LSU Faculty Senate Meeting
3:00 P.M., February 17, 2005, Atchafalaya Room, LSU Union Building

Attendance

Faculty Senate Executive Committee members all present:
1. Claire Advokat (Senate President) 4. Andrew Christie (Member-at-Large)
2. Pratul Ajmera (Member-at-Large) 5. Charles Delzell (Secretary)
3. John Chandler (Member-at-Large) 6. Carruth McGehee (Ex Officio, Immed. Past Pres.)
7. Sarah Pierce (Vice-President)

Senators present:
15. Thomas Neff 10
45. Lisl Zach

Proxies for absent Senators:
4. Rick Weil for Leonard Ray

Senators absent without proxies + (# of consecutive absence without proxies):
3. Shaum Bhagat 1 8. Jon Cogburn 2 13. Laura Hensley 1
5. Mark Caruso 6 10. Ian Crystal 1 15. Thomas Neff 10

Parliamentarian: Professor O. Carruth McGehee.

Visitors: Mr. Robert Doolos (University Registrar).

Professor Michael Desmond (School of Architecture), member of the “Working Committee” (http://masterplan.lsu.edu).
Highlights

1. *Senate President Advokat’s report:*
   PS-111 (on consultations with faculty in reviews of administrators) approved by administration.
   Court case on including supplemental pay in TRSL retirement calculations.
   Appointment of nominating committee for the next Faculty Senate Executive Committee.
   FSEC negotiations with LSU System re PM-35 (mandatory remediation after two bad reviews); other members of the Executive Committee also reported on these negotiations.

2. *Adoption of Resolution 05-01 (recommending a new PS-36 to replace the 1997 PS-36):*
   The Senate had already (on January 24) closed debate on 05-01. PS-36 Committee Chair McGehee reported on two changes to the draft of PS-36 since the January 24 Senate meeting: (1) clarification of “service”; and (2) a new mandate that the dean and Provost consult with faculty committees before making initial appointments with tenure. Final vote: 41-3.

3. *Resolution 05-04 (“Clarification of Grade Appeal Policy”):* This resolution originated in a Faculty Grievance Committee case (a chair had overruled an instructor’s grade). The resolution would add a new sentence in the General Catalog, saying that the grade an instructor gives a student won’t be changed merely by administrative fiat. Points of discussion: (1) PS-48 (“Student Appeal Procedures”) does not address grade appeals. (2) The General Catalog gives the department chair carte blanche when ruling on grade appeals. (3) The Catalog is inconsistent about which party (the student or the instructor) may appeal a chair’s ruling. Senate action: Resolution 05-04 referred to ASH Committee (Admissions, Standards, and Honors).

4. *Report from Professor Michael Desmond on new Parking Plan:*
   Main points: A Houston traffic engineer will present its LSU traffic and parking study based on LSU’s Master Plan. Alternative parking will be created before eliminating non-administrator parking in the campus center. Administrators will be allowed to park in the campus center. Manned gates may be used to keep forbidden cars out of the campus center. One of the 6-8 planned parking facilities will be across the street from the Union.

5. *“Resolution concerning communications facilities on the LSU campus” (SR 05-07):*
   The resolution calls upon the administration to encourage free and fearless debate on campus by: establishing venues on LSU’s internet systems and publications for dissenting opinions; ensuring the confidentiality of faculty communications; and guaranteeing that a faculty member’s communications (if not flagrantly unlawful) will not be cause for disciplinary proceedings. The resolution calls for a committee to work with the administration on realizing the above requests. Senate action: 05-07 referred to the new Communication and Development Committee for study.

6. *Resolution 05-09: “In Support of Dr. Professor Ward Churchill, Censuring all Attempts by Political Bodies to Limit Academic Freedom”:* Churchill (Professor of Ethnic Studies at the Univ. of Colorado at Boulder) wrote an inflammatory essay on the 9/11 attacks; this led to dismissal hearings. Resolution 05-09 supports Mr. Churchill’s right to academic freedom, and demands that any review by CU of his conduct consider only failures of scholarship, service, [“collegiality” added here during discussion] or teaching; the resolution also declared that the LSU Faculty Senate censures the Colorado Governor and House of Representatives for intruding on the academic freedom of a professor. After several small amendments and a lengthy debate, the Senate postponed further consideration of 05-09 until the March meeting.
1. Call to order:
The meeting was called to order by Senate President Advokat at 3:07 P.M. with a quorum present.

2. Proxies:
President Advokat read the names of proxies and alternate representatives for absent Senators.

3. Approval of minutes of December 8, 2004:
The minutes of the December 8, 2004 Senate meeting were considered. Senator Wittkopf moved approving the minutes; Senator Stanley seconded the motion. There was no objection, and so President Advokat declared the minutes approved.

4. Senate President Advokat’s report:
4.a. LSU System President William Jenkins’ regrets: Senate President Advokat conveyed System President Jenkins’ regrets that he would not be able to address the Senate as planned; his schedule was too demanding. She also announced that Executive Vice Chancellor and Provost Risa Palm will address the Senate on March 15, and Chancellor Sean O’Keefe will address the Senate at either its April 11 or its May 6 meeting.

4.b. Career Month: Senate President Advokat said that she would like to express the Senate’s endorsement of March as Career Month in Louisiana; she said that this maintains a very recent tradition.

4.c. PS-111 (Administrative Performance): President Advokat announced that the administration had approved a new policy statement, PS-111, “Consultation with Faculty in Certain Reviews of Administrative Performance,” http://appl003.ocs.lsu.edu/ups.nsf/ByNumber?OpenView.

4.d. Gratitude to Senators Peckham and Wittkopf: President Advokat expressed her gratitude to Senators Peckham and Wittkopf for volunteering to represent the Senate at the Conference of Louisiana Colleges and Universities in March.

4.e. Including supplemental pay in TRSL retirement calculations: President Advokat drew senators’ attention to copies of a(n undated) letter from Phil Breaux (Instructor, Department of Finance), addressed to LSU faculty, reporting on Dr. Fishbein’s case against LSU. The letter said the First Circuit Court of Appeal had ruled in favor of Dr. Fishbein, saying that the Teachers Retirement System of Louisiana should include supplemental pay as income when calculating retirement benefits; the Louisiana Supreme Court was expected to decide in May whether to review the matter. LSU System Vice President of Human Resources and Risk Management Forrest Benedict had written that, with rare exceptions, supplemental compensation is included in the retirement calculation.

4.f. FSEC Nominating Committee: President Advokat announced that (in accordance with the Senate Bylaws) the Faculty Senate Executive Committee had appointed a Nominating Committee, whose charge is to report to the FSEC a slate (to be published in the March Senate Agenda) of candidates for next year’s FSEC. She announced that the Nominating Committee will consist of (retiring) Senators Catallo, Gourdine, Homberger (Chair), and Rush. President Advokat invited senators interested in running for a position on the FSEC to submit their names
to the Nominating Committee, along with a brief statement of their philosophy, perspective, or position, to be posted on the Senate’s website (http://senate.lsu.edu) in March.

4.g. Future Senate meetings: Collective Bargaining Survey; Ombuds position: President Advokat announced that in the remaining Senate meetings this semester, she expected to hear a report on the Collective Bargaining Survey that had been distributed in the fall of 2004; and a report on the status of a proposed Ombuds position at LSU.

4.h. FSEC negotiations with LSU System re PM-35: Senator Crumbley asked President Advokat for an update on the FSEC’s negotiations with the LSU System on PM-35 (“Review of Faculty Ranks”; http://appl003.ocs.lsu.edu/ups.nsf/PermanentMemoranda?OpenView). Senate President Advokat reviewed the fact that the FSEC had met with System President Jenkins and his team in August and November, 2004, to discuss PM-35. After those meetings, Executive Vice Chancellor and Provost Risa Palm suggested to the FSEC that it work with someone from her office and someone from the LSU System office on further drafts of PM-35. The FSEC has decided to begin working with Vice-Provost Frank Cartledge from this campus, and it met once (February 15, 2005) with Carolyn Hargrave, Vice President for Academic Affairs of the LSU System office. Hargrave discussed the process of discussing revisions of PM-35. FSEC Member-at-Large Chandler added that System Vice President Hargrave had given the FSEC two alternatives: either the FSEC could submit a complete draft of a new PM-35 directly to System President Jenkins, or the FSEC could work through the various channels on this campus leading up to the System office. Senate President Advokat said that even after System President Jenkins reads some new draft of PM-35 submitted by the FSEC, he will refer it to the Chief Academic Officers of the nine other campuses of the LSU System for their input.

Suggestion that the FSEC bring Resolution 03-10 back to the Senate: Senator Crumbley recalled that in May 2003, the Senate had referred Resolution 03-10 (“PS-36 Addendum,” http://senate.lsu.edu/Resolutions.html) to a vote of the Faculty Council (i.e., all full-time faculty members at the rank of Instructor or higher). Resolution 03-10 recommended that this campus adopt a particular implementation of PM-35 that attempted to protect the tenure system from some of those features in PM-35 that weaken it. The Faculty Council met on December 1, 2003 to vote on 03-10, but a quorum (25% of the membership of the Faculty Council) was not obtained, and the resolution has been on the table ever since, awaiting further action by the Senate. Senator Crumbley suggested that the FSEC see whether it could bring Resolution 03-10 back up to the Senate.

Review of FSEC’s efforts to implement Resolution 04-10: FSEC Member-at-Large Ajmera recalled that in March 2004, the Senate had adopted Resolution 04-10 (“Principles and Guidelines for a Replacement of PM-35,” http://senate.lsu.edu/Resolutions.html), which recommended that the LSU System replace PM-35 with a new PM that does not link annual reviews with dismissal for cause. Then, in the fall of 2004, at the suggestion of System Vice President Benedict, the FSEC drew up a further list of principles on the subject of review, tenure, and accountability that might help guide negotiations on PM-35. In November 2004 the FSEC drew up two new proposed PM’s to replace PM-35, one providing for annual reviews, and the other providing for dismissal (and neither PM referring to the other). Eventually the FSEC will present its drafts

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1 Secretary’s note: For a more complete account of these negotiations, see the “Minutes and background of the LSU Faculty Senate Executive Committee Meeting with LSU System Vice-President for Academic Affairs Carolyn Hargrave, February 15, 2005,” attached as an appendix to these minutes, and also available at http://senate.lsu.edu (click on “Pertinent Reports”).
of the proposed PM(s) to the Senate, but probably not until there is some positive sign from the LSU System that the new PM(s) are acceptable.

The LSU System misdirected the FSEC in the fall of 2004: Senate Secretary Delzell recalled that Senate Resolution 04-10 (recommending replacement of PM-35) had been passed on through channels to the LSU System. Specifically, Resolution 04-10 first went to Provost Palm, who in April or May 2004 forwarded it to System Vice President Hargrave, who, in turn, presumably forwarded it on to System President Jenkins. But now, on February 15, 2005, Hargrave seemed to be telling the FSEC that her office will not consider Resolution 04-10, or the revisions to PM-35 that the FSEC is proposing pursuant to Resolution 04-10, because these new drafts aren’t going through channels. Now the proper channel by which the FSEC should communicate to the System is said to be the Council of Chief Academic Officers (consisting of the chief academic officer of the System staff, and the chief academic officer of each major subdivision of the System), this council normally meets only twice a year. Senator Delzell said that the System had misdirected the FSEC for the last six months or so, by first encouraging the FSEC to draft its new versions of PM-35, and now saying that the System will not respond to, or even read, the FSEC’s new versions.

System Vice President Hargrave’s suggestion that faculty try to revise PS-109, not PM-35: Senator Delzell went on to report that at the February 15 FSEC meeting, System Vice President Hargrave had also suggested that instead of trying to revise PM-35, the FSEC should try to revise PS-109 (“Annual Departmental Reviews for Faculty and PM-35 Implementation Procedure”). Senator Delzell said that he replied to System Vice President Hargrave that the Senate had already tried that in May 2003, when it put some faculty-friendly amendments into Resolution 03-10; but in July 2003, then-Chancellor Emmert erased all of those amendments when he issued PS-109.²

Pessimism; optimism; faculty can work on revising PM-35 without being Senate officers: Senator Delzell concluded that the faculty had (in March 2004) tried sending its recommendation regarding PM-35 through our Provost; and (in August and November 2004) it tried talking directly with the System office. In each case, the administration turned the faculty away. FSEC Member-at-Large Ajmera said that he is a little more optimistic than Senator Delzell is; this is just a roadblock that comes on the way. Senator Crumbley said that the administration is stalling. Senator Delzell said that most of the FSEC officers will not be here next year, so the System can hope that next year’s FSEC might not care so much about PM-35, and so the System can just wait us out. Senate President Advokat said that faculty can work on revising PM-35 even when and if they are not Senate officers.

5. Professor Michael Desmond’s report on parking: Postponed till later in today’s meeting; see item 8 below (page 9).

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² FSEC’s note: Although the amendments referred to here were adopted by the Senate in May 2003, Resolution 03-10 itself has never been voted on by the Senate. Instead, on May 15, 2003, the Senate referred 03-10 to the Faculty Council for a vote (recall page 4 above). On July 17, 2003 (before a meeting of the Faculty Council could be called), then-Chancellor Mark Emmert issued PS-109, which was essentially the original, April 10, 2003 draft of Resolution 03-10, without any of the “faculty-friendly” amendments adopted by the Senate in May 2003. See the March, April, and May 2003 minutes, and compare the original, April 10, 2003 draft of 03-10 (attached to the April 2003 minutes) with the final, June 9, 2003 draft of 03-10 containing the Senate’s amendments (at [http://senate.lsu.edu/Resolutions.html](http://senate.lsu.edu/Resolutions.html)), and compare these with PS-109.

Debate already closed: At the January 24 Senate meeting, the Senate had adopted a procedural motion to close debate on Resolution 05-01, and to allow faculty members to meet with or write to the PS-36 Committee to request any further changes to the draft of PS-36, before today’s Senate meeting, at which time the Senate would vote on the resulting draft of PS-36, with no debate.

Changes to the draft of PS-36 since the January 24 Senate meeting: section on “service”: Professor McGehee (Chair of the PS-36 Committee) announced a couple of changes made by the PS-36 Committee since the January 24 Senate meeting, to subsection “IV.C Service” (page 8) of the November 5, 2004 draft of PS-36. Below, additions are underlined, and deletions are struck through.

First paragraph:
“The term **service** is used to mean other contributions to the department, the University, the academic profession, or the broader community, that are broadly supportive to the primary missions of scholarship and teaching.” [Italics in original.]

Third paragraph:
“…. High-quality contributions of these kinds will be valued whenever evaluations are made, and may have weight in decisions on appointment, reappointment, promotion, and advancement to tenure. **Civic and community service that is not based on a faculty member’s professional or academic responsibility, though admirable, will not have weight.**”

Mandating that dean and Provost consult with faculty committees when hiring with tenure: Professor McGehee also referred to subsubsection VI.A.5 (“Approval Process” for initial appointments), penultimate paragraph, which has been changed as follows:

“If the proposed appointment is of an Associate Professor or Professor without tenure, the Provost will make the final decision. [Start new paragraph here.] In the case of a **proposed initial** appointment with tenure, the dean and the Provost will each employ an advisory committee or committees as provided in V.O, page 14. If the Provost recommends approval of the appointment, he or she will sign the contract and send it through HRM to the Chancellor and, if approved by the Chancellor, to the LSU System President for the final decision.”

Subsection V.O, referred to above, was added by the PS-36 Committee after the January 24 Senate meeting; it is entitled “Provost’s and Dean’s Advisory Committees.” V.O mandates that the dean and the Provost consult standing faculty committees, not only in promotion and tenure cases, but also for initial appointments that carry tenure. Professor McGehee said that for the most part, these changes write into policy what has recently been standard practice.

The last change since January 24 is in section VIII (“Promotion and Tenure Reviews”), subsection VIII.D (“Stage 3: Consideration by Higher Offices”):

“The Provost and or a deans will employ may appoint a faculty advisory committee as provided in V.O, page 14. However, such a committee will be advisory only, and its recommendations will not become part of the review files. Each officer is solely responsible for writing the evaluation and making the recommendation.
for his or her level, using criteria consistent with the guidelines of Section VI, page 4. Rankings will not be made. No officer will make rankings of candidates. The steps of Stage 3 will be as follows.”

Adoption of Resolution 05-01: President Advokat put Resolution 05-01 to a vote; the vote was 46 to 3, and President Advokat declared Resolution 05-01 adopted. Senator Stanley thanked Professor McGehee and the rest of the PS-36 Committee for its work; there was applause.

New Business:

7. Resolution 05-04 (“Clarification of Grade Appeal Policy”):

Origin of the Resolution in a Faculty Grievance Committee case: Senator Pizer said that this resolution was written in response to a grievance filed with the Faculty Grievance Committee by an instructor. The instructor had assigned a grade of D to a student, but the instructor’s chair (or dean?) had raised the grade to a C, on the grounds that the student’s score was close to the threshold of a C. Senator Pizer said that when he came to LSU, he was told that a chair or a dean may change a grade against the wishes of the instructor only if there has been a procedural error or demonstrable unfairness against the student. But Senator Pizer said that Vice Provost Chuck Wilson said that the above understanding is nowhere stated as LSU policy, and that in fact a chair or dean may change a grade, subject only to the condition that there be no “abuse of discretionary authority” (LSU General Catalog, page 70).

Recommendation to add a sentence to the Catalog: The written draft of Resolution 05-04 distributed at today’s meeting recommended adding two sentences to the General Catalog:

“In the absence of extenuating circumstances pertaining to academic standards of the course, or of demonstrable unfairness in regard to the student’s performance in the course, the decision of the course instructor will stand and shall not be overturned by administrative fiat. Such administrative action will constitute evidence of ‘abuse of discretionary authority’ and will not be considered a legitimate prerogative of the Chair, the Dean or any other administrative official.” [Italics in original.]

Senator Pizer said that the language of 05-04 originated not from him, but from other members of the Faculty Grievance Committee. He said that he finds the second of the above two sentences too polemical (and unnecessary) for inclusion in the Catalog, and he announced that he planned not to read that sentence to the Senate when he begins to read 05-04 to the Senate for the first time (later today). Another senator (Senator Wilson?) suggested that the second sentence above might be appropriately included in an LSU policy statement on this subject; such a PS could reiterate what is in the Regulations of the LSU Board of Supervisors (http://appl003.ocs.lsu.edu/ups.nsf/Bylaws?OpenView), which grant the faculty jurisdiction over grades.3 Senator Pizer agreed, and thought that it would be appropriate for the Faculty Handbook.

PS on appeals: Mr. Robert Doolos (University Registrar) said that there is a PS [policy statement] on appeals, and suggested looking at that PS and seeing if it needs to be changed.4

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3 Secretary’s note: The Regulations of the Board say: “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.”

4 Secretary’s note: The only policy statement on the subject of appeals that I can find at http://appl003.ocs.lsu.edu/ups.nsf/ByNumber?OpenView is PS-48: “Student Appeal Procedures.” It covers general appeals, and not appeals of certain specific types for which specific appeal mechanisms are stated elsewhere. PS-48 says that grade appeals are covered by the LSU General Catalog. Thus, there appears to be no PS devoted to grade appeals.
The General Catalog gives the department chair carte blanche to rule on grade appeals:
Senator Hales asked how this [instance? (inaudible)] was different from what was supposed to happen. Senator Pizer referred to the General Catalog, which says:

“… The department chair shall arrange a meeting within 14 calendar days from the date of receipt of the request. … At the close of the meeting, or within seven calendar days thereafter, the department chair shall make a decision….”
Thus, the General Catalog gives the chair carte blanche in how to “make a decision” any way he wants. The catalog gives the chair no guidance. The new sentence proposed in Resolution 05-04 above says that the chair must base his or her decision on “academic standards of the course,” and he must find “demonstrable unfairness to the student.” Senator Hales asked who decides whether the appeal needs to be pressed[? inaudible] period. Senator Pizer replied that it would be the chair[?], and said that it would be hard for a chair to say that a grade of D+ was “demonstrably unfair” simply because the student’s score was close to a C. President Advokat pointed out that in the case before the Faculty Grievance Committee, the chair had pointed to the above statement from the General Catalog as authority for his ruling, and then the dean said that the chair had the authority to do what he did.

Senator Peckham said that his department (English) has its own criteria on which they decide whether to change a grade on appeal; he did not think that the change proposed in 05-04 would override or negate it.

Need to read 05-04 to the Senate: FSEC Member-at-Large Chandler raised a point of order: The Senate was discussing something that had not been proposed to the Senate; someone must read Resolution 05-04 before the Senate discusses it further, he said. Senator Pizer read Resolution 05-04 to the Senate; as he had promised earlier, he did not read the last sentence on the written handout (about abuse of discretionary authority). Resolution 05-04 contains three “Whereas’s,” mentioning that the Board Regs give faculty authority over grades, that the American Association of University Professors says that administrators should not “substitute their judgment for that of the faculty concerning the assignment of a grade,” and that currently the General Catalog undermines the faculty’s authority by giving the chair the unlimited power to “make a decision.”

Senator Day said that if a chair rules against a faculty member, the faculty member may appeal that decision to a higher authority (a dean or the provost). The new sentence that 05-04 recommends adding to the General Catalog will [in the cases being contemplated today] help that faculty member in his appeal.

FSEC Member-at-Large Chandler said that this resolution needs to be seconded. Senator Delzell seconded it.

The third “Whereas”: Senator Perlis was not happy with the resolution’s third “Whereas” (which criticizes the General Catalog’s statement that the decision would be made by the chair), because even after adding the sentence recommended by the conclusion of 05-04, the decision would still be made by the chair. He said that the resolution would be just as strong without that third “Whereas.” Senator Peck suggested fixing the problem pointed out by Senator Perlis by adding the word “merely,” as follows:

“Whereas the present grade appeal policy of Louisiana State University, as described in the General Catalog, undermines this authority by stating merely that, in the event of a grade dispute, ‘the Chair [sic] shall make a decision.’”
Motion to refer Resolution 05-04 to ASH Committee: Senator Christie (FSEC Member-at-Large, and Chair of the Committee on Admissions, Standards, and Honors) moved that the Senate refer Resolution 05-04 to the ASH Committee; this motion was seconded.

Professor McGehee said: “Just to get this in before you refer this to ASH, if that is what you do: The policy statement is PS-44, and it’s very likely you would want to change some wording or add some wording to PS-44 as well as get the criteria in the catalog.” Senator Delzell pointed out that PS-44 (“Grades”; http://appl003.ocs.lsu.edu/ups.nsf/ByNumber?OpenView) does not contain the grade appeal policy; it merely gives guidelines on the criteria and procedures for assigning grades in the first place. Maybe PS-44 should contain the grade appeal policy; it is odd that the grade appeal policy appears to be in no [numbered] “PS,” but only in the General Catalog, Senator Delzell said. Professor McGehee felt that PS-44, and maybe also some other PS, was relevant, and something needs to be done there, too.

FSEC Member-at-Large Chandler asked if it is too late to change the Fall 2005 catalog; Senator Christie said yes.

The Catalog is inconsistent about which party is allowed to appeal a chair’s ruling: University Registrar Robert Doolos pointed out that the General Catalog’s section on grade appeals (page 70) says, in subsection 4:

“If any party to the appeal believes that a serious procedural error occurred or that there was an abuse of discretionary authority in reaching the decision, he or she may file with the Executive Vice Chancellor and Provost a written petition for review.”

[Emphasis on “any” added; other emphasis in original.]

Mr. Doolos found it interesting that in subsection 3 (also on page 70), that language (about “any” party) is not there. All subsection 3 says is:

“If the student is not satisfied with the decision reached, he or she may appeal to the dean of the college in which the department offering the course is located.” [Emphasis added.]

It does not say: “If the faculty member is not satisfied with the decision reached, ….”

Senator Day reported that once he had chaired a committee in which a faculty member was not happy; the panel[?] ruled in favor of the student; the faculty member appealed to the Provost and got the decision reversed. This is a precedent.

Clarification of motion to refer Resolution 05-04 to ASH Committee: Professor McGehee said that Senator Christie’s motion to refer Resolution 05-04 to the ASH Committee needs to be clarified: the motion is not to ask ASH to render a decision on 05-04, but to ask ASH to report back a recommendation to the Senate. Senator Christie agreed.

Senator O’Reilly asked if it would be possible for the ASH Committee to report back to the Senate early enough so that the Senate does not miss another deadline for the catalog. Senator Christie said that he would put this matter on the agenda for ASH’s next meeting, which will be in ten days.

Adoption of motion to refer Resolution 05-04 to ASH Committee: President Advokat called a vote on Senator Christie’s motion to refer Resolution 05-04 to the Committee on Admissions, Standards, and Honors. The vote was unanimous in favor of the motion, and President Advokat declared that it had passed.

8. Report from Professor Michael Desmond on new Parking Plan:

Houston traffic engineer to present LSU traffic and parking study based on Master Plan: Professor Michael Desmond had by now arrived at the Senate meeting, and President Advokat
invited him to report on the University’s parking plan. He said that the University is continuing with its Master Planning process. He said that Facility Services has contracted with a traffic engineer in Houston to do a parking and traffic study. It’s supposed to follow along with the assumptions of the recent Master Plan (http://masterplan.lsu.edu). They are going to get a first draft to look at on March 1, at 4:00, in the International Room in the Union building, he said. He invited faculty to attend.

Alternative parking will be created before elimination of non-administrator parking in center of campus: Senator Metcalf reported having heard that the parking consultants were moving fast to close down parking lots in the center of campus, but have not yet proposed where they would open up new lots on the outskirts of campus or where they would build new parking structures; he was concerned that the former would be done before the latter. Professor Desmond said that he doesn’t think that that is happening. He said that the Master Plan suggests eliminating parking in the center of campus. But there is also suggestion of several parking garages, for example one across the street from the Union. Senator Metcalf said that he had heard at one time that they[?] had recommended that we all ride bikes during the transition to the new parking facilities; Professor Desmond said that he had never heard that.

Administrators will be allowed to park in center of campus: Senator Delzell asked if the idea is that the central parking lots be eliminated; if so, will central parking be eliminated also for administrators? Professor Desmond said that the Master Plan suggests that the University reduce traffic along the center core, and that all the parking lots inside the loop around the core would be eliminated. He said that of course they would want to have some visitor parking in the center. He hasn’t seen a draft, but he thinks that it is likely that there will be some central parking for administrators.

Manned gates may be used to keep forbidden cars out of center of campus: Senator Wilson said that there are signs on the streets forbidding certain cars (mainly student cars) from being on those streets, but many car drivers violate that rule. Professor Desmond said the consultants have discussed installing manned gates in many places. Senator O’Reilly said that here, outside the Union, there is a manned gate to a parking lot, but there are still student cars parked there.

Senator Daly suggested that Professor Desmond broadcast to all faculty and staff an announcement of the March 1 meeting.

Facility Services doesn’t always follow Master Plan; one of the 6-8 planned parking facilities to be across street from Union: Senator Motsenbacker said that the Master Plan calls for a student population of 44,000; he asked if that is the justification for the parking garages. Professor Desmond said that the Master Plan is a fluid and ineffable document. He thinks that Facility Services is not taking most of it very seriously; they follow it in some ways when it is useful, and they don’t in other ways when it is not useful. In terms of the traffic consultants’ figures, he hadn’t heard about the 44,000 figure. The Master Plan generally shows 6 or 7 or 8 parking deck locations. The only one he has heard the consultants talking about is the one planned for across the street from the Union.

Facilities Design and Development Committee follows Master Plan closely: University Registrar Robert Doolos (Ex Officio member of the Facilities Design and Development Com-

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5 Secretary’s note: Professor Michael Desmond (School of Architecture), is listed at the website http://masterplan.lsu.edu as a member of the “Working Committee,” which “works with the design team to make suggestions, refine ideas and review information.”
mittee, chaired by Professor Ralph Portier) said that he doesn’t remember the number 44,000; he would check it. He also said that every time something comes before that committee, whether to put a new building on campus, whether you’re building it, or the Athletic Department is building it, whoever, they look at the Master Plan to see if what’s being proposed fits in that Master Plan. They are watching it like a hawk, Doolos said. That committee is charged with making sure that the Master Plan is followed. Professor Desmond agreed that that committee takes the Master Plan seriously; but he thought that Facility Services is not always on the same page.

_Pedestrian overpass across South Stadium Rd. between Tureaud and CEBA considered:_ Senator Ajmera said that it is possible to implement some simple solutions. For example, there is a crosswalk on South Stadium Road between Tureaud Hall and the CEBA building; every hour on the half-hour, there is a 15-minute traffic jam because that crosswalk is filled with a long line of students. Why not put a pedestrian overpass there, he asked. Professor Desmond said an overpass is being considered. If the general direction of the Master Plan gets followed, and the University builds a major expansion out near CEBA, the problem is going to get worse.

9. “Resolution concerning communications facilities on the LSU campus” (SR 05-07):

_First reading:_ This resolution originated from Senator Homberger, who was absent today; Senator Delzell read it in her place. The resolution can be found at [http://senate.lsu.edu/Resolutions.html](http://senate.lsu.edu/Resolutions.html). The resolution notes that LSU’s Broadcast Center sends out broadcast emails to the LSU faculty, but LSU faculty members have no direct access to the Broadcast Center to send out broadcasts of their own. The resolution further notes that also LSU’s publications, such as _LSU Today_ and the _LSU Alumni Magazine_, provide no forum for ordinary faculty members to respond to administration statements. The resolution calls upon the administration to encourage free and fearless debate on campus by:

1. establishing venues on LSU’s internet systems and publications for dissenting opinions;
2. providing access to listserv systems by the faculty;
3. ensuring the confidentiality of electronic and other communications by the faculty; and
4. guaranteeing that communications (except those in flagrant violation of the law) cannot be misused as cause for disciplinary or retaliatory proceedings against the faculty.

The resolution concludes by resolving that the Senate charges a committee to work with the administration on realizing the above requests and to report to the Senate on its progress. The resolution was seconded (by Senator Wilson? or Senator Rush?).

_Faculty already have access to [self-generated] listserv systems (item 2 above):_ Senator Wittkopf said that LSU’s webpage, [http://www.lsu.edu](http://www.lsu.edu), has a link at the top entitled “IT at LSU.” This link takes you to the page “Information Technology at LSU” (http://appl003.lsu.edu/it/index). One of the links on that page is entitled “Listserv and Broadcast.” That link takes you to a page with the following statement:

“Listserv & Broadcast

“Computing Services provides a campus Listserv for those who wish to create a mailing list for the electronic distribution of announcements or for general information exchange. This service is available to all LSU faculty, staff and university sponsored organizations…."

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6 Secretary’s note: PS-23, entitled “Facilities Design and Development” (http://appl003.ocs.lsu.edu/ups.nsf/ByNumber?OpenView) describes the charge and membership rules of the Facilities Design and Development Committee.
Senator Wittkopf wondered why the resolution says that we need something like this when it already exists. Senator Peckham had the same question; he said that he had been able to establish several listserv’s himself, and he found it to be an easy process. [Senator Hales said something more on listservs, but it was inaudible on the tape.]

Motion to refer 05-07 to the new Communications and Development Committee: Professor McGehee said that this resolution appears to fit under the charge of the new Faculty Senate Communications and Development Committee. Senator Daly moved that this resolution be referred to that committee for review. The motion was seconded by someone. Senator Wilson said that we should specify that we want to hear back from this committee in a reasonable period of time; the resolution should not be buried. President Advokat appreciated Senator Wilson’s concern, but said that the Communications and Development Committee does not exist yet; this semester the Committee on Committees needs to find volunteers for the new committee, and recommend their names to the Faculty Senate Executive Committee, who, in turn, must finally appoint the members of the new committee.

There is no “Letters to the Editor” department in LSU Today or LSU Alumni Magazine: Senator O’Reilly asked if anyone at LSU has ever been denied access to communications facilities. Senator Delzell said that he doesn’t know much about some of the issues in resolution 05-07 (e.g., item 2, on listservs), but he noted that it is obvious that faculty do not have access to certain fora of communication, such as LSU Today and LSU Alumni Magazine. He said that the statements from the administration that LSU Today publishes are, occasionally, controversial, and he, personally, has, on occasion, wanted to publish a letter to the editor of LSU Today, but there is no page or section in that publication (or in the Alumni Magazine) for letters to the editor. He recalled that five or six years ago the LSU Today had distorted one of his own remarks, and he was not able to publish an undistorted version of his remark.

Univ. Southern Mississippi faculty prosecuted for using email to investigate administration: Senator Ajmera said that item 4 of the resolution’s conclusion (guaranteeing that a faculty member’s lawful use of communications will not be cause for disciplinary proceedings) is important. He could not recall the details, but he did recall that two professors at the University of Southern

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7 Secretary’s note: The above quote on “Listserv and Broadcast” puts the burden of generating and constantly updating a campus-wide mailing list on the individual faculty member. In addition, the above quote continues: “… Each listserv has a designated listowner who maintains the list of the mailing addresses. Only designated individuals or members of a mailing list can post messages. Current participants include campus departments, student organizations and individuals who need the services of a master mailing list.”

8 Secretary’s note: This committee was established by the adoption (on January 24) of Senate Resolution 05-02, “Amendments to Article IX of the Senate Bylaws” (http://senate.lsu.edu/Resolutions.html). The charge of this committee can be read either in the Bylaws (click on “Constitution and Bylaws”), or in SR 05-02.

9 Secretary’s note: Some weeks after the meeting, Professor McGehee came across PS-107 (“Use of Computing Resources”; http://app1003.ocs.lsu.edu/ups.nsf/ByNumber/OpenView, January 2, 2003), and kindly called it to my attention. Parts of that PS are relevant to Senator O’Reilly’s question above. For example, PS-107 declares: “Each User [of Computing Resources at LSU] shall NOT … [s]end unsolicited mass mailings or ‘spamming.’ Mass mailings to clearly identified groups for official purposes (for example, disseminating administrative announcements, notifying students of educational opportunities, or University organizations sending announcements to their members) may not be sent without proper authorization.” (Emphasis in original.)

Thus, even if a faculty member somehow assembled and updated his own list of all LSU faculty email addresses, he would be forbidden from using that list to broadcast, for example, any debate over university policy, or any response to administrative announcements, without first obtaining “proper authorization.”
Mississippi were subjected to dismissal proceedings based partly on their use of their University email accounts to investigate the academic credentials of an administrator.¹⁰

*Unfair to author of resolution to send it to a committee that doesn’t exist while author sick:* Senator Delzell opposed the motion to refer Resolution 05-07 to the new Communications and Development Committee. He said that Senator Homberger, the author of this resolution, could not attend today’s Senate meeting, due to illness; it would not be fair to her, or appropriate, to send her resolution to a committee that does not yet exist, without giving her a chance to explain it in more thoroughness next month, he said.

*The argument that referring the resolution to a committee fulfills a goal of the resolution:* Senator Mary McGehee noted that the last sentence of Resolution 05-07 calls for a committee to work on these issues; among all committees, the Communications and Development Committee will, apparently, be the most appropriate one to work on these issues. That committee is in the process of being formed, and it will probably be formed at least as quickly as any other committee of the kind called for by this Resolution could be formed, she concluded. Senator Lynch said that the purpose of committees is to look at things in more depth than is possible by a large group such as the Senate; even if the Senate were to continue this discussion next month, it would not be able to go into the topic as deeply as a committee could. While he wouldn’t want a committee to have this resolution forever, a certain amount of time is appropriate. It makes sense, he said, to use the Senate’s committee structure to study this issue more deeply. Senator Day said that Senator Homberger’s intent was clearly to refer this matter to a committee, so he doesn’t see how her presence or absence today makes any difference.

*The above argument distorts the resolution’s call for a committee:* Senator Godeny said that Resolution 05-07 asks for a committee to work with LSU’s administration on implementing the four recommendations listed in 05-07; the resolution does not ask for a committee to advise the Senate on whether those four goals should be pursued in the first place. Therefore, while the Senate may adopt Senator Daly’s motion to refer Resolution 05-07 to a committee for further study, the Senate should not claim that it is doing so pursuant to the resolution itself.

*Adoption of motion to send 05-07 to the Communication & Development Committee for study:* President Advokat put Senator Daly’s motion to a vote; the vote was 42 to 5, and President Advokat declared that the motion was adopted, and that Resolution 05-07 will be referred to the Communication and Development Committee for study.

10. Resolution 05-09: “In Support of Dr.¹¹ Ward Churchill, Censuring all Attempts by Political Bodies to Limit Academic Freedom”:

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¹⁰ Secretary’s note: The case to which Senator Ajmera referred received widespread publicity. For example, *The Chronicle of Higher Education* (http://chronicle.com) published at least three stories on this case: “Move to Fire 2 Professors Roils Campus in Mississippi” (3/19/2004); “2 Professors at U. of Southern Mississippi Settle for Pay Without Jobs” (5/14/2004); and “Mississippi’s Climate Unhealthy for Academics” (7/2/2004). The May 14, 2004 article stated: “… [USM President Shelby Thames] said that after learning of the [two professors’] investigation into [USM’s vice president’s academic] credentials, he had ordered a university lawyer to monitor certain faculty members' e-mail messages…. Among the charges leveled by the president against Mr. Glamser and Mr. Stringer were … misusing state property…. ” (Even people who don’t subscribe to the *Chronicle*, but who have an LSU “PAWS” account, can access these articles, as follows: log on to PAWS; in the lefthand column, click on “Library Resources”; click on “Off-Campus Access”; and then follow the instructions there to log on to the *Chronicle*.)

¹¹ The printed version of 05-09 that was distributed to senators at the meeting says “Dr. Ward Churchill,” both in the title and (twice) in the body of the resolution; but when Senator Peckham read the resolution aloud during the meeting, he changed it to “Professor Ward Churchill,” presumably because Mr. Churchill does not have a Ph.D. (see http://www.colorado.edu/EthnicStudies/faculty.html).
Prefatory remarks: Senator Peckham introduced the above resolution by saying that Ward Churchill is the former Chair of the Department of Ethnic Studies at the University of Colorado at Boulder. He was invited to give a presentation at Hamilton College. He said that there was a group of conservative students who were aware of some of Mr. Churchill’s writings, some of which are overly rhetorical, and contrary to the opinion of the present [U.S.] administration, and the most inflammatory of which was on the consequences of 9/11.12 There was pressure put on Hamilton College to rescind the invitation for Mr. Churchill to speak there, including pressure by the New York Governor; the invitation was withdrawn. The Colorado House of Representatives passed a resolution condemning Mr. Churchill as a faculty member at the University of Colorado; they called him “evil,” according to Senator Peckham. The Colorado House pressured the interim chancellor to review Mr. Churchill’s tenure; eventually the Chancellor commenced such a review. Senator Peckham said that he offers Resolution 05-09 in the spirit of academic freedom, and not so much in taking a position either for or against what Mr. Churchill has said, or the kind of rhetoric he has used.

First reading: Senator Peckham then read the resolution; it can be found at http://senate.lsu.edu/Resolutions.html). The resolution supported free speech, and said that political bodies have intruded on the university’s responsibility to sponsor free inquiry. The resolution concluded by supporting “Mr. Churchill’s right to academic freedom, as befits a tenured faculty member,”13 and demanding that any review of his professional conduct consider only failures of scholarship, service, or teaching; the resolution also declared that the LSU Faculty Senate censures the Governor and the House of Representatives of Colorado for intruding “on the academic freedom of a tenured professor….” The resolution was seconded.

Editorial improvements to the resolution: Senator Perlis noted that only in the last sentence of 05-09 is the word “Colorado” used; up to then, the resolution seemed to be referring to some professor at LSU (since no particular university was mentioned at all). He recommended changing the title and the text to refer to “Dr. Ward Churchill of the University of Colorado.” Senator Perlis also noted that the second sentence reads: “Whereas, it is the responsibility of the university to sponsor free and open inquiry …”; again, the absence of any mention in this sentence of any particular university suggests that this sentence is referring to LSU; in reality, it seems to be referring to the idea of a university in general; Senator Perlis suggested changing “the university” to “universities.” Finally, Senator Perlis said that we are not “sponsoring” anything in support of Mr. Churchill; he suggested changing that word to “support.” Senator Peckham agreed with the idea of mentioning the University of Colorado in the title and elsewhere, and with changing “the university” to “universities”; he did not agree with the idea of changing “sponsor” to “support.”

CU should use scholarship, service, teaching, and collegiality as criteria for evaluating Churchill: Senator Crumbley recalled that earlier in the day, this Senate had endorsed and recommended (with only three dissenting votes; see item 6 above) a new PS-36, which, he said, mandates that LSU professors be evaluated not only on the basis of their scholarship, teaching,
and service, but also on the basis of their collegiality. He said that, by contrast, Resolution 05-09 demands that Professor Churchill be evaluated “only” on the basis of “scholarship, service, and pedagogical standards.” Senator Crumbley suggested adding the word “collegiality” to Resolution 05-09; it would now say: “scholarship, service, collegiality, and pedagogical standards.” Senator Crumbley clarified that he, personally, opposes the use of collegiality as a criterion for evaluating faculty job performance, but now it would be hypocritical for the LSU Faculty Senate to demand that the University of Colorado protect academic freedom by rejecting the use of collegiality as a criterion at CU, when we ourselves have infringed academic freedom by endorsing the use of collegiality at LSU. Senator Peckham accepted this suggestion to add the word “collegiality.”

Senator Gauthier said that it is not the place of the LSU Faculty Senate to censure the Colorado Governor or House of Representatives, or anyone outside our jurisdiction or control.

The resolution prohibits CU from considering whether Churchill got tenure by lying about his race: Senator Crumbley noted that Professor Churchill, lacking a Ph.D., had been hired, and given early promotion and tenure, as a professor of ethnic studies at the University of Colorado, partly on the basis of his claim that he is an American Indian, and not a Caucasian. There appears to be no evidence for that claim, and there is evidence that the claim is false. Senator Crumbley suggested that a finding by the University of Colorado that Professor Churchill’s claim to American Indian heritage is false would be cause for dismissal; yet the Resolution demands that any review of Professor Churchill’s conduct consider “only” his scholarship, service, collegiality, and teaching. Senator Crumbley asked under which of these four headings a finding

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14 There is some controversy over whether the word “collegiality” is a fair characterization of the language in today’s proposed new PS-36 (at http://senate.lsu.edu; click on “Pertinent Reports”), and over whether the new PS-36 really changes the policy on collegiality. The current, 1997 version of PS-36 (http://appl003.ocs.lsu.edu/ups.nsf/ByNumber?OpenView) defines “collegiality” (in Appendix A) as

“Acting in an ethical and professional manner regarding colleagues.”

It also says, under “Criteria for Evaluating Academic Performance”:

“… negative actions such as non-cooperative, disruptive, or combative behavior may demonstrate a lack of collegiality and significantly interfere with the mission of the academic unit.”

Today’s proposed new PS-36 avoids the word “collegiality,” and instead says, under “Guidelines for Criteria”:

“Essential to every evaluation and decision are the fundamental expectations of intellectual honesty; cooperative, ethical, and professional conduct; respect for others’ rights and safety; and the avoidance of disruptive or combative behavior that interferes with the work of the academic unit. A failure to meet these fundamental expectations must be considered, and will have a negative effect, whenever a faculty member is evaluated.

“No provision in PS-36 will be used or interpreted to suppress freedom of speech or the right to dissent.”

See the interesting debate over this language in the minutes of the Senate meetings of September 9 (pp. 6-7), November 19 (pp. 9-10), and December 8, 2004 (pp. 12-13), at http://senate.lsu.edu/Minutes.html. In those minutes, Senators Ajmera and Day (members of the PS-36 Committee), and also Senator Lynch, for example, are quoted as supporting the use of “collegiality” as a criterion, and they all used that word to describe “the avoidance of disruptive or combative behavior” and the other fundamental expectations in the proposed new PS-36 quoted above. Senator Crumbley’s statement above that the new PS-36 calls for faculty to be evaluated on their “collegiality,” is consistent with the statements of these supporters (and co-authors) of that policy.

of fraud on his job application would fall. Senator Peckham replied that the purpose of his resolution has nothing to do with Professor Churchill’s ethnicity, so he is puzzled by the question.

Allowing the Senate to act on the six motions to amend above: By now, several motions to amend had been made by various senators, and Senator Peckham had been indicating which of these amendments he accepted and which he rejected. But once a resolution has been read to the Senate, it becomes the Senate’s “property,” and it is no longer the author’s place to accept or reject amendments unilaterally. Parliamentarian McGehee said that President Advokat should ask the Senate if there is any objection to any of the various motions to amend. Senator Peckham asked if there was any objection; none was heard.  

Motion to delete last paragraph of 05-09 (on censure); pros and cons thereof: Senator Wascom moved the deletion of the last paragraph (censuring the Colorado Governor and House of Representatives). Senator Christie seconded that motion. Senator Peckham said that he would not accept that. Senator Wascom said that he empathizes with this situation, but the word “censure” is strong, and we are not in a position to censure a Governor or a Legislature; we could express “disapproval” or “disagreement,” or something like that. The rest of the resolution stands on its own without any need for the last paragraph, he concluded. Senator Christie agreed with Senators Wascom and Gauthier. He said that Professor Churchill is in trouble not only for his statements on 9/11, but also for alleged academic misconduct. If those allegations are proven, then they are on his own head; but Senator Christie defends Professor Churchill’s right to say what he said, even if Senator Christie disagrees with those statements. Senator Stater said that many senators here do not know the facts of the case or the context. It is clear from the discussion that there is more than one side. [Senator Stater made one more comment on this, but it was inaudible on the tape.] Senator Wilson opposed the motion to delete the last paragraph, though he would be willing to change the word “censure” to “disapprove of.” Senator Lynch approved of the word “censure”; we need a strong word, he said. We should defend faculty members all over the world. Senator Mary McGehee said that the last paragraph of Resolution 05-09 is a good way to make the Senate look like idiots on national TV again. Senator Steven Hall said that we may see more cases like the Churchill case come up, and we should consider whether we want to mention details of the first such case to come along. Senator Langlinais said, first, that this is all hearsay; he has not seen any written evidence that the Colorado Legislature or Governor did one thing or another in this case. Second, we should wait until the review process at the University of Colorado runs its course; Professor Churchill may be exonerated, he said.

16 Secretary’s note: Among the various amendments moved above, we should distinguish between the three to which Senator Peckham had objected (viz., the amendments changing “sponsor” to “support”; dropping the idea of censuring the Colorado government; and somehow allowing the University of Colorado to review whether Professor Churchill had lied on his job application), and the three amendments which Senator Peckham had accepted (viz., mentioning CU in the title; changing “the university” to “universities”; and adding the word “collegiality”). Thus, the broad question whether there was any objection to any of the above six motions to amend, had already been answered for the former group of three amendments; since, in addition, none of those amendments had been seconded, the formality of a vote was not needed, and those three amendments had clearly failed. As for the latter group of amendments, note that none of them had been formally seconded by anyone; but Senator Peckham’s acceptance of those three amendments may constitute an informal “second” of those amendments; there being no objection to those amendments, they were thereby duly adopted.

Cases like this keep coming up; a general statement would be better: Senator Weil said that he has been seeing cases like this keep coming up since he was an undergraduate: there were some professors who wanted to say that certain races were biologically inferior; there were some Nazis and Ku Klux Klansmen who wanted to speak; there were Palestinian terrorists, or people supporting Israel. There were questions of whether people can or must be invited in the face of opposition, or whether invitations can be withdrawn. There were questions about whether a legislature or an administration should step in against people who make certain remarks. As a political sociologist who studies questions of tolerance, Senator Weil found questions about how different national constitutions handle these cases. The German Constitution, for example, says that there is a right of free speech as long as it doesn’t endanger the democratic constitutional order. Therefore, Senator Weil would favor a general statement that says that legislatures should not interfere with this; there are many specific statements here, and he is uncomfortable about how many facts we know for sure here.

Opposing any mention of support for Mr. Churchill: Senator Rush opposes any attempt to limit academic freedom where there is something responsible going on. But in this case, he would oppose any mention of support for Mr. Churchill or what he said. If you took out all reference to him, and left in the part at the end about what’s happening in Colorado to a professor, it would be clear what you were referring to. It’s like a professor who promotes the use of pornography in the classroom; are we going to support this right of speech? And this guy did something equally bad, Senator Rush concluded.

Defeat of motion to delete last paragraph: Senator Wascom moved to close debate on his motion to delete the last paragraph. Without taking a vote on this motion to close debate, President Advokat put the motion to delete the last paragraph to a vote. The vote was 18-23, and President Advokat declared the motion defeated, and the last paragraph of Resolution 05-09 retained.

The word “censure” changed to “condemn the political interference of”: Senator Crumbley moved to change the word “censure” to “condemn the political interference of”; thus, the sentence would now read:

“… the Louisiana State University Faculty Senate censures condemns the political interference of the Colorado House of Representatives ….”

The motion was seconded. Senator Hales said that we should sit on this motion until we have had more time to think about it; additional changes to the last paragraph may be needed. President Advokat put Senator Crumbley’s motion to a vote; the vote was 21-17, and President Advokat declared the motion adopted.

Motion to strike all reference to Mr. Churchill: Senator Rush moved to strike from the resolution all reference to Mr. Churchill. The motion was seconded. Senator Peckham said that this would negate the importance and the purpose of the resolution, which concerned a specific instance of political interference with a professor’s right to speak.

Consideration of above motion postponed until March meeting: Senator Tague moved to table this issue; he doesn’t know enough about the issue to be voting on these changes today, he said; let us vote on the changes next time. Parliamentarian McGehee said that the motion to table is inappropriate in this circumstance; it would mean to postpone indefinitely. He recommended that President Advokat recognize Senator Tague’s motion as a motion to postpone all action on this resolution until the next meeting; we would let this motion take precedence over Senator Rush’s motion to delete all references to Mr. Churchill. At the next meeting, we would resume consideration of Senator Rush’s motion. President Advokat put Senator Tague’s motion
to postpone to a vote; the vote was unanimous in favor, and President Advokat declared that the consideration of Senator Rush’s motion (as well as the rest of the consideration of Resolution 05-09) is postponed until the next meeting.

11. Adjournment:

President Advokat said that she would entertain a motion to adjourn. The motion was made and seconded; there was no opposition, and President Advokat declared the meeting adjourned at 4:48 P.M.

Minutes prepared by Charles Delzell, Secretary, May 1, 2005; approved by FSEC May 3; on May 6, the Senate postponed consideration of these minutes until pages 4-5 could be re-worded; on August 16, the FSEC re-worded pages 4-5, and attached the minutes of the February 15, 2005 FSEC meeting with System Vice-President Carolyn Hargrave as an appendix to these minutes, in order to clarify pages 4-5; the Senate approved these minutes on October 11, 2005.
Minutes and Background of the LSU Faculty Senate Executive Committee Meeting
With LSU System Vice-President for Academic Affairs Carolyn Hargrave
9:40 AM, February 15, 2005, Council Room, LSU Union

Condensed Summary of the Minutes and Background:

March 18, 2004: Senate adopts Resolution 04-10, “Principles and Guidelines for a Replacement of PM-35”; sends it up through channels to LSU System; no reply.

August 4, 2004: Then-Senate President McGehee gives then-Chancellor/President Jenkins the FSEC’s March 2004 Position Paper on PM-35, which gives one of many possible ways to replace PM-35 in a manner consistent with Resolution 04-10.

August 12, 2004: Jenkins and System Vice-President Benedict meet with FSEC re PM-35; promise further discussions, and solutions to problems and “unexpected consequences” of PM-35, but give no clear reply to Resolution 04-10 or the FSEC’s Position Paper.

October 29, 2004: FSEC submits to Jenkins drafts of two new PM’s: “PM-46: Dismissal for Cause for Faculty,” and “PM-71: Review and Enhancement of Faculty Performance”; these proposed PM’s constitute another way to implement Resolution 04-10.

November 12, 2004: Jenkins, Benedict, Provost Palm, Vice-Provost Wilson, and Assistant Vice-Chancellor Augustine meet with FSEC; no feedback on PM-46 or PM-71; FSEC told that both sides needed to agree on principles before discussing drafts.

February 1, 2005: FSEC asks Palm to appoint Vice-Provost Frank Cartledge to a small “PM-35 working group”; she does so.

February 2, 2005: FSEC asks Jenkins to appoint Hargrave to the small PM-35 working group.

February 7, 2005: Hargrave writes to FSEC; mischaracterizes FSEC as intent on implementing, not replacing, PM-35; claims that the System Council of Chief Academic Officers (CAO’s) had drafted PM-35 in 1999-2000 (former Provost Dan Fogel tells a different story); refuses to participate in PM-35 working group; says that Jenkins will not review the FSEC’s proposals until the Council of CAO’s reviews them.

February 15, 2005: Hargrave meets with FSEC, reiterating the above points, and emphasizing channels of communication; says that the FSEC’s communications in August, October, and November 2004, listed above, “bypassed proper channels;” says that “no one” on the Council of CAO’s wants to change PM-35, hence there is “almost no chance” of changing of PM-35; says that “the System does not reply to the Faculty Council” (citing no written policy, and ignoring the numerous communications between the FSEC and the System from August to November 2004).

Postscript (August 2005): Since the February 15 meeting, the PM-35 working group (including Vice-Provost Cartledge) has met three times, scrapping PM-46 and PM-71, and instead now preparing a draft of a revised PM-35, also along the lines of Resolution 04-10; eventually the group plans to submit the draft to the faculty and to the System.
A. Background (from March 2004 to February 2005) on today’s meeting

The following background may help the reader understand the actual minutes of the Feb. 15 FSEC meeting, which follow in Section B.

A.1. Senate Resolution 04-10 went through channels in 2004; minimally prescriptive: On March 18, 2004, the Faculty Senate adopted Resolution 04-10 (“Principles and Guidelines for a Replacement of PM-35”; http://senate.lsu.edu/Resolutions.html), recommending

“that PM-35 [“Review of Faculty Ranks”; http://appl003.ocs.lsu.edu/ups.nsf/PermanentMemoranda?OpenView] be replaced by a new PM that contains no mandatory procedures resulting from annual reviews, and no mention of dismissal....”

Resolution 04-10 was sent up through what appeared to be proper channels: then-Senate President Carruth McGehee gave it to Executive Vice-Chancellor and Provost Risa Palm, who forwarded it to LSU System Vice-President for Academic Affairs Carolyn Hargrave.1 In 2004, no one mentioned the need to go through other channels, such as the LSU System’s Council of Chief Academic Officers (CAO’s)2; even if this had been mentioned, this requirement was fulfilled by virtue of the fact that Carolyn Hargrave had received a copy of Resolution 04-10, and she is the chairman2 of the Council of CAO’s. (The FSEC does not know whether the rest of the Council of CAO’s received a copy of Resolution 04-10.)

Resolution 04-10 is minimally prescriptive; it leaves the administration great latitude on what to replace PM-35 with (including nothing at all; i.e., it allows for the simple retraction of PM-35). Resolution 04-10 also leaves open the possibility that the task of devising and drafting the replacement PM would be done by the administration; or that that task would be done by the faculty; or that it would be a joint effort.

A.2. McGehee’s August 4, 2004 package re PM-35 and SR 04-10, sent to Jenkins, bypassing channels1,2: On August 4, 2004, then-Senate President McGehee personally delivered a package directly to LSU System President and then-Interim Chancellor William Jenkins.3 The package contained the following: a copy of Resolution 04-10; the FSEC’s March 18, 2004 “Position Paper on PM-35 Issues and Alternatives”; a copy of PM-35; a copy of PS-109 (“Annual Departmental Reviews for Faculty and PM-35 Implementation Procedure”; and a cover letter dated August 3. The entire package can be found at http://www.math.lsu.edu/~mcgehee/FS/XYZPM-35.pdf. The Position Paper proposed replacing PM-35 with policies labeled A, B, and C; the subjects of these policies were dismissal, annual reviews, and mandatory remediation, respectively; each of these three policies consisted of three sentences. The Position Paper said:

“The necessary connections among (A), (B), and (C) should be understood to be minimal. We do not favor having (A) together with (B) and (C) in a PM entitled ‘Review of Faculty Ranks.’ (B) and (C) could reasonably be together in a PM entitled ‘Review and Enhancement of Faculty Performance.’”

1 See Part C, “Appendix: Channels of communication with the LSU System President,” near the end of this document.
2 See Part D, “Appendix: How PM’s are issued, revised, and rescinded; role of the System Council of CAO’s,” at the end of this document.
3 From July 2004 to February 2005 (in particular, when Professor McGehee’s package was delivered, and during the two FSEC meetings described in sections A.3 and A.4 below), System President Jenkins was concurrently serving as Interim Chancellor of the LSU A&M campus.
Thus, the Position Paper’s proposal was consistent with Resolution 04-10.

Resolution 04-10 said that the new PM should contain “no mandatory procedures resulting from annual reviews”; it said nothing about the PS that an individual campus of the LSU System might adopt to implement such a new PM. The FSEC Position Paper’s proposed System-wide policies A, B, and C were deliberately worded so broadly that an individual campus could choose to write a PS implementing B (annual reviews) and containing mandatory procedures (e.g., remediation, C) resulting from annual reviews, and a mention of dismissal (A). This was to accommodate existing PM-35 implementation policies on the UNO campus and the LSU-Shreveport campus.

A.3. The Aug. 12, 2004 inconclusive meeting between FSEC and System, re PM-35 and SR 04-10, bypassing channels: Professor McGehee’s August 3, 2004 cover letter said:

“… It would be helpful if you would discuss the PM-35 issue with the Senate Executive Committee and other interested faculty. It is important for you to understand faculty viewpoints, and it is also important for you to make a response to [Resolution] 04-10….”

This led to a meeting on August 12, 2004 between the FSEC and then-Chancellor/President Jenkins and System Vice-President for Human Resource and Risk Management Forrest Benedict, to discuss Resolution 04-10 and PM-35 (see the minutes of that meeting). The above communication between the FSEC and the Chancellor/President was direct: Professor McGehee’s letter and package had not been routed through the Provost’s Office, the Council of CAO’s, or any other channel; and the August 12 meeting that resulted from McGehee’s letter did not include anyone from the Provost’s Office, System Vice-President Carolyn Hargrave, or anyone else from the System Council of CAO’s.1,2

During the August 12, 2004 meeting, Chancellor/President Jenkins did not mention the need to route future communication through the Provost or the Council of CAO’s.

The August 12 meeting was inconclusive. The Chancellor/President gave no direct feedback on Resolution 04-10 or on the FSEC’s March 18, 2004 position paper; but at the end of the meeting, the Chancellor/President agreed to continue the discussion in future meetings; the FSEC was fairly satisfied by this result. The closest thing to a response to Resolution 04-10 came on September 9, 2004, when Chancellor/President Jenkins addressed the LSU Faculty Senate, as follows:

“… I have met during the summer with your Executive Committee, and we’re tackling some of the thorny issues and some of the other unexpected consequences of some of my decisions as President and that I will address, and we’re going to do that together as well, as we move ahead. During my time with you, and as I mentioned to you last time, I suspect it will be six months—it could be longer and perhaps unfortunately could be shorter—I hope to help solve some, one or two, and there are not a host of these, there are one or two nettlesome problems that have become an obstruction for our progress as an institution, and I am very well positioned, as I mentioned last time, to do that. There are … these are a few little aspects, in large

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4 Presumably he was referring to his decision, in 1999-2000, to issue PM-35, since that was the only decision of his that had been discussed at the August 12, 2004 meeting; and that was the only meeting that he had had with the FSEC that summer.

5 Presumably he was referring to his time with the LSU A&M campus in his capacity as Interim Chancellor; recall footnote 1 above.
measure, aspects that determine faculty success, that aren’t working as smoothly as not only I would like, frankly I’ve heard that from across the campus since I have been coming onto the campus, and I can fix those for you in the next six months or so, and I believe some, frankly, have already been addressed…” (http://senate.lsu.edu/minutes.html, p. 3; emphasis added).

Thus, again on September 9, 2004, there was no concrete feedback on Resolution 04-10 or on the FSEC’s March 18, 2004 position paper; nor was there any mention of the need for any other channel of communication (such as the Council of CAO’s) between the FSEC and the System Office; we understood his statements at the Faculty Senate meeting to confirm our belief that he would continue to work directly with the FSEC, and that he could fix the problems in PM-35 by himself, with no need to wait for other parties (such as the Council of CAO’s) to initiate action.

A.4. FSEC’s October 28, 2004 drafts to System, bypassing channels; inconclusive Nov. 12, 2004 meeting between FSEC and System: On October 29, 2004, the FSEC submitted to then-Chancellor/President Jenkins drafts (dated October 28, and written largely by FSEC Member-at-Large Ajmera) of two new PM’s intended to replace PM-35 pursuant to Resolution 04-10 above. One was entitled “PM-46: Dismissal for Cause for Faculty”; the other was entitled “PM-71: Review and Enhancement of Faculty Performance”; see http://senate.lsu.edu, and click on “Pertinent Reports.” They were somewhat different from, and considerably longer and more detailed than, the proposals A, B, and C in the March 18, 2004 FSEC Position Paper (A.2 above); PM-46 corresponded to section A, while PM-71 corresponded to sections B and C of the Position Paper. The FSEC did not send these drafts to anyone in the Provost’s Office, System Vice-President Hargrave, or anyone on the Council of CAO’s. The Chancellor/President arranged a meeting for November 12, 2004; that meeting included the FSEC, Chancellor/President Jenkins, System Vice-President Benedict, Provost Palm, Vice-Provost Chuck Wilson, and Assistant Vice-Chancellor and HRM Director Marian Caillier Augustine. System Vice-President Hargrave did not attend.

Again, the meeting ended inconclusively (see the minutes of that meeting); all members of the administration, with the exception of System V-P Benedict, left at the end of the first hour to attend prior commitments. System V-P Benedict and the FSEC remained for about one additional hour to consider PM-46 and PM-71. However, the FSEC received no feedback on what was liked or disliked about its proposals, in fact, it received no indication that any member of the administration had read its documents.

A.5. Slow progress by FSEC from November 2004 to January 2005: During most FSEC meetings from November 2004 to the present meeting (February 15, 2005), PM-35 was an agenda item, but usually only briefly; progress was slow. Senate Vice-President Pierce had produced a list of principles about dismissal and annual reviews that the FSEC considers important (expanding on the principles listed in Senate Resolution 04-10); the idea of producing such a (new) list had been suggested by System Vice-President Benedict at the end of the November 12, 2004 meeting. Additionally, FSEC Member-at-Large Ajmera had been making some small revisions to his PM-46, intended to satisfy some concerns expressed by then-Chancellor/President Jenkins and System Vice-President Benedict at the November 12 meeting. But there had been no attempt at communication between the System and the FSEC since the November 12 meeting, up through the end of January 2005.

A.6. McGehee’s and Augustine’s view that the System was waiting for the FSEC’s next draft: At the January 13, 2005 FSEC meeting, Immediate Past Senate President McGehee said
that he had recently talked with Assistant Vice-Chancellor Augustine; in a passing remark, she had confirmed his impression that the “ball was in the FSEC’s court.” On January 24, Professor McGehee sent an email to the FSEC, saying:

“... Since present conditions appear to be favorable, it would be a good thing to get on with it [i.e., the effort to replace PM-35], and not just have it on the agenda of every FSEC meeting...” (emphasis added).

He went on to suggest that the FSEC send a position paper to then-Chancellor/President Jenkins and the others concerned, which would include Vice-President Pierce’s principles and Senator Ajmera’s latest draft of PM-46, and which would propose a small “working group,” consisting of one or two persons from the FSEC and one or two persons designated by Chancellor/President Jenkins, to try to draft a satisfactory resolution of the problem, and to report it back to the Chancellor/President and the FSEC. (The consensus of the FSEC was that the November 12, 2004 meeting between the FSEC and the higher administration had been too big: seven FSEC members and five administrators.)

A.7. FSEC’s Feb. 2 request that Jenkins appoint Hargrave to the “PM-35 working group”:

On February 1, the FSEC asked Provost Palm to assign Vice-Provost Frank Cartledge to the small “PM-35 working group” proposed by Professor McGehee above; she did so. Similarly, on February 2, the FSEC asked System President Jenkins to assign a representative from the System Office to the working group, via the following email message drafted by FSEC Member-at-Large Christie and sent by Senate President Advokat directly to System President Jenkins (again bypassing channels1,2):

Date: Wed, 2 Feb 2005 12:19:42 -0600
From: Dr. Advokat <cadvoka@lsu.edu>
To: William Jenkins <wljenk@lsu.edu>
Cc: Andrew Christie <optimacons@earthlink.net>,
Carruth Mcgehee <mcgehee@math.lsu.edu>,
Charles N Delzell <delzell@math.lsu.edu>,
John Chandler <jchandler@agcenter.lsu.edu>,
Pratul Ajmera <ajmera@lsu.edu>, Sarah H. Pierce <pierce@lsu.edu>,
Deborah C Richards <drichards@lsu.edu>
Subject: Replacements for PM 35

2/02/2005

President William L. Jenkins,
LSU System Office.

Dear Bill,

The Faculty Senate Executive Committee has revised the two documents designed to replace PM 35 that we discussed with you on 11/12/2004. We have considered ways to move forward with this project. We spoke to Provost Palm yesterday and she agreed to assign Frank Cartledge to work with us.

We would appreciate it if you would assign someone from the System office to participate on your behalf. We suggest Vice President Carolyn Hargrave because of her extensive experience as both a faculty member and a senior administrator.
We are eager to resolve this issue, and as soon as you approve someone to work with us we will schedule a working session.

Thank your for your assistance.

Sincerely,
Claire Advokat
President, Faculty Senate

A.8. Hargrave’s Feb. 7 change of rules of communication; statement that PM-35 had been “drafted” by CAO’s: On February 7, Senate President Advokat received the following reply from System Vice-President Hargrave:

From: Carolyn H Hargrave <chargrave@lsu.edu>
To: Claire D Advokat
Cc: wljenk@lsu.edu
Sent: Monday, February 07, 2005 1:59 PM
Subject: PM 35

Claire,

President Jenkins requested that I follow-up on your February 2, 2005 e-mail requesting that he assign someone from the System office to participate on the campus committee to implement PM-35. Since PM-35 is a System Policy, drafted and approved by the System Council of Chief Academic Officers, which works closely with the Office of the VP for Academic Affairs, I do not think it would be appropriate for me to serve on a campus implementation committee. Any changes proposed in PM-35 will be considered by the Council of Chief Academic Officers prior to review by the President.

If you have any questions during deliberations by the Committee, I would be pleased for you to call.
Cordially,
Carolyn

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Carolyn H. Hargrave
Vice President for Academic Affairs
LSU System
3810 West Lakeshore Drive
Baton Rouge, LA  70808
Phone:  (225) 578-6118
Fax:  (225) 578-8835
Email:  chargrave@lsu.edu
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A.9. Was Hargrave confused? Or was Jenkins no longer receptive? System Vice-President Hargrave’s reply above was the first mention of the Council of CAO’s by anyone involved in the negotiations between the FSEC and the System Office. Her reply sparked a flurry of emails between the members of the FSEC. Everyone on the FSEC immediately noticed that Vice-President Hargrave had mischaracterized the intent of the FSEC in general and the purpose

6 Secretary’s note: For then-LSU Provost Daniel Fogel’s side of the story of who drafted PM-35 in 1999-2000, see section A.10 below.
of the PM-35 working group in particular: there was no committee to “implement” PM-35 on our campus. The FSEC and/or its proposed working group were actually seeking to replace, not implement, PM-35.

Some FSEC members speculated that System Vice-President Hargrave had simply been confused; after all, she had not been present at the meetings that the FSEC had had with the System Office on August 12 and November 12, 2004 (recall sections A.3 and A.4 above), and may not have received copies of (1) the package that former Senate President McGehee had given the then-Chancellor/President on August 4, 2004 (section A.2 above), or (2) the FSEC’s PM-drafts that current Senate President Advokat had sent the Chancellor/President on October 29, 2004 (section A.4 above). On the other hand, others reasoned that System Vice-President Hargrave had sent a copy of her February 7, 2005 message to System President Jenkins (wljenk@lsu.edu; see section A.8 above), who had received the FSEC’s documents in August and October 2004, and who had been present at the August and November 2004 meetings; he could have corrected her “misunderstanding,” if that is what it had been.

By February 8, 2005, Senate President Advokat summarized the FSEC members’ internal email reactions to System Vice-President Hargrave’s February 7 reply, saying:

“… it seems as though we all agree that the e-mail from Carolyn Hargrave indicates EITHER a misunderstanding of our intention, or, a preference not to participate…”

(emphasis in original).

On February 9, Senate President Advokat called System Vice-President Hargrave, reiterating that the FSEC had met with then-Chancellor/President Jenkins on August 12 and November 12, 2004, and had been seeking to replace, not implement, PM-35. System Vice-President Hargrave told her that the LSU A&M campus cannot unilaterally change PM-35; Hargrave reiterated that the Council of CAO’s (which meets twice a year) is the authority on this, and in the Council “there is not a lot of enthusiasm for changes” in PM-35.

Later that day, a meeting between Vice-President Hargrave and the FSEC was arranged for February 15.

A.10. Postscript (August 2005) on the claim that PM-35 had been “drafted by the System Council of CAO’s”: Recall (section A.8, footnote 6 above) that on February 7, 2005, System Vice-President Hargrave had written that PM-35 had been

“drafted and approved by the System Council of Chief Academic Officers, which works closely with the Office of the VP for Academic Affairs…."

On May 10, 2005, Senate Secretary Delzell called Daniel Fogel (802-656-7878), who is currently President of the University of Vermont, and who had been LSU’s Executive Vice-Chancellor and Provost (Chief Academic Officer) when LSU System President Jenkins promulgated both versions of PM-35 (in 1999 and 2000, respectively). Former Provost Fogel said that in 1999, the LSU System Office did consult with the CAO’s of the various campuses of the LSU System about PM-35. But he also said that PM-35 had come down to the CAO’s from the System (via Douglas Braymer, who was the System Vice-President for Academic Affairs (also known as the “chief academic officer of the System Staff”2), and hence also the Chairman of the Council of CAO’s); PM-35 had not been drafted by the CAO’s of the nine campuses. Former Provost Fogel said that it was clear at the time that those CAO’s had no choice in the matter. Then-System Vice-President Douglas Braymer had given the CAO’s little warning that PM-35 was coming. Former Provost Fogel seemed to recall that then-Vice-President Braymer had
brought PM-35 to a meeting of the Council of CAO’s. Former Provost Fogel said that he might have given then-Vice-President Braymer some input about PM-35, but it was clear to Fogel that he would only be allowed to “nibble around the edges” of it.
B. Minutes of the February 15, 2005 FSEC meeting

All Committee members present: Claire Advokat (Faculty Senate President), Pratul Ajmera, John Chandler, and Andrew Christie (Members-at-Large), Charles Delzell (Secretary), O. Carruth McGehee (Immediate Past President), and Sarah Pierce (Vice-President).

B.1. PM’s come from the System President, with input from Academic Affairs & CAO’s: LSU System Vice-President for Academic Affairs Carolyn Hargrave explained that PM’s (Permanent Memoranda) are issued by the System President. She mentioned PM-23 (“Ranks, Provisions, and Policies Governing Appointments and Promotions of the Academic Staff”; http://appl003.ocs.lsu.edu/ups.nsf/PermanentMemoranda?OpenView) as an example. She said that the System President gets input from the System Office of Academic Affairs and the System Council of Chief Academic Officers (CAO’s).7 She mentioned that Douglas Braymer had been the System Vice-President for Academic Affairs in 1999, when System President William Jenkins issued the first version of PM-35.8

B.2. Hargrave assumes that PM-35 came from the Council of CAO’s: Senate Vice-President Pierce asked if PM-35 had originally come through the Council of CAO’s. System Vice-President Hargrave replied that it would have; she assumed that it did.9 She said that any new academic program goes through the Council of CAO’s.

B.3. FSEC could propose, for this campus, that 2-4 unsatisfactory annual reviews trigger remediation: System Vice-President Hargrave said that the FSEC does not need to draft a new PM. She said that the nine campuses of the LSU System are all different—for example in their promotion and tenure policies. She said that the FSEC should see where our particular campus (LSU A&M) needs more flexibility in its implementation of PM-35. For example, instead of two years of consecutive unsatisfactory annual reviews before mandatory remediation is commenced, as required by PM-35, the FSEC could propose an implementation of PM-35 on the LSU A&M campus providing for two to four such years.

B.4. “No one” on Council of CAO’s wants to change PM-35; FSEC must go through “appropriate channels,” i.e., Provost Palm: System Vice-President Hargrave said that no one on the System Council of CAO’s wants to write a new PM. She said that last year, then-Senate President McGehee had asked about PM-35; “no one” on the Council of CAO’s had a problem with PM-35.10 She said that the FSEC must go through Provost Risa Palm [the CAO on the LSU A&M campus].

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7 Secretary’s note: See Part D, “Appendix: How PM’s are issued, revised, and rescinded; role of the System Council of CAO’s,” after these minutes.
8 Secretary’s note: Then-System Vice-President Braymer addressed the LSU Faculty Senate on November 11, 1999 on the subject of the new PM-35 (http://senate.lsu.edu/minutes.html); the first version of PM-35 was issued by System President Jenkins on November 22, 1999.
9 Secretary’s note: As I understand it, current System Vice-President Hargrave was not working in the System Office in 1999-2000, when the System issued the two versions of PM-35; hence her inability, in B.2 above, to assert first-hand knowledge of the origin of PM-35. On the other hand, in her February 7 email to the FSEC (Section A.7 above), she had said unequivocally that PM-35 had been “drafted and approved by the System Council of Chief Academic Officers, which works closely with the Office of the VP for Academic Affairs...” (emphasis added). For then-LSU Provost Daniel Fogel’s side of this story, see section A.10 above.
10 Secretary’s note: At the November 12, 2004 meeting between the FSEC and the higher administrators re PM-35 (recall section A.4 above), Council of CAO’s member Risa Palm said that annual reviews should be mainly for the purpose of determining salary increments. She also said that we should encourage long-term work. Annual
B.5. **FSEC can submit list of principles; but FSEC should focus on PS’s (for this campus):** Senate Vice-President Pierce recalled how, at the November 12, 2004 meeting, System Vice-President Forrest Benedict had said that the FSEC and the System Office needed to agree on principles concerning dismissal and annual reviews, before making decisions on the FSEC’s proposed new PM’s. She said that she and the rest of the FSEC had developed a list of such principles. She asked if the FSEC should submit that list to the System Office. System Vice-President Hargrave replied that the FSEC can submit its list, but the FSEC’s job is to propose changes in PS’s for its own campus [as opposed to thinking about PM’s, which apply to all campuses of the System].

B.6. **Hargrave would be the appropriate System officer to talk with the FSEC:** Senate Vice-President Pierce asked if someone from the System Office could talk with the FSEC, to keep the FSEC from wasting its time in this work. System Vice-President Hargrave replied that that someone would be she. She said that System President Jenkins has the authority to issue PM’s [by himself, without consulting anyone else], but he doesn’t operate that way.

B.7. **FSEC misdirected; now System says there is “almost no chance of replacing PM-35”**: FSEC Member-at-Large Chandler said that the FSEC had been misdirected, though maybe inadvertently. He recalled how System President Jenkins had said, during the August 12, 2004 meeting with the FSEC, and again at the September 9, 2004 Senate meeting [section A.3 above], that he had not known about the problems and “unintended consequences” of PM-35, and that he welcomed the FSEC’s efforts to try to fix those problems, and that he was “well-positioned” to fix those problems himself. Now, however, there seems to be little chance of fixing those problems, according to Professor Chandler, in view of System Vice-President Hargrave’s statements above. Vice-President Hargrave replied that she didn’t say that there was little chance of fixing those problems. It should be easy to go through PM-35 and change PS-109 (“Annual Departmental Reviews for Faculty and PM-35 Implementation Procedure”; [http://appl003.ocs.lsu.edu/ups.nsf/ByNumber?OpenView](http://appl003.ocs.lsu.edu/ups.nsf/ByNumber?OpenView)), she said. But she did acknowledge that there is almost no chance of replacing PM-35 with something else, and that replacing PM-35 would affect the other eight campuses of the System and it would be better to tweak the existing documents.

B.8. **Tweaking PM-35 or PS-109 will not decouple annual reviews from dismissal; CAO’s may not care, but faculty do:** Senator Ajmera said that the objectionable feature of PM-35 is that it couples annual reviews with dismissal; those two processes should be decoupled. He said that dismissal should be reserved for cases of gross incompetence; annual reviews should be used for such decisions as the determination of merit pay. The FSEC has written two PM’s for these two processes, PM-46 and PM-71. He said that tweaking PM-35 and/or its implementation will not decouple annual reviews from dismissal. Senate President Advokat said that tweaking might work. Senator Ajmera said that PM-35 confers on the department chair too much power over the faculty, silencing even the senior faculty from expressing dissent, and thereby harming the dynamics of governance. He said that the Provosts of the nine campuses may not feel that way about it, but the faculty do.

B.9. **Annual reports have different function since PM-35. Hargrave: FSEC can tweak PS-109, provided it does not impact other campuses:** Senate Vice-President Pierce said that PM-35 reviews should give feedback, but not lead to dismissal, she said. These November 12 statements are inconsistent with PM-35.
transformed the nature of the faculty member’s annual report to his or her department chair: now that report is the faculty member’s case for why he or she should not be sent to remediation and then be dismissed. System Vice-President Hargrave replied that the FSEC has flexibility in developing a PS (e.g., PS-109) to implement PM-35 appropriately on this campus. If the FSEC’s tweak doesn't impact the other campuses of the LSU System, then it will be OK. Again she mentioned PM-23 as an example, saying that the [Paul M. Hebert] Law Center (another campus of the LSU System) has a different promotion-and-tenure policy, which was approved by the Board of Supervisors; this kind of fine-tuning is OK, she said.

B.10. System imposed PM-35 without consulting faculty; Emmert imposed PS-109 without faculty vote: Senator Delzell said that the LSU System imposed PM-35 in 1999-2000 without consulting the faculty. Then, in July 2003, then-Chancellor Mark Emmert imposed PS-109 on the LSU A&M campus, again without waiting for the Faculty Senate or the Faculty Council to vote on it. FSEC Member-at-Large Chandler recalled then-Chancellor Emmert saying that LSU’s lawyers had made him issue PS-109. He also recalled how, on December 4, 2003 (five months after issuing PS-109), then-Chancellor Emmert said to the Faculty Senate:

“… I think that PM-35, in many ways, is an unworkable document and, if this body so desired, to have a discussion with the Provost and me on how that document needs to be modified, in small or in large ways, I would be more than happy to entertain that conversation. And, moreover, to champion whatever the result was in the system office…. There are components in that policy that just, as I said, aren’t workable, that don’t make sense to my thinking as you consider how to implement on the ground in the departments, at the dean level, and all of the levels of administration. So… if, in the coming semester, you wanted to spend a little bit more time thinking about how we would modify PM-35, please feel free to do so. Okay? I would not consider that an unwelcome debate” (http://senate.lsu.edu/Minutes.html).

B.11. Emmert and Jenkins misled FSEC: Senator Ajmera said that former Chancellor Emmert and System President Jenkins had misled the FSEC. He said that the August 12, 2004 meeting between the FSEC and the System Office had led the FSEC to submit its drafts of PM-46 and PM-71 in October. But at the November 12, 2004 meeting, the System gave no feedback to the FSEC on the two PM’s. System Vice-President Hargrave said that at that time [Fall 2004], Jenkins was wearing two hats: President of the LSU System, and Interim Chancellor of the LSU A&M campus.

B.12. Senator Delzell recalled the September 9, 2004 Senate meeting, in which System President and then-Interim Chancellor Jenkins had said that he would continue to work with the FSEC to fix the problems in PM-35 that had recently come to his attention. Professor Chandler said that we should get the minutes of the meeting of the Council of CAO’s. System Vice-President Hargrave insisted that there was “no inconsistency here.”

B.13. Should FSEC go through Provost’s Office? System will not help on verbiage: Senator Pierce asked if the FSEC should go through the Provost’s Office. System Vice-President Hargrave said that System President Jenkins will make the final decision. She repeated that the Council of CAO’s had discussed PM-35 at one meeting; the other campuses didn’t express a concern. Professor Chandler asked who could help the FSEC on verbiage as it revises its drafts; System Vice-President Hargrave said that the FSEC members are good writers.
B.14. Senate mandate to recommend replacing PM-35: Senator Delzell reminded System Vice-President Hargrave that the FSEC had a mandate from the Faculty Senate to recommend a replacement of PM-35; this mandate had come from Senate Resolution 04-10. In addition, he wondered what would happen if the FSEC and the Senate worked on revising PS-109, only to have their work cast aside or pre-empted by the administration again, in the same way that then-Chancellor Emmert issued PS-109 in July 2003, without waiting for the Faculty Senate or the Faculty Council to vote on their own version of that policy, known as the May 15, 2003 draft of Senate Resolution 03-10 (http://senate.lsu.edu/Resolutions.html).

B.15. System’s refusal to give feedback on drafts: Senator Ajmera asked System Vice-President Hargrave if she could, please, give the FSEC some feedback on its drafts of PM-46 and PM-71. She replied that she was not comfortable doing so, since that would be bypassing channels, which include the Provost. Senator Ajmera recounted how William Jenkins had twice met with the FSEC about this, wearing both hats [i.e., as President of the LSU System, and as Interim Chancellor of the LSU A&M campus]. System Vice-President Hargrave repeated that she was not comfortable giving the FSEC feedback.

B.16. Senate Resolution 04-10 went through channels to the System; “The System does not respond to the Faculty Council” (Hargrave): Senator Delzell said that in March 2004, the Senate had submitted Resolution 04-10 up through channels (including the Provost) to System Vice-President Hargrave. Because the administration did not propose any replacement to PM-35 pursuant to Resolution 04-10 (in fact, the administration did not reply to 04-10 at all, either directly or through channels, before August 2004), the FSEC initiated further communication with the System, including the March 2004 Position Paper (delivered August 2004), followed by the FSEC’s October 2004 detailed drafts of PM-46 and PM-71. Now, in February 2005, the System has still not given the FSEC any feedback, either directly or through the Provost or through other channels, either on 04-10 or on the FSEC’s drafts. System Vice-President Hargrave replied that the System does not respond to the Faculty Council of the LSU A&M campus.11

B.17. Constitution of Faculty Senate empowers Senate to recommend changes to PM’s: Professor Chandler pointed out that the Constitution of the LSU Faculty Senate states:

“3. In particular, the Faculty Senate may suggest action as well as make inquiries and recommendations to the Provost, or if appropriate through the Provost to the LSU Chancellor and/or the LSU System President, on any aspect of University life, such as, but not limited to, the following:

- Conditions affecting academic freedom.
- Criteria, policies and procedures regarding faculty appointment, conditions of work, dismissal, evaluations, grievances, promotions, tenure, retirement, and salaries.
- …” (http://senate.lsu.edu/FSCB.pdf)

B.18. Council of CAO’s should not only consult their faculties, but should go through FAC: Professor McGehee said that when the Council of CAO’s meets to discuss PM-35, System Vice-President Hargrave should not only ask the various provosts there to consult with their faculty

11 Secretary’s note: I can’t find such a rule in the Bylaws or Regulations of the Board of Supervisors; see section C below: “Appendix: Channels of communication with the LSU System President.”
about PM-35, but to go through the FAC.\textsuperscript{12} System Vice-President Hargrave said that that was an excellent idea. She said that upcoming issues include intellectual property, and technology transfer. Senator Ajmera asked when the next meeting of the Council of CAO’s would occur; System Vice-President Hargrave replied that it would be on February 24; also, the Regents were going to hold a meeting of all the CAO’s statewide, she said.

At this point, System Vice-President Hargrave left the FSEC meeting.

B.19 Staff Senate’s idea of a newcomers’ club: Faculty Senate President Advokat distributed to the FSEC copies of Staff Senate President Brenda Macon’s February 13 email to Faculty Senate President Advokat, informing her of the Staff Senate’s decision to host a reception for new staff, to precede the Chancellor’s Welcome ceremony usually held in the Pete Maravich Assembly Center in August. The message asked if such an event would be helpful for new faculty, as well. The message also raised the idea of having monthly lunches or coffees for new employees to help them develop networks outside their home departments, and asked if the Faculty Senate was interested.

B.20. FAC was not interested in PM-35: Immediate Past President McGehee said that the System FAC\textsuperscript{12} had discussed PM-35 more than once; there was no interest, he said. The University of New Orleans campus and the Shreveport campus of the LSU System implemented PM-35. PM-35 provides a way of turning over difficult faculty cases to a faculty committee, he said. He did not know what, if anything, other LSU System campuses (such as the Paul M. Hebert Law Center and the LSU Health Sciences Center) had done to implement PM-35.

B.21. PM-46 still has mandatory remediation; PS-109 has more safeguards for faculty; can PM-46 be sold to faculty? Professor McGehee said that the FSEC could develop a new PS-109 that answers the questions about PM-46. The new PS-109 could make it necessary for the department chair to offer a voluntary enhancement program to a faculty member before imposing mandatory remediation. PM-46 is not necessarily better for faculty than PM-35 plus PS-109, he said. He also said that the LSU A&M campus could adopt a new PS-109 that could work only with a new PM-35. PM-46 still has mandatory remediation, he said; PS-109 has more safeguards for faculty; this is a subtle point, he said. What is new in PM-46, according to Professor McGehee, is the prerequisite of a voluntary enhancement program before mandatory remediation can be imposed. He wondered if the FSEC would be able to sell PM-46 to faculty.

Senator Ajmera said that support for PM-46 and PM-71 has to come from System President Jenkins; Provost Risa Palm supports the idea of decoupling annual reviews from dismissal.

The meeting was adjourned at 11:00 AM.

Minutes and background prepared by Charles Delzell, Secretary; approved August 2, 2005 by FSEC.

\textsuperscript{12} Secretary’s note: See PM-24, “LSU System Council of Faculty Advisors,” http://appl003.ocs.lsu.edu/ups.nsf/PermanentMemoranda?OpenView. Apparently the System Council of Faculty Advisors is also known as the System FAC (“Faculty Advisory Council”). Minutes of some of its meetings since 2004 can be found at http://www.lsuhssc.edu/no/schools/facultysenate/master.htm? or at http://www.lsuhssc.edu/no/schools/facultysenate/FAC.html. It is not to be confused with the Louisiana Board of Regents’ FAC. See also section B.20 below.
C. Appendix: *Channels of communication with the LSU System President:*


“e. The President [of the LSU System] shall establish and maintain lines of communication with the chief administrative office of each campus. The channel for official communications between the President and the various campuses shall be through the chief administrative officer in charge of each campus.”

C.2. Regulations of the LSU Board of Supervisors, Chapter I (http://appl003.ocs.lsu.edu/ups.nsf/Bylaws?OpenView):

“Section 1-1. Order of Communications and Reports. The official recommendations and communications of any member of the academic or nonacademic staff shall be sent through channels to the appropriate officer. An administrative officer shall, when so requested, promptly transmit any such recommendations or communications, with the officer’s own comments and recommendations thereon, to the next higher office.”

C.3. Constitution of the LSU Faculty Senate, Article I (http://senate.lsu.edu/FSCB.pdf):

“3. In particular, the Faculty Senate may suggest action as well as make inquiries and recommendations to the Provost, or if appropriate through the Provost to the LSU Chancellor and/or the LSU System President, on any aspect of University life, such as, but not limited to, the following:

- Conditions affecting academic freedom.
- Criteria, policies and procedures regarding faculty appointment, conditions of work, dismissal, evaluations, grievances, promotions, tenure, retirement, and salaries.
- …”

The above three statements mention “upward” communication explicitly; there appears to be no written, explicit policy about communication in the opposite direction, from the top down. Presumably downward communication is allowed; and perhaps it is even *required* in response to a subordinate’s request or inquiry sent up through channels.

D. Appendix: *How PM’s are issued, revised, and rescinded; role of the System Council of CAO’s:  The Bylaws and the Regulations of the LSU Board of Supervisors do not mention Permanent Memoranda (PM’s) by name; but the Bylaws do mention “administrative policies and procedures” and “policies of the System” in a couple of places; perhaps these terms include PM’s. Anyway, the main passage on System policies is:

“d. Subject to the direction and control of the Board [of Supervisors], the President [of the LSU System] shall … [e]stablish administrative policies and procedures….”

Bylaws of the LSU Board of Supervisors, VII.2 (http://appl003.ocs.lsu.edu/ups.nsf/Bylaws?OpenView).
The procedures by which PM’s are issued, revised, or rescinded do not seem to be discussed in the various PM’s themselves—not even in PM-1 (“Permanent Memoranda from Office of the President,” 1957, http://appl003.ocs.lsu.edu/ups.nsf/PermanentMemoranda?OpenView); in particular, PM-1 does not say whether or not the System President consults with anyone (such as the System Council of Chief Academic Officers) in issuing, revising, or rescinding PM’s. PM-1 deals, instead, mainly with the distinction between permanent memoranda and temporary memoranda, and the fact that the former will be numbered serially without reference to date of issue, while the latter will not be numbered serially.

The Bylaws and Regulations of the LSU Board of Supervisors do not explicitly say whether the System Council of Chief Academic Officers has any role in issuing, revising, or rescinding PM’s; but the Bylaws do say so implicitly:

“Section 6. Council of Chief Academic Officers. The Council shall consist of the chief academic officer of the System staff, who shall serve as chairman, and the chief academic officer of each major subdivision of the University System. The Council shall act in an advisory capacity to the President in matters relating to academic standards, programs, and policies of the System.” Bylaws of the LSU Board of Supervisors, Article VII (http://appl003.ocs.lsu.edu/ups.nsf/Bylaws?OpenView); emphasis added.