off rental property. But by that time, talk of program cuts was already in the air. At that same GovCom meeting, committee members received a report from the Faculty Senate in which then-Provost Earl Lewis warned that Emory's budget problems could require "significant structural alignment" over the next three years. President James Wagner's position was more blunt: "Cut inferior, boost superior." No criteria for determining "inferior" or "superior" are reflected in the minutes. Although the Bylaws place such decisions within the purview of the faculty, Wagner's approach of cuts without clear standards would dominate the process going forward.

Following the administration's warnings of structural changes, GovCom attempted to learn more about the plans and the role faculty could play. At a faculty meeting on January 21, 2009, GovCom Chair Eric Weeks put a series of questions to President Wagner. One concerned ways to improve the transparency of the budget process. Another concerned the payout rate of the University endowment; yet another sought information about the process for possible cuts. "We've heard that over the next few years, the University may consider restructuring units such as the College and the Graduate School," Weeks said, according to [minutes of the meeting](#). "What will the process for this rethinking be, and how can faculty help?" The minutes do not reflect Wagner providing a direct answer to the restructuring question. His reply, according to the minutes, was, "We should continue to work together perhaps with the College Financial Advisory Committee. Yes, we need to rethink relationships but we remain committed to the Graduate School." In a concluding statement at the close of the meeting, Wagner noted that while Emory had "real problems," it was "in a good financial state." He said there was "better communication and transparency now," and added, "Maybe we can go forward together

with the College Finance committee as the medium.” But, these proposals never came to fruition: CFAC would function not as a conduit for information but as a black box, immune from scrutiny.

Just weeks after the January 2009 faculty meeting, CFAC was converted from an ad hoc committee answerable to the Dean into a subcommittee of GovCom. But this is not how the new committee would function in practice. The record shows that in its new guise, CFAC worked closely with Dean Paul’s successor, while GovCom was effectively excluded from any substantive role.

[Minutes of the February 11, 2009, GovCom meeting](#) show that members of the new CFAC subcommittee, most if not all of whom carried over from the ad hoc committee, were to be “appointed” not elected. CFAC’s mandate was “to give advice on behalf of the faculty to the College administration on: 1) Policy related to the Emory College Budget. 2) Setting planning and priorities that adhere to and uphold the mission of the College. 3) Determining the sustainability of all programs and initiatives. 4) Acting in a proactive rather than a reactive capacity and exercising reasonable foresight to establish a state of preparedness.” Notably, as a *financial* advisory panel, CFAC was not granted authority to make curricular decisions. Moreover, the minutes make clear that CFAC was to “report to” GovCom. Members of GovCom noted that they needed information from the subcommittee. “We [GovCom] need real data for proper decision-making,” the minutes state. GovCom members also noted that in light of the budget crisis and the difficult decisions that lay ahead, “[t]ransparency is necessary especially for non-tenured and non-tenure stream faculty to reduce anxiety and give some window into the future.” But there would be no transparency. And there would be little substantive reporting from CFAC.

In the years that followed, the CFAC failed to give full, accurate or detailed reports to the duly elected faculty representatives of GovCom. Its members contend they were granted confidentiality and thus no record of its proceedings has been shared. It was, in all respects, unaccountable to the faculty.

After its reincarnation as a subcommittee in February 2009, CFAC did not report to its parent committee for more than seven months. Even then, [minutes of the GovCom meeting of September 30, 2009](#), show that member Eric Weeks gave only a “short” report, “based on his participation in the Financial Advisory Committee.” While the minutes are vague, it appears Weeks told his GovCom colleagues that CFAC had discussed budget cuts, “returning more tenured faculty to the classroom, changing enrollment and revisiting needs-blind enrollment.” There is no mention of CFAC even discussing program elimination or other curricular changes.

The One and Only Report

The following week, on October 7, 2009, CFAC Chair Michael Giles reported to the College faculty.

It was the first and only time he would do so. At the faculty meeting that day Giles told colleagues that his subcommittee met two-to-three times per month and its work included “meetings with staff, budget tutorials, and reviewing the planning documents,” according to [the minutes](#). CFAC was focused, Giles said, on “nonpersonnel budgets.” When a faculty member asked if CFAC had addressed “programmatically cut recommendations,” the minutes indicate Giles responded that “such recommendations were within the charge of the [sub]committee and that the [sub]committee had prepared to do that, but they were not asked to do so.” That assertion, however, is not supported by the available evidence. As its name implies, the mandate of the Financial Advisory Committee was to advise solely on budgetary issues. There is no record of it being sanctioned to explore curricular issues such as program cuts. Yet, it is now clear such issues were under consideration. The minutes of the October 2009 faculty meeting show Giles said no one on CFAC wanted to “make cuts on the personnel side” and had instead focused on “pressing the College Office to look at every non-personnel budget diligently.” But as President Wagner’s comments in January made clear, the University administration had been contemplating program cuts since at least the beginning of the year.

That Giles delivered this report to the full College faculty raises the question of why CFAC did not present reports at future faculty meetings, particularly as its activities grew in scope and significance. A similar pattern would play out in CFAC’s dealings with GovCom.

The first indication of CFAC discussing program cuts with GovCom came in early 2010. It is the one known instance in which events transpired in accordance with the Bylaws. CFAC Chair Michael Giles attended the GovCom meeting of February 3, 2010, as a guest. [Minutes of the meeting](#) show Giles reported that CFAC “had gone over the planning documents of each department in Emory College, the external reviews of selected departments, and met with the graduate school, in preparation for recommendations to the College about the potential closing of departments.” CFAC’s recommendation, Giles told the committee, was that the first department to close should be Physical Education (P.E), “because it is neither essential, nor excellent.” The place of P.E. in the University had been an ongoing topic of discussion for GovCom. It is said that Dean Paul firmly believed the matter *had to go* to GovCom. In the end, GovCom rejected CFAC’s recommendation to close P.E. and instead recommended that the Department be merged with Athletics. The full faculty later rejected moves that would have resulted in P.E.’s closure, and the Department remained open. (See [Minutes of the April 14, 2010 Faculty Meeting](#).)

Following the rejection of CFAC’s P.E. recommendation, the subcommittee did not report to GovCom for another nine months. During the interim, Dean Paul stepped down and returned to the faculty. Dean Forman took over in July 2010, following a search headed by CFAC Chair Michael Giles. At GovCom’s request, Giles appeared before the committee in November 2010. According to [the](#)

[minutes](#), he “reviewed the past role” of CFAC and “opened the question of what its role might be going forward.” The CFAC chair noted that because current members of the subcommittee had served for two-and-a-half years, it was time to think about turnover. He emphasized that “careful selection of members for this committee is crucial,” according to the minutes. Giles identified “strong credibility with both faculty and the Dean,” and “the ability to keep strict confidences” as key qualifications. Giles himself would remain as chair of the subcommittee. The minutes do not indicate that he provided GovCom any substantive insight into the CFAC’s activities up to that point.

CFAC Fades to Black

Spring 2011 marked an important step in CFAC’s evolution. [Minutes of the February GovCom meeting](#) indicate Dean Forman expressed his belief that the subcommittee was “an important resource” and wanted it to continue its work. He asked that the makeup of the subcommittee be changed to increase Lecture Track Faculty (LTF) representation from one to two members. And he suggested that the charge of the subcommittee “should transition from that of short-term necessity to a strategic, long-term trajectory.” The minutes do not indicate what work CFAC had done that Forman found useful, the reason for the requested addition of LTF, or the nature of the “long-term trajectory” he expected it to explore.

GovCom did not take up the issue of CFAC again until its April 2011 meeting. The [minutes of the session](#) show that, whatever the Dean’s interest in working with CFAC, GovCom had reservations. GovCom members noted that since CFAC had been created in “a particular financial climate that has since evolved, there has been a question of whether or not it should continue and if so, how its charge should be adjusted to better reflect present conditions.” There was also a concern about transparency. GovCom member Michael Sullivan “expressed the concern that although this [sub]committee [CFAC] reports to GovCom, much of its discussion is deemed confidential. Thus GovCom is seen to be responsible for a committee while being kept in the dark about its work.” Dean Forman, who attended the meeting, responded that CFAC had “shifted to longer-range thinking” about the College’s future using “instruments such as Academic Analytics.” The Dean’s comments further underscore the fact that while he was being kept apprised of CFAC’s activities concerning curricular matters, GovCom, the faculty’s representative, was not. Without the transparency GovCom had called for in creating CFAC two years earlier, the committee was prevented from carrying out its duty under the Bylaws to oversee curriculum.

Concerns about CFAC’s lack of transparency continued when GovCom reconvened in the fall. [Minutes of the August 2011 meeting](#) show that member Eric Weeks, who continued to represent GovCom on CFAC, informed his colleagues that while the role of the subcommittee had “evolved,” its

concerns continued to be “the allocation of resources in a manner consistent with scholarly priorities.” The minutes give no indication Weeks provided any specifics about what those “priorities” might be. Other GovCom members “expressed the desire for closer communication with the [C]FAC.” In an apparent effort to address those concerns the committee decided to add another GovCom representative to CFAC. A Sept. 6, 2011, [letter](#) sent to faculty by GovCom soliciting nominations for CFAC gave no hint of the subcommittee’s expanded activities. It merely repeated the original mandate set out for CFAC at the time it became a subcommittee in early 2009.

Despite the calls for greater openness, there is no record of GovCom receiving a report from its subcommittee for the next seven months, a crucial period in which many of the decisions about cuts were made. Finally, in April 2012, in the last meeting of the academic year, GovCom was allowed to learn something of what its ostensibly subordinate committee had been doing. [Minutes of the meeting](#) indicate GovCom was told that the position of CFAC members was that “rather than trying to maintain all elements of all programs with fewer and fewer resources, it is preferable to contract in some areas in order to provide for the possibility of enhancement and creativity in the future.” GovCom was also told that CFAC “does not make decisions” and that “discussions are ongoing.” But the minutes do not indicate who was involved in those discussions or what they were about. In response to a question about the criteria for determining which programs would be maintained, the minutes show, Dean Forman offered the following: Excellence and national distinction; importance to the undergraduate curriculum; interdependency; contribution to Emory’s broader mission; and how the program fit into the overall vision of the College. Again, the minutes are silent on how those criteria were determined or defined. It is clear, however, that the Dean and CFAC were making decisions through a process from which GovCom was excluded.

Dean Forman publicly announced the cuts on Sept. 14 2012. In a meeting with students in December, he said the “vision” still had not been determined. “The original intent was that much of that vision would be filled out after that announcement [of the cuts],” [Forman said](#). “We would make the changes first, and the vision would follow.” This is a stunning revelation. In effect, the Dean admitted that programs were judged—and cut—based on a standard that did not exist.

But by then it made little practical difference. The decisions had been made. They had been quietly ratified by the Board of Trustees in June 2012 when school was out and publicly announced when classes resumed in the fall. GovCom, the faculty’s representative body, had been effectively excluded from the process.

Laney Graduate School

The lack of communication and failure to abide by the established rules of governance are particularly problematic in regard to the decisions made about LGS. The school's [governance structure](#) calls for the LGS Dean to consult with the Directors of Graduate Study, an elected Executive Council, and an Appointments Committee. But that did not occur. [In an open letter](#) to the American Association of University Professors and the LGS faculty, sent to the LGS Dean Lisa Tedesco in November 2012, members of the LGS Executive Council, which bears responsibility for long term program development and planning, made clear that they were never consulted about the cuts. Even former Provost Earl Lewis noted in his address to College faculty on Oct. 31, 2012, that the process behind the decisions regarding LGS was "wrong" and "flawed," according to [minutes of the meeting](#), although he deemed the outcomes to be correct. But common sense suggests that even if intentions are good, a flawed process yields questionable decisions. However much the former Provost and other administration officials may agree with the outcomes, valid decisions cannot come about by invalid means. If the rules were violated, the results should not be allowed to stand.

New Revelations

We now know that much of CFAC's lack of transparency and failure to communicate was deliberate. In a revealing interview with *The Wheel* after the cuts were announced last fall, CFAC Chair Michael Giles acknowledged that in the early days of the subcommittee he would "lie" to colleagues, telling them how well things were going. "If people had known about the kinds of talks we were having, there would have been widespread panic. But nothing came of it," [Giles told The Wheel](#). "Nothing we've ever talked about has been leaked to anyone." Confidentiality took precedence over open dialogue. "I'd rather take the heat for a lack of transparency than see the antagonism of 'why this department and not that one' that comes from open discussion," the CFAC chair said. The failure to keep GovCom and the faculty informed of CFAC's activities resulted in a clear violation of the Bylaws.

Even after the fact, information about how the decisions were made is still being withheld from faculty. At the faculty meeting of Oct. 3, 2012, current-GovCom Chair Stefan Lutz told colleagues, "It was decided that CFAC should treat its deliberations as confidential" and argued that "the minutes of the CFAC should not be released," according to [minutes of the session](#). "There are no minutes of the Financial Advisory Committee that are being released [to the faculty]," Lutz said. (Notes of meeting.) At the same faculty meeting, [the minutes](#) show that Dean Forman said "it was GovCom's decision to keep this process confidential." Yet there is no record anywhere in the GovCom meeting minutes of the committee ever declaring CFAC's activities confidential. In fact, just the opposite is true. Committee members repeatedly raised concerns about CFAC's lack of transparency. In direct contravention of

the Bylaws, there was no meaningful consultation with faculty about these major curricular decisions.

The Gray Book

Beyond the overt violations of the Bylaws, the University also failed to adhere to its own Statement of Principles Governing Faculty Relations, also known as the Gray Book. Item 14 of the [Gray Book](#) declares that the Board of Trustees has the right to discontinue any academic program of the University under “extraordinary circumstances.” Item 15 elaborates on this point. It states: “It is the express desire and purpose of the President and the Board of Trustees to use the powers expressly reserved ([in] Paragraph 14 above) only in cases of the utmost necessity, when failure to use such powers might adversely affect the interest of the University.” Yet the administration has never cited “extraordinary circumstances” or “utmost necessity” in justifying the proposed cuts. Quite the opposite, in fact. As noted above, in revealing the cuts to GovCom on September 6, 2012, Dean Forman noted, according to the [minutes](#), that decisions were years in the making, that they were intended to “free up resources to support and strengthen other areas in the college,” that they were “not driven by financial crisis,” but by “strategic considerations.” He even acknowledged that “the budget looks better for this year.” He underscored this point in his [letter](#) a week later to the College community announcing the cuts. “While our financial challenges add urgency to these decisions,” he wrote, “these are fundamentally academic decisions.” He added: “These reductions will allow us to invest in traditional strengths of the arts and sciences at Emory, building and enhancing areas of true eminence in research and undergraduate and graduate education, as well as to build new, interdisciplinary areas of instruction and inquiry in those areas that will be of increasing significance in the coming decades.” The Dean makes clear, in short, that these were choices; curricular choices, not driven by financial necessity. As such, they cannot be justified under the Gray Book. And in making them, the Bylaws were violated.

Additional Considerations

Article V of the Bylaws makes clear that GovCom is to communicate its activities, and by logical extension the work of its subcommittees, to the faculty at large on a regular and timely basis. But the secrecy in which CFAC operated made it impossible for GovCom to comply with that mandate. Because GovCom received only brief, occasional reports from CFAC, it could give only incomplete, sporadic accounts of the subcommittee’s work to the full faculty through its minutes. Moreover, as an online review of the procedures behind the cuts has noted, “the membership of the CFAC subcommittee of GovCom is not listed on the GovCom’s webpage or in its folder on blackboard, making it difficult for the faculty as a whole to know or inquire about the process.”¹ Overall, this lack of transparency violated the faculty’s right under the Bylaws to oversee these vital curricular issues.

¹ <http://gonepublic.net/2013/01/19/reviewing-the-facts-on-emorys-cuts/>

The faculty's right under the Bylaws to access budget information related to major shifts in the agenda of the College was also violated. Article V, Section 1 (a) of the [Emory College Faculty Bylaws](#) states that GovCom "shall have access to information necessary to conduct studies and to make recommendations to the Administration" related to setting priorities for the College and changes of College programs. While CFAC was granted extensive access to such information, GovCom was denied access to it. As The Wheel [reported](#) shortly after the cuts were announced:

With permission from the dean and the provost, the [sub-]committee [CFAC] acquired exhaustive documentation: department-planning materials, department self-evaluations, patterns of enrollment, course cross-listings with other departments, external reviews — everything, Forman remarked, just short of an individual's salary.

Once again, the Dean and CFAC are seen acting in concert while GovCom is excluded.

In further contravention of the Bylaws, CFAC also took it upon itself to "set criteria and parameters for evaluating departments," according to The Wheel. As CFAC Chair Giles, told the paper:

"Thinking in terms of scholarly distinction and potential for eminence of programs, how much does it take to move a program up? Some are more costly than other[s]. . . . How distinguished is a department? What's its role in the liberal arts? How essential is it? If it's excised, can you still have a viable liberal arts program? Interdependence [with other departments] goes into that [criteria] as well."

In each of these areas—access to information necessary to conduct studies and setting of priorities for the College—CFAC overrode the faculty's duly elected representative body's authority under the Bylaws to control curricular issues.

Beyond these explicit violations of the Bylaws, it is also worth noting that other deliberative bodies with express jurisdiction in these matters were not consulted in this process. The Humanities, Social Science, Science and Arts councils, and the Provost's commission on the liberal arts were sidestepped. The full faculty was kept in the dark. And the planning process for each program and department was also not used. There was, in effect, no meaningful faculty governance of the process.

Conclusion

The administration would have us believe that the faculty has no avenue for redress in this matter. It has

[declared](#) the cuts final. (Also see [Minutes of the October 31, 2012, faculty meeting.](#)) And it says there can be no appeal. But the [Bylaws](#) say otherwise. They make clear that members of the Emory College faculty have a right to file grievances when there has been an “improper administration or application of policies.” This is precisely such a case. In making the cuts, the administration usurped the faculty’s right under the Bylaws to control curriculum. It did so by bypassing GovCom, the faculty’s duly elected representative body, and instead relying on CFAC, a secretive, unelected and unrepresentative panel that was unaccountable to GovCom or the faculty. CFAC, in concert with the Dean, operated behind closed doors, improperly withheld budgetary records from GovCom, and failed to fully report to the faculty, as required. For all of these reasons, it is clear that the process that resulted in the cuts violated the Bylaws.

We ask, therefore, the following:

- 1) That the Grievance Committee affirm the primacy of the Bylaws.
- 2) That the Grievance Committee exercise its responsibility under the Bylaws and recommend the University void the announced elimination of the programs and the position cuts that are set to occur in concurrence with the closing of the adversely affected programs and departments.
- 3) That, in keeping with the Bylaws’ call for the committee to make its recommendation to the Dean or an “appropriate administrator,” and inasmuch as Dean Forman was directly involved with this process, the Grievance Committee file its recommendation with Provost Claire Sterk.
- 4) That the Grievance Committee act on this grievance in a timely manner, and submit its recommendation before the close of the Spring 2013 semester.

Thank you for considering this matter. We are at your disposal if you should have any questions.

Sincerely,

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