

LSU Faculty Senate Meeting Minutes
3:00 P.M., Tuesday, April 13, 2010
Student Senate Room, LSU Union
Attendance



Faculty Senate Executive Committee members present:

- | | |
|---|---|
| 1. Kevin L. Cope (Senate President, English) | 2. William Daly (Past-President, Chemistry) |
| 3. Pratul Ajmera (Vice President, Engineering) | 4. Renée Casbergue (Secretary, Education) |
| 5. Ken McMillin (Member-at-Large, Animal Science) | 6. Lilly Allen (Member-at-Large, Social Work) |

Parliamentarian: Charles N. Delzell (present)

Senators present:

1. Philip Adams	2. Fred Aghazadeh	3. Mary Catherine Aime	4. Sue Bartlett
5. John Battista	6. Michael Bowman	7. Kathleen Bratton	8. Jennifer Curry
Charles Delzell	Susan Dumais	Kristi Dykema	Bruce Eilts
9. Kristopher Fletcher	10. John Fletcher	11. Joseph Francis	12. Craig Freeman
13. Wes Harrison	14. Dominique Homberger	15. Paul Hrycaj	16. Lisa Johnson
17. Jennifer Jolly	18. Boryung Ju	19. Jeremy King	20. Joseph Legoria
21. Patrick McGee	22. Rebecca Owens	23. Kelly Rusch	24. Michael Russo
25. Frederick Sheldon	26. Joseph Siebenaller	27. Edward Song	28. George Stanley
29. Gail Sutherland	30. Phillip Tebbutt (3)	31. Paul Wilson	32. Yi-jun Xu

Replacements for absent Senators:

- | | |
|---------------------------------|--------------------------------|
| ----- for Wanda Hargroder | D. Crumbly for Andrea Houston |
| ----- for Linda Allen | ----- for Larry Rouse |
| ----- Kresmir Rupnik | P. Rouse for Dottie Vaughn |
| Su-Seng Pang for Muhammad Wahab | Kristi Dykema for Justin Walsh |
| DCC for Ed Watson | |

Senators absent without proxies + (# of absences without proxies):

- | | | | |
|----------------------|----------------------|----------------------|---------------------|
| Brittan Barker (8) | Gabriel Beavers (1) | Michael Krom (8) | Josh Detre (1) |
| Juhan Frank (1) | P. Lynn Kennedy (3) | Jeff Kuehny (3) | Richard Kurtz (2) |
| Ed Laws (2) | Michael Leitner (1) | Mandi Lopez (1) | Kevin McCarter (2) |
| Alison McFarland (3) | Heather McKillop (4) | Evelyn Orman (3) | Erwin Poliakoff (1) |
| John Protevi (3) | Steve Ross (3) | Cristina Sabliov (2) | Dianne Taylor (1) |
| Jeffrey Tiger (2) | Sue Weinstein (1) | Richard White (4) | |

Guests Attending Meeting:

Gregory Molchan	Robert Doolos	Will Hires
Tania Nyman	Jacob Most	Rick Koubek
Provost Astrid Merget		

Consideration of the Minutes from March 2010

Motion to accept minutes (Wilson; Stanley second) - Passed unanimously.

President's Report

LSU-BR News:

- Considerable progress has been made with improvements to Moodle. A new focus group has been created to examine "My LSU" as a replacement for PAWS. This system will allow one secure login for all LSU pages and functions. IT Services is seeking feedback from those piloting the new system.
- Discussions regarding the new procedure for appointment to the Graduate Council (passed previously by the Faculty Senate) culminated in approval by Graduate School Dean David Constant. These procedures are advisory to the Provost and the Office of Academic Affairs.
- The benefits committee is sponsoring a series of discussions around labor and benefits issues. The committee has asked to extend its service through 2011. That request has been endorsed by the FSEC.
- Donna Torres reports that work on a new system to track client services (requisitions, facilities services, etc.) is underway. There is much more to be done, but many functions will be online within a year.
- The Tiger Athletic Foundation has announced new procedures for awarding priority points based solely on contributions to TAF. FSEC is taking the position that donations to other units should also be considered and has drafted a letter to that effect.
- Senator Joseph Legoria is pursuing discussions of disincentives for making full use of instructors' expertise (as for example with policies regarding extra compensation, staffing of distance learning courses, etc.).
- The Xythos system will be replaced.

System News:

- In response to the state's proposed 120 hour cap on degree programs, Dean Kopak (LSU Engineering) will coordinate with Russ Trahan (UNO Engineering) to create an exemplary 120 hour program in engineering.

State News:

- Reminder regarding the forum featuring the LSU and Louisiana Tech Chancellors - the first time this has occurred in the state.
- The Association of Louisiana Faculty Senates plans to meet Saturday, April 17 at Lod Cook.
- The Bargaining and Representation Committee has scheduled an April forum in Howe Russell. All are encouraged to attend.
- Statewide transfer committee recommendation regarding mandated admission of transfer students into degree programs is opposed by LSU. A group of business deans from multiple systems are collaborating on a statewide pilot program to help students understand issues related to transfer and admission to degree programs.
- A new study shows that 80% of LSU students come from three parishes, but that students from further away do choose to come to LSU based on academic considerations.
- The Statewide Articulation and Transfer Council has approved the LSU supported proposal for the portable 60-hour degree. It is now headed to Sally Clausen, then to La. Senator Ben Nevers. A special subcommittee will address admission to licensure programs such as nursing, engineering, and education.

Elections:

Election to standing committees will proceed via paper ballots - to be tabulated and announced after the meeting.

Election of senate executive committee - Kevin Cope reelected President; Pratul Ajmera, Vice President; Renée Casbergue, Secretary; Members at Large - Lilly Allen and Ken McMillan. Final member-at-large position to be filled at first senate meeting in the fall with nominees drawn from pool of newly elected senators.

Report on Lab School Visit

Members of the FSEC plus three others met with Wade Smith at the Lab School. Proposals are in the works for ways to give faculty more input into Lab School policies. We need to proceed very cautiously given the need for confidentiality regarding children and families.

Aghazadeh: Did you ask how every coach, etc. gets children in?

Cope: Yes.

McMillen: The admissions committee operates under advice of legal counsel. The school is exempt from the usual university oversight. None of its budget comes from university funds.

Allen: We did ask hard questions and had a very open exchange.

Louisiana Grad Act (Tania Nyman)

Nyman stated her belief that the legislation may get some traction this year since it is tied to universities' authority to raise tuition.

Provost Merget clarified that we seek approval for flexibility to determine our own tuition increases up to 10% with a cap set at the national average for public university tuition.

Nyman expressed her beliefs that: Increasing tuition is bad for students and the state in the long run, noting that students already graduate with a large debt load. Increased tuition won't make up for lost funds from budget cuts. Hope for public/private business support is optimistic given the state economy. Higher tuition and resulting reduced graduation rates will be detrimental to business recruitment etc. Louisiana now gets an F for affordability, given low-income levels in the state. Public education needs to be affordable to its citizens. There will be pressure to graduate students if funding is tied to graduation rates. Current means of determining graduation rates does not acknowledge variability in students' progress. This system sets up community colleges to fail because they can't meet this metric. She hopes LSU will oppose the legislation.

Discussion Summary:

Merget: What about TOPS?

Nyman: It's not available to everyone given more stringent requirements.

Adams: LSU's problem is not with lower income kids. It's that it doesn't capture anything from upper income families.

Nyman: (Related personal story of hardship in her own education.) A better model than recouping money from upper income families is to have the state fund at a level that makes education affordable for all.

Cope: At LSU we have the best students attending college in the state. We have an unfunded mandate to push all high school graduates through four-year institutions. Many are unprepared and go nowhere. Attention needs to be focused on saving money spent on unprepared students.

Nyman: We need to look at investment in K-12 education. This is also in LSU's interest.

Owens: Freeing up tuition setting authority needs to happen. LSU can't be available to all - then we'd just return to open admission. We need to let market forces work to establish tuition. Other states have this freedom.

Nyman: You're equating admission standards with tuition. That's beside the point.

Legoria: That is what she's saying. She's saying let the market work. Who is going to pay if students don't?

Nyman: Government needs to make it affordable.

Adams: I agree. Ideally it should be free. But the reality is that not everyone in EBR can or should come here. The public won't vote for supporting affordability for all.

Nyman: LSU shouldn't advocate for a system that doesn't benefit everyone.

Adams: Legislators' constituents won't support it.

Nyman: So we should keep trying.

Adams: We've been doing that for years.

Rausch: Is there a question here or an action for us to take?

Nyman: No. I'm just expressing my opinion.

Cope: You can get any senator to draft a resolution if you'd like.

Old Business

Consideration of resolutions 10-05 and 10-08 delayed due to absence of the resolutions' sponsors.

New Business

First Reading of Resolution 10:07

**LSU Faculty Senate Resolution 10–07:
Sunshine on the Composition of Advisory Committees at all Levels of the University**
Sponsored by Senators Dominique G. Homberger and Charles Delzell

Whereas PS-36-T, PS-36-NT, PS-109, and the policies of the Graduate School provide for the appointment of various advisory committees and boards whose confidential advice to administrators can have serious consequences for faculty members, and

Whereas some administrators have refused to disclose the names of the members of such committees and/or boards, on the ground that such bodies are purely advisory in nature, and

Whereas “Star Chambers”¹ have no place in civil society, let alone in a university, and

Whereas, although government executives, such as the U.S. President, may obtain confidential advice, the names of those advisors are nevertheless a matter of public record, and, similarly, although jury deliberations in a trial are secret, the names of the jurors are nevertheless public, and

Whereas Louisiana’s Sunshine Laws include within their definition of a “public body” various committees and boards, even if their function is purely advisory²

Therefore be it resolved that the Faculty Senate recommends that every unit of the University (e.g., departments, colleges, the Graduate School, Academic Affairs, the Chancellor’s Office, the offices of the various vice-chancellors, and the LSU System President’s Office) post on its website the membership of all advisory bodies (e.g., all boards, councils, commissions, committees, subcommittees, and similar bodies) that report to that unit, with the exception of *ad hoc* committees mentoring or reviewing individual faculty members (e.g., committees related to PS-36-T, PS-36-NT, PS-109 or PS-169), which need be disclosed only to the respective faculty members on request; and

Therefore be it further resolved that policy statements such as PS-36-T, PS-36-NT, PS-109, and the policies of the Graduate School, be revised so as to require disclosure of the membership of the various advisory bodies mentioned in those policies, as provided above; and

Therefore be it further resolved that this resolution does not recommend any change to existing policies on the question of whether, or to whom, the advice or reports of the above advisory bodies should be disclosed.

¹In modern usage, legal or administrative bodies with strict, arbitrary rulings and secretive membership and proceedings are sometimes called, metaphorically or poetically, star chambers.—Wikipedia.

²La. R.S. 42:4.2 “Definitions”: “... ‘Public body’ means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and *any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.*” (Emphasis added.)

La. R.S. 42:4.1: “... the provisions of R.S. 42:4.1 through 10 shall be construed liberally....”

Discussion Summary:

Homberger: The context of this resolution is that when there are issues, it is difficult to know whom to address with concerns. If committees are disclosed, members can be approached more easily. It’s a matter of management. This information is public record anyway.

Crumbly: Are we doing something illegal? Are we covered by sunshine laws? If so, we are doing something wrong.

Song: Can you give examples of cases where this information is not disclosed?

Homberger: I don’t want to get into specifics here. That information is sometimes denied.

Song: I don’t know if information is being kept from the public in nefarious ways. Is this just about better procedure?

Homberger: I’m in favor of adopting best practices.

Owens: These resolutions don’t set policy. They just express our position. We can use the Freedom of Information Act. A resolution won’t change behavior. We need to go after those who are secretive from a legal position that says that behavior won’t be tolerated any longer.

Homberger: This is a gentle reminder of what we should do. The senate can remind people to uphold good professional procedures. This resolution is not meant to be punitive.

Agazadeh: I've never had problems finding this information, but others obviously have. Are you saying put information on the web page?

Homberger: The Faculty Senate web page is a model of accessible information. Why shouldn't we support open information?

Yu: I support this. The reorganization committee was not well publicized initially for example, but had potential to affect many of us.

Homberger: Right. This is a no brainer.

Wilson: The language of this resolution is not in keeping with your conciliatory remarks.

Homberger: A little bit of pepper is okay.

Cope: On a website that tracks sunshine law compliance, Louisiana is in the bottom ten. The BOR is a disaster in this regard. Their information was last updated in 2008.

First Reading of Resolution 10:09

Faculty Senate Resolution 10–09 A Faculty Member's Right to Assign Grades Sponsored by Senator Charles Delzell

Whereas the LSU Faculty Handbook declares:

It is the right and responsibility of the instructor to determine and assign the grade for each student who is enrolled in the course beyond the final date for withdrawing. The instructor's assignment of a grade is final, and the grade may not be changed or altered except through the academic appeals procedure, following appropriate investigation.

Whereas the American Association of University Professors' statement, "The Assignment of Course Grades and Student Appeals," declares:

The assessment of student academic performance ..., including the assignment of particular grades, is a faculty responsibility. Recognizing the authority of the instructor of record to evaluate the academic performance of students enrolled in a course he or she is teaching is a direct corollary of the instructor's "freedom in the classroom" that the 1940 Statement of Principles on Academic Freedom and Tenure assures. The faculty member offering the course, it follows, should be responsible for the evaluation of student course work and, under normal circumstances, is the sole judge of the grades received by the students in that course.

Whereas Faculty Senate Resolution 03-04, "On Grades and Standards" (introduced by then-Senate Vice-President Carruth McGehee, and adopted in 2002) declares:

The appropriate officer of each academic unit will take special care to see that all teaching personnel are informed about pertinent policies and expectations with respect to grades, and *supported as they undertake to uphold appropriate standards* [emphasis added].

Whereas PS-44 ("Grades") declares:

There is no "University curve" or other table of numerical equivalents of letter grades to which a faculty member must adhere.

Whereas the 2008 AAUP report, "The Use and Abuse of Faculty Suspensions,"

<http://www.aaup.org/AAUP/comm/rep/A/facsup.htm>, declares:

.. Sometimes, as we will show, administrators decline to use the term ["suspension"] and claim that in fact what they are imposing is not a suspension at all...

[I]ncreasingly the Association is dealing with cases that involve partial suspensions, in which the faculty member is blocked from some duties or locations, but not others.... Removal from even a single class can, of course, pose serious complications for the faculty member's standing as a teacher.

Whereas the Regulations of the LSU Board of Supervisors declare:

The faculty or Faculty Council shall establish curricula, fix standards of instruction, determine requirements for degrees, and *generally determine educational policy*, subject to the authority of the Board [emphasis added].

Therefore be it resolved that the Faculty Senate hereby (1) reaffirms the above-quoted passages from Resolution 03-04, PS-44, and the Faculty Handbook, and therefore (2) prohibits the LSU administration from suspending any instructor from teaching any course, or otherwise punishing or disciplining any instructor, on the basis of the grades the instructor gives students, as long as the instructor "assigns grades equitably and consistently in accordance with the standards established by the faculties of the various colleges and schools" (as provided in PS-44); nor may anyone change any grade so assigned (whether it be a final grade or an interim grade on any work during the course), except through the Grade Appeals procedures described in LSU's General Catalog.

Move to debate (McMillan second).

Song: Is the last (deleted) "whereas" the giveaway to what this is about?

Delzell: We don't know that this was the motivation.

Song: So what is the context?

Delzell: I defer to Dominique. As reported in the paper today, she was removed from her course because of grades.

Sheldon: How do we protect students? 90% of students failed the first test.

McMillen: There was no mention of chain of command being followed. That's what bothers me.

Guest: I don't know of this instance. There are processes by which problems are addressed: grade appeal, faculty review. It sounds like procedures weren't followed.

Rausch: I did read the paper. Nothing to do with Dominique, but my issue is passing a resolution based on a single incident with no data about what it is based on. I worry about resolutions getting lost in noise and the senate's loss of credibility.

Cope: We're not taking a position on this case. The FSEC has heard from Dominique and she has been referred to grievance / appeal process, etc. There are other cases that confirm outside pressure regarding grades. We will discuss grading policies with the provost in our FSEC meeting.

Delzell: This resolution is a statement of what should happen.

Wilson: This was an extraordinary reaction to just one test. It seems excessive.

Stanley: When is it appropriate for an administrator to step in and take action? (Cited example of unfair tests in Chemistry.)

The chair met with the instructor given evidence of poor teaching. He did re-grade / re-curve grades. This resolution says faculty members have complete control.

Daly: Due process was followed in that case. The instructor was counseled and given lots of opportunity to respond, but didn't do so.

Delzell: PS 44 has qualifiers regarding "equitable and consistent grading." An older resolution says faculties should meet to set and discuss standards.

.....: What data does Rausch want?

Rausch: I just want to make sure that this isn't just a response to one case - or is it a generic policy statement? I'm fine with a generic resolution on standards.

Adams: This resolution doesn't have much content. It sounds like a complaint. A better resolution would outline a procedure for dealing with such situations. Everything (in the resolution) is already in other policies.

Delzell: The Board of Supervisors has delegated power over education policy to LSU and LSU to us. There is no one higher than us over education policy. I'd welcome input to strengthen this resolution.

Adams: I think a procedural statement would be better.

Owens: How often has this occurred? When it does, is there recourse for the individual? Regarding when there should be intervention, I'd say when learning is affected (not grades). If all this has already been covered, what's new here?

Delzell: The "no dean" etc. statement about removing instructors is new. Under AAUP guidelines, a hearing must be held before dismissal (PS 104 - which includes a statement about suspension). The body that hears such cases needs to be consulted.

Ajmera: I suggest that we add another therefore - further resolve that we create a subcommittee to create a process / procedure governing suspension of faculty members from teaching. That would be more forward looking.

Delzell: FSEC is trying to perform that task.

Cope: We're moving forward with that.

Delzell: I propose an amendment as Pratul suggests.

Legoria: The bigger issue is how this applies more broadly. I don't like implications of pulling an instructor (from a teaching assignment) for post tenure review.

Cope: At the system level, PM 35 does establish a potential connection between PS 109 and dismissal. This has not led to a dismissal yet, but your concern is realistic.

Ajmera: PM 35 - we've tried to modify since 2003. A modified version was passed by this senate in 2005, but it was not taken up by the system. It is draconian. We've tried to make it more benign. We've tried to motivate other campuses so the BOS can't continue to say it's just us. PM 35 gives undue power to department chairs - a sword over their (faculty members') heads. This is not good for a flagship.

Pang: (Cited example of a professor who gave 100% A's for a core undergraduate course.) No similar action is taken in such a case.

Adams: The qualifier, "consistent and equitable," probably supports the dean's actions. Without procedures in place....

Yu: The Advocate reports that the administration acted to protect students, but didn't say something unfair happened to students. This resolution will address that in the future. I support it.

Daly: Facebook allows students to develop a mob influence that circumvents procedures. We want to impose standards and high expectations. This is often hurtful, but students rise to it.

Wilson: The first step should have been to approach the faculty member, then the chair and teaching faculty etc. Students need to know what acceptable procedures are (for having their complaints considered).

Sheldon: We don't know what the level of discussion was. We don't know what extenuating circumstances the dean knows and we don't. Is there some protection for administrators?

Legoria: How do we define harm to students?

Sheldon: There must be some protection for administrators. They have information we don't.

Sutherland: In our department we look at teaching evaluations, syllabi, etc. There are many opportunities for determining if an instructor is out of line with department standards. If this has been going on for years, why would someone suddenly in one semester become a bad teacher?

Sheldon: The dean has a large body of information to work with. There has to be some kind of timeline and different levels of reaction without waiting for the slow wheels of justice.

Ajmera: Revising PS 44 will address that. That's why I suggest the 2nd therefore.

Delzell: Also PS 104 since it deals with dismissal.

Ajmera: If 44 is fixed, 104 isn't an issue.

Special Announcement - Haiti relief performance.

Adjournment at 5:15.