SR03-09 *Proposed Guidelines for Faculty Evaluation of Administrators* was approved by the Senate. This policy statement, if approved by the administration, describes how faculty input will be used to evaluate administrators. A survey instrument that will be used has not yet been developed. The policy statement is a product of the Review of Administrators Committee and is composed of Paul Hoffman (chair), Barbara Apostolou, William Demastes, Dominique Homberger, Neil Kestner, Andy Maverick, and Janie Frickie (ex officio).

The Senate voted that faculty under the aegis of the Faculty Council will hold an election on SR03-10 *PS-36 Addendum*. This resolution proposed a review of tenured faculty that would modify the existing review in PM-35. If it is approved, it will still require administrative approval. The amended version of SR03-10 differed from the earliest draft with three consecutive unsatisfactory evaluations needed to trigger the peer review and remediation process instead of the two consecutive or three out of five unsatisfactory annual evaluations that were triggers before. The policy statement, if approved, would only apply to faculty hired after this year and any other faculty who wish to be covered by the addendum. The PS-36 committee is composed of Carruth McGehee (chair), Emily Batinski, Lou Day, Rick Ortner, Jim Richardson, Roger Seals, Roger Stockbauer, Jill Suitor, and Janie Frickie (ex officio).

Results of elections: New members of the Grievance Committee are Don Kraft, Nina Lam, Joseph Ricapito (who will finish the term of Roger Seals), and Claire Advokat (alternate). New members of the Review and Long-range Planning Committee are Tom Lynch and Ann Martin. Claire Advokat and Lori Bade will represent the Senate at the annual Council of Louisiana Colleges and Universities (CLCU) next year. Jim Richardson and Nick Apostolou will be the new members of the Budget Committee.

The Board of Regents (BOR) would like to develop a new formula for funding higher education in Louisiana. This effort comes at an opportune time for the Faculty Senate because the FS has formed its own committee to do the same thing (Thomas Lynch, Andrew Christie, Terry Geske, Roger McNeil, and Bob Kuhn). A letter was sent to the BOR asking that two LSU faculty serve on the
BOR committee and asks for help in acquiring data necessary for both committees to develop funding formulas.

Four resolutions could not be discussed at the two three-hour meetings because of the extensive debate on the policy on the review of tenured faculty, *PS-36 Addendum*. The unfinished business will be placed on the Faculty Senate agenda for September and includes:

- SR03-11 Paul Bell's *Guidelines and Recommendations for Establishing Criteria for Awarding Merit and Equity Raises*
- SR03-12 Paul Bell's *Analyses of LSU Salary Data*
- SR03-13 Paul Bell's *Posting Faculty Salaries on the Web*
- SR03-14 Carl Motsenbocker's *Review of LSU Campus Master Plan*. 
Faculty Senate Meeting Agenda
Wednesday, September 3, 2003  3:00 p.m.
Atchafalaya Room - LSU Union
Everyone's Welcome!

1. Roll* and quorum
2. Approval of Minutes (May 7 and 15, 2003)
3. Chancellor Mark Emmert
4. Provost Risa Palm
5. President's Report
6. Old Business
   ? SR03-11 Guidelines and Recommendations for Establishing Criteria for Awarding Merit and Equity Raises, Paul Bell
   ? SR03-12 Analyses of LSU Salary Data, Paul Bell
   ? SR03-13 Posting Faculty Salaries on the Web, Paul Bell
   ? SR03-14 Review of LSU Campus Master Plan, Carl Motsenbocker
7. New Business
8. Adjournment

The next Faculty Senate meeting will be Tuesday, October 7th.

* If you wish to be represented by another faculty member from your college or division, or if you wish to give a proxy vote to another member of the Senate, please give written notice to the Senate President <mmmcge@lsu.edu> prior to the meeting. Please refer to "Bylaws of the Faculty Senate," Article VI, in the LSU Faculty Handbook.
The meeting was called to order by President Laurie Anderson at 3:05 p.m. with a quorum present. Senator John Chandler moved that the April 10th minutes be approved without corrections and the motion was carried. Find the minutes at http://senate01.lib.lsu.edu/facsen or go to the LSU homepage, select the A--Z directory, select ‘F’ and, then, the Faculty Senate.

**President Laurie Anderson’s Report:** This is my last meeting. I thank the senators and the FSEC for their help and I think it has been a very good year. Accomplishments included increasing admission standards, got the ball rolling on tuition waivers, formed a task force on formulating funding formulas for higher education, and the still-needed work to be done today.

I was privileged to serve the senate in some capacity for the last six years and in that time I have had a great opportunity to meet many outstanding faculty members across campus, to know what a good institution we already have and what a great institution we have the potential to be. Special thanks to former President Neil Kestner and Vice-President Carruth McGehee for their help. Also, thanks to the provost and the chancellor for some very lively discussions and support on some very critical matters. I now have the task of chairing my department and look forward to continuing involvement with the senate as a past president.

The task force on higher education is composed of Thomas Lynch (chair), Andrew Christie, Terry Geske, Roger McNeil, and Bob Kuhn (ex-officio). The BOR at its April 23rd meeting passed a resolution for the development of a new funding formula for higher education that is to be completed in two months. I have drafted a letter with help from the provost and the FSEC that asks that Tom Lynch and Jim Richardson serve on the BOR committee that is developing this
funding model. It also asks that data relevant to this topic be posted on the BOR web site. Finally, it asks for reaffirmation of faculty authority in the governance over educational policy in our institutions.

It was moved that the senate approve the letter to the BOR (see below). If approved, I will state that this letter was endorsed by the faculty senate.

Dear Commissioner Savoie:

On behalf of the LSU Faculty Senate, I am writing to inform you of our body's interest and desire to participate in upcoming discussions by the Board of Regents and its staff on higher education funding models. On February 10, 2003 the LSU Faculty Senate passed a resolution to form a task force of LSU faculty to "recommend an alternative or an improvement in the current formula approach used in funding higher education in Louisiana". The task force is formed, and is chaired by Prof. Thomas Lynch of the Public Administration Institute. Dr. Lynch is a nationally known authority in public budgeting. Other taskforce members include Profs. Andrew Christie, Department of Accounting; Terry Geske, Department of Educational Leadership, Research, and Counseling; and Roger McNeil, the incoming Chair of the Department of Physics and Astronomy.

The LSU Faculty Senate requests that Dr. Lynch and Dr. James Richardson (also of the Public Administration Institute and on the Legislature's Revenue Estimating Committee) serve on the Regent's Formula Review Committee as it develops a new higher education funding model. This interface between the Regent's committee and the Faculty Senate task force would provide a mutually beneficial interaction. It would provide the Faculty Senate task force with up-to-date information on funding models used in Louisiana, and would provide the Regent's committee input from additional local experts in the field of public budgeting and higher education funding.

To aid the research the Faculty Senate task force, I also am asking that the following information be made available via the Regent's website: * previous formula factors used in funding models for Louisiana higher education * current formula factors * the process used for gathering faculty input on funding models * the role, scope and mission of each institution governed by the Regents * the performance targets of each institution as submitted to the Division of Administration * the minutes of all meetings held by the Regent's Formula Review Committee as they develop a new funding model over the next few months * funding models of peers that will be used for comparison and development of the new funding model for Louisiana Higher Education

It is important that there be a logical connection between the mission statement, goals, and objectives of institutions and the funding model used, and the above information will help us make that connection.

As you can see, the faculty of Louisiana State University are very interested in all issues related your next revision of the Louisiana Higher Education funding model. Through this process, we wish to see affirmed campus and faculty authority and governance with regard to educational policy in our respective institutions. We look forward to interacting with you and your staff in the coming months.

Sincerely,

Laurie C. Anderson
President, LSU Faculty Senate
Letter Approved by LSU Faculty Senate May 7, 2003

The motion was carried.

I was at a meeting last week of faculty governance leaders from the SEC; the first meeting ever of these leaders. The two purposes of the meeting were to study intercollegiate athletics, specifically the reform movement in NCAA, and whether there is value for the group to continue to meet on this or other issues. The body endorsed efforts on reform now underway with the NCAA and asked for increased faculty involvement in the ongoing process. The group also found other topics that they could cooperate.

There may be a senate meeting next week should we not complete the tasks set for us today.

Carruth has asked me to solicit your comments on whether senate meetings should start at 2:30 instead of 3PM this fall.

The Faculty Senate will meet in 2003-2004 on September 3, October 7, November 7, December 4, January 21, February 16, March 18, April 13, and May 7. Starting times will be either 2:30 or 3PM.

**Chancellor Mark Emmert’s Report:** It has been a great pleasure to work with Professor Anderson. She has done a splendid job representing the Faculty Senate and has worked closely with me and the provost. I look forward to a similar relationship with Carruth.
The senate's task force on reform of higher education and the letter that you plan to send to the BOR are positive developments. The BOR's move to revise the formula was surprising. We knew that they were considering changes sometime in the funding formula and have met with them on six occasions.

It is, also, a welcome development to have the universities' faculty senates be involved in athletic reform. SEC chancellors wish to expand the SEC's emphasis beyond athletics to academic collaboration. The Big Ten has done this and has used its affiliation through athletics to springboard a variety of collaborations around academic issues to library exchanges, telecommunication collaboration, and sharing a variety of academic information among the institutions. The SEC chancellors' group completely agrees with the collective efforts of the SEC senate officers. We will also make efforts to set up regular meetings for chief academic officers, chief librarians, and others from the SEC.

It is early in the legislative session. This session is defined by budget shortfalls but the deficit is not near as bad as that in other states. The Governor has been generous in light of the budget shortfalls. There has been some support for the
unfunded mandates healthcare, civil-service raises, and retirement. There has been some discussion on whether funds for these mandates will remain and that other efforts may help mitigate cuts should they occur. Legislative scuttlebutt suggests that there may be a cut in about half of the civil service merit raises and retirement costs. Even if we get all that's on the table, we would still have a $2-3 million shortfall. Other universities would have similar problems. There is serious discussion about increasing student fees. UL System would like to have academic excellence fees like what LSU has. It is likely some tuition and fee bill will go forward in some fashion. There is a possibility there will be an increase in the academic excellence fee at LSU.

The Legislature may instruct the BOR to bring to the Finance and Budget Committee in the fall a statewide higher education tuition and fee policy. This would rationalize behavior that now is chaotic.

I will make a series of materials available to you about who should be our peer institutions [a handout on peer universities and possible performance indicators of universities was made available]. There is some agreement that the regional peers should be Auburn, Mississippi State, North Carolina State, Oklahoma State, University of Alabama, University of Georgia, University of Oklahoma, University of Kentucky, University of Tennessee, University of South Carolina, Clemson, Virginia Tech, and West Virginia. The national peers would be Ohio State University, Texas A&M, University of Arizona, University of Florida, University of Illinois, University of Maryland, University of Minnesota, North Carolina, University of Texas, and University of Virginia. All of the national group are AAU universities. In the aggregate the institutions provide a variety of characteristics that when we look at them, we say that these are the kinds of institutions we would like to be in five to ten years.

Dominique Homberger: Florida and Texas are peer institutions in the national peer group but not in the regional group. Why is that?

Chancellor: Regional definition is more qualitative than geographic. The regional group is what the general populace would consider similar to us. Texas and Florida consider themselves more nationally competitive and not regional institutions. We don't want people to think of us as a really darn good southern university. We want to be thought of as a nationally competitive institution. I want your comments on this peer mix.

Jill Suitor: I like to think that we are already better than the regional peers.

Chancellor: I share your emotional response, but I rely on hard data. We need to be brutally frank. In some case we outperform our regional peers. We like to pick on MSU but its agricultural college is fifth in the nation in agricultural funds. Where they have focused their energies; they have done very well.
John Chandler: VA and Fl are in the national. I wouldn't put Texas A&M in the national group; I would put them in the regional.

Chancellor: I understand that and it doesn't cause me a lot of heartburn. A&M is an interesting one to add to the national peers. None of the other peers is an emergent national peer. A&M was just voted into the AAU two years ago. They are the most recent entrant to the AAU among public universities.

Nick Apostolou: Their endowment is in the top ten--$2 billion.

Chancellor: You must be careful when looking at them. Their state support is modest but that is due to its large endowment. They have been amazingly well in buying merit scholars. They just buy them.

It's been a year of great tragedy in many ways. I've been very proud that the university community rallied around itself around extraordinary circumstances. Despite all that, it has been an amazingly productive year. I thank you all for it.

Interim-Provost Laura Lindsay's Report: There are 25 interim positions now on campus. Interim positions are a challenge for the individual.

We have hired a new dean of Social Work, Mary Ellen Kondrack.

There are two finalists for the dean of College of Business Administration. They are Dek Terrell, an LSU faculty member, and Bob Sudegrass. A decision should be made shortly.

We have hired Mary Katherine Callosa from John Hopkins University Press to be director of the LSU Press.

We should start interviews for the dean of the School of the Coast and Environment in December.

We have interviewed Lillian Bridwell-Bowles and Michael Palmquist for director of Communication Across the Curriculum.

We are interviewing five finalists for director of the Lab School including the school's principal.

The new dean of Honors college, Nancy Clark, will arrive July 1st.

I would like to mention some accomplishments over the past year:

We have increased our compensation to graduate students by $500,000 and this will be increased to a total of $2 million next year. We have put into place the recommendation to implement tuition waivers for graduate assistants with the first year waiver one-third of their tuition this fall.
We have finished the review of Continuing Education. Outside reviewers included Penn State personnel and the dean of the Continuing Education at the University of Tennessee. Jim Fernandez is the interim dean at Continuing Education while we launch a search for a permanent dean.

We have revised the LSU Planning document and launched a new Flagship Agenda. Comments are welcome at the flagship web site.

We are nearing completion of the materials necessary for SAC review and accreditation.

We have addressed equal employment opportunity concerns of staff. We have hired Mary Evelyn Baszile and she has spent a great deal of time talking to people. She will be delivering recommendations on how to proceed.

Greg Vincent has accepted a tenure-track position with the Law School. Although he will no longer be in charge of diversity issues, the position will continue. The new provost will have to structure that office.

Our museum will be moving to the Arts Center in downtown Baton Rouge in December 2005. This will take planning to do the move and collaboration with arts groups here and throughout the state.

We have had to create a new funding structure for Academic Programs Abroad because of an audit on how we were funding that program. In the end, the new structure using tuition will offer a lot more flexibility.

We are designing a web site that will address computing service issues from federal to state and every other kind of resource will be available with one click.

We have had admission standards increased thanks to efforts of senators, Carruth McGehee, and Theresa Summers.

I formed a task force on minority matters. It was chaired by Frank Freeman and now by Bonnie Alpert. We have already completed one of the task force recommendations by increasing funding for the summer scholars program. It is showing a 72% 6-year graduation rate for African Americans. It's 5-year graduation rate is the same as the 6-year graduation rate for the regular student population.

I have met regularly with a campus safety committee that is composed of groups from building services to Budget & Planning to Academic Affairs to housing. We are trying to do as much as we can to address safety concerns.

Karen Denby deserves a round of applause. She has been working with BOR on a 3-year undergraduate retention plan. She has organized faculty and staff on this. They have made a few recommendations and will post them on the web. Minority recommendations regarding retention should
focus on easing admitting transfer students, streamline course availability; and to continue with the new scholarship guidelines.

**Dominique Homberger:** Who pays for making the building secure? Is it the department, university, or what?

**Interim Provost Lindsay:** The governor’s office has given us some funds for safety improvements.

**Senator and Secretary Paul Bell:** Could the faculty who have been on the committee to formulate a survey of faculty’s opinions on unions could give us an update?

**President Anderson:** Let us wait until new business to address this.

**Senate-committee and Senate representatives’ Elections:** Nominees for open slots in the Faculty Grievance Committee were Don Kraft (Computer Science), Bill Daly (Chemistry), Joseph Ricapito (Foreign Languages and Literatures), Robert Zwirn (Architecture), Claire Advokat (Psychology), and Nina Lam (Geography & Anthropology). The winners were Don Kraft, Nina Lam, Joseph Ricapito (who will finish the term of Roger Seals), and Claire Advokat (alternate).

Nominees for open slots on the Review and Long-Range Planning committee were Tom Lynch (Public Administration Inst.), Nancy Colyar (Library), Don Deis (Accounting), and Ann Martin (English). The winners were Tom Lynch and Ann Martin.

Candidates for open spots on the Budget Committee were Nick Apostolou (College of Business) and Jim Richardson (College of Business). They won election by acclamation. Candidates to serve as senate representatives to the annual meeting of the CLCU were Claire Advokat (Psychology) and Lori Bade (Music). They were accepted by acclamation.

**Old Business:**

**Senate Resolution 03-09 Evaluation of Administrators:** John Chandler moved to limit debate on each resolution to 15 minutes. Motion was seconded and was carried.

**Senator and President-elect Carruth McGehee:** This motion requires two-thirds approval.

**President Anderson:** We did not get two-thirds approval, therefore, the motion failed.
McGehee: Two things regarding this resolution: the title given for PS-36 on page two should be corrected. The other stipulation is that if this is passed, it should eventually be typed in the same format as PS-36 and the Addendum's Sections A, B, and C. I move that these two changes be approved.

Motion was seconded and was carried.

Homberger: On page six, under section V.n, I move that the second sentence be removed: If not so required, it will be destroyed when the following year's data is deposited.

The motion was seconded.

Paul Bell: What was Paul Hoffman's reason for including that?

Paul Hoffman: The reason for doing this was that we thought these might be paper forms. If that is the case, one can imagine files bulging with these comments. It was basically to save space. The summary would be preserved which would include verbal summary.

The amendment passed.

Nick Apostolou: I call the question.

Resolution 03-09 was passed as amended.

Senate Resolution 03-10 PS-36 Addendum: Senator Carruth McGehee: I move that a procedural motion, seriatim consideration of resolution 03-10, be made. Discussion and amendments will be done within each section of the resolution and then one vote on the whole thing.

Motion was seconded and was carried.

President Anderson: The first section to be considered is the opening paragraph and Section A Definitions. [No reply from senators] The second section we will deal with is section B The rules of an academic unit.

McGehee: In PS-36 now and in other PS-36 drafts, we find occasions statements to the effect that departments do this or do that in various ways. This Section recognizes department and college rules and says they must be duly adopted.

President: The third section is opening paragraph of Section C and subsection C.1 Preamble.

Senator Dominique Homberger: The (third) paragraph under C.1:
The annual review process should be understood and carried out in the awareness that faculty work is in large part a matter of multi-year projects and commitments. The import of a single year's report or evaluation will often be incremental in nature.

I wonder whether this statement in some way contradicts the clause that allows two consecutive unsatisfactory evaluations to trigger remediation. For example, in writing a book, there may be two years with no publications and in the third year there will be a huge publication.

McGehee: When the department head writes an evaluation, he or she should look at that year in the faculty member's job within a multi-year perspective. This preamble helps emphasize that the head look at it this way. This is written to condition the way annual evaluations are written. We wrote the preamble realizing we are under the traditional framework of the annual evaluation but knowing that we want to mute the one-year perspective.

Homberger: I understand your point but if everyone did as they should, we would not need a PS-36. How are we assured that the chair will do as he should? The rules are after two years, there will be a trigger that the faculty member will be reviewed.

McGehee: Again, I see your point. Let me point out that in this document, the second finding of unsatisfactory job performance triggers the election of a peer committee to review the faculty member's work and give its own report and put it on record. If the committee does not support the chair, then the chair's position is weakened.

President: The fourth section is subsection C.2 A faculty member's file.

McGehee: This is new. It assures the existence of a departmental personnel file open to the faculty member that the faculty member can make additions at any time, and an assurance of a regular practice to keep it up to date.

President: The fifth section is subsection C.3 The annual review process and subsection C.4 A finding of unsatisfactory job performance, PM-35. [No reply from senators]. The sixth section is C.4.a Preamble and C.4.b General Provisions.

McGehee: The Preamble C.4.a says several important things. First, it says that C.4 is written in compliance with PM-35. Then it says in effect that on this campus, C.4 will take over and govern the operation of PM-35.

PM-35 is worded so as to create the fear that it sets a lower threshold for dismissal for cause, in its use of "unsatisfactory job performance" findings by the chair, which trigger a certain process. That's a reasonable fear - even though it's only under certain circumstances, according to PM-35, that the Chancellor may
be asked to initiate consideration of dismissal for cause. And PS-104 governs the
criteria and provides due process for such consideration. What we are doing here
is taking this word "unsatisfactory" as used in PM-35 and giving it a restricted
definition: You don't use it unless

(C.4.b) deficiencies are sufficiently serious so that if they should
persist after the faculty member receives adequate notice, and after
a reasonable time is allowed for improvement, then grounds would
exist for the consideration of dismissal for cause under the
provision of PS-104, the policy statement entitled Dismissal for
Cause for Faculty.

I and co-author Bill Adkins move that the following be added to C.4.a after the
first paragraph of section C.4.a (with thanks to Chip Delzell for his contribution):
Add: Nothing about PS-36 will be construed to diminish the right of a faculty
member or group of faculty members to challenge the legality of any
University policy or action; or to diminish any other legal rights of faculty.

If the pertinent provision of PM-35 are retracted by the LSU system
or declared null and void in a final action of the courts, the present
subsection c.4 shall be null and void.

The following statements are hereby affirmed.
1. The University will continue to honor its commitments to tenured
faculty. While the University may from time to time revise the body of
policies and regulations, such changes will be reasonable and will be
consistent with those commitments.

2. The consideration of dismissal for cause will continue to be restricted by
the criteria, due process, and all other provision of PS-104. The
substance of those restrictions dates back at least to "Regulations for the
Organization of LSU and A&M College," (1945), the "Regulations of the
Board of Supervisors of LSU" (1958, 1968, 1970), and the LSU Faculty

3. To whatever extent PM-35 may be construed to allow an interpretation
whereby tenured faculty might be considered for dismissal on less
stringent criteria, or whereby their rights to due process might be
diminished, it violates the University's commitment to tenure and is
unacceptable. Accordingly, the present subsection C.4 disallows any
such interpretation.
[End of amendment]

The motion was seconded and the motion was carried.

Homberger: I suggest an amendment on the third line of C.4.b

From: For a finding of unsatisfactory job performance to be made, deficiencies
must be serious so that if....
To: For a finding of unsatisfactory job performance to be made, gross deficiencies must be serious so that if....

Motion was seconded.

Senator Victor Stater: Gross deficiencies are by definition serious. Why would you need that change?

Senator Jon Cogburn: Shouldn't there by a comma after 'serious'?

Homberger: I agree.

Senator Claire Advokat: What is being accomplished with your amendment?

Homberger: Dismissal for cause must be done not just for deficiencies, but for gross deficiencies.

Cogburn: I move that it be changed to include a comma after serious:

For a finding of unsatisfactory job performance to be made, gross deficiencies must be serious, so that if....

A voice vote was taken. A call for division was made. The amendment passed.

Senator Joan King: Has anyone stated what unsatisfactory job performance is?

McGehee: We were trying here not to state a new definition of it standing outside of PS-104, but to make it clear that the standard of seriousness is that which is stated inside PS-104. -And thus to make it clear that C.4 is not trying to invent a new, lower threshold for dismissal for cause. The point is, if you want to consider dismissal for cause, you have to look at PS-104; there's no provision for it anywhere else.

King: In PS-104, what does it mean that the faculty member may be responsible for act or acts of commission or omission?

McGehee: The Senate worked over PS-104 thoroughly a few years ago. We could certainly talk at some time about changing the wording with regard to the criteria for consideration of dismissal for cause. But the protection against abuse in PS-104 consists really in the due-process requirements, which are very strong. The criteria and the due process are wrapped up together. It would be unwise to create new criteria statements outside of PS-104.

Senator Chuck Rush: I think you dropped a couple of amendments to amendments. The last comment was to add a comma. Vote on the amendment to the amendment and, then, the amendment.
McGehee: Andy King, the parliamentarian, could not be here. If a person offers an amendment and the author agrees and there's no objection from the body, then it is accepted.

President: I think we are set, are we not?

McGehee: If people understand that they voted on Dominique's amendment.

President: You understand that you voted on Dominique's amendment? [No reply from senators]. Any other comments or amendments?

President: The seventh section is C.4.c *A new finding* and C.4.d *A repeated finding*.

McGehee: Tom Lynch wanted to make changes like this with a hint of administrative law procedures into it. I wrote it up with the idea of making the procedure more polite to the faculty member. It took out places where the faculty member was made to do something.

Senator Tom Lynch: In suggesting this to Carruth, I was influenced by what Larry (Crumbley) was saying and I thank Larry for his comments on this. I remember back to my days when I was in law school studying administrative law. I looked at the letter by Scott Wilson (local attorney) and I think it addresses those concerns directly in my mind, maybe not in yours (Crumbley). It is very important that due process must be maintained. One of the things we must do is to set deadlines to know if things are done or not done, otherwise, the process may go on forever. Also, it allows more choice to the faculty member during the process. It strengthens the due-process rules.

Advokat: In the original version the faculty member must prepare a plan. Here the faculty member has an option. What happens if the faculty member does not choose to make a plan?

McGehee: The intent is to remove that as an obligation. The faculty member has the incentive to write a plan because he or she can obtain resources to support one. But we are removing the coercion. This could all go very simply and informally.

Senator Jim Catano: Could they clarify the record or the summary? I'm a little worried that a less-than-generous chair may characterize the proceedings as less than they were.

McGehee: It and the summary are attached to the chair's evaluation and are available to the faculty member. The faculty member signs as to whether he received it, to add attachments, and an opportunity to complain. For example,
The document will also be signed by the faculty member, under a statement that will read, at least in part and in effect, as follows: My signature indicates that:

and

(C.3.b.6.c) I understand that I have the right to attach a comment or dissent, with materials in support thereof. I have/have not done so.

The chair can write a summary that is mischievous. The faculty member, though, has a right to make a dissent.

Catano: But item 5 (from the Lynch/McGehee amendments) with the materials in support thereof seems to suggest that it is substantive material and not characterization of the attitude and behavior of the faculty member. I'm worried if you simply say a 'summary of the conference' than you might open the possibility of the chair characterizing or making ad hominem arguments of the nature of the faculty that is little more than the he-said/she-said response available. I think the language is ripe with difficulty.

McGehee: Yes, but what would you suggest?

Catano: If you would like me to suggest that we vote this down, I could, but I would like to instead converse with you about the possibilities. I just want to say that the language is not good enough. How about a summary of the proceedings rather than 'summary of the conference'?

McGehee: Does that satisfy the problem?

Catano: I suggest we include "summary of the specific proceedings" whenever it refers to the summary of the conference.

President: Those references are in the amendment's items #1 and #2. It will be changed in #1 and in #2 [the wording is the same in both items]

From: If it is held, the chair will attach a summary of it to the chair's evaluation.

To: If it is held, the chair will attach a summary of the specific proceedings to the chair's evaluation.

The motion was seconded.

Homberger: Can I add a friendly amendment? After the word "proceedings", insert the phrase: which must be signed by all present. It would now read:

If it is held, the chair will attach a summary of the specific proceedings of the conference which must be signed by all present, to the chair's evaluation.
Senator Dek Terret: What if the person refuses to sign the document? What if people differ.

Homberger: This will be something like the minutes of a meeting. They must be agreed by all present. That is why we vote to approve minutes.

Terret: But what if they disagree? The two people could firmly disagree on what took place and we could not come to agreement.

Lynch: You are saying one person could defeat the process. When we vote on the minutes, not everyone has to agree. By doing it the way you are saying it is allowing one person to stop the proceedings. Having it set that way would allow a disaster to occur.

Senator Marilyn Christianson: Most places, I believe, when they are reviewing a document, it means that you have seen the document. If we do not mean this, we should state that.

Senator A. Raman: The faculty member would not have to sign. This is similar to an annual evaluation where a faculty member need not sign. One is only asked to sign or whether they have a different opinion.

Chandler: I suggest that the sentence conclude with "proceedings of conference signed by all involved."

President: You want that as an amendment to the amendment? What is your suggestion?

Chandler: I move that the sentence be changed

From: If it is held, the chair will attach a summary of the specific proceedings of the conference which must be signed by all present, to the chair's evaluation.

To: If it is held, the chair will attach a summary of the specific proceedings of the conference signed by all involved, to the chair's evaluation.

President: Is there a second on the amendment to the amendment? There is a second. We will talk about adding "signed by all involved" and delete "signed by all present". Is there discussion on that?

Paul Hoffman: Who do you consider all involved? I consider the chair and the faculty member.

Senator Mike Cherry: I don't understand what this last amendment does. It refers to the chair, faculty member and all the members of the committee. If one of those people doesn't sign, we are back in the same place as before.
McGehee: There is no committee here.

Cherry: I'm sorry. You're right. If one person doesn't sign, we are still back in the same position.

Catano: The discussion started with the chair using this as an opportunity to remark in a non-procedural way how the meeting went. The suggestion is that the chair should only write a report about the activities of the meeting. Not that the faculty member was involved in some unpleasantness toward him or what have you. I'm not convinced that acquiring signatures is not but a subset of the concerns.

Christianson: Are we trying to make sure that the person sees what's happened in a timely fashion or are we trying to get the person to affirm what has happened?

President: We are trying to address whether to replace "signed by all present" with "signed by all involved".

Chandler: I would interpret it as verifying what was seen.

Raman: If the case is very sensitive, then, the faculty member might want to include someone neutral. In other words, a fair writeup of what happened could be in the minutes or whatever if our people sign. If only the faculty members sign and the chair does not, it raises a question.

Senator Karola Gray: Is there a right that the faculty member can be represented by an attorney?

McGehee: I think so, but let's not try to build this up. I move the previous question on the amendment to the amendment and the amendment. It takes two-thirds vote. It's a motion to close debate on these two items.

Motion was seconded and was carried.

President: Now we can vote on that last phrase. All in favor of changing the wording of the amendment

From: which must be signed by all present

TO signed by all involved

President: Motion failed for the amendment of the amendment. Now we will vote on adding a phrase

From: If it is held, the chair will attach a summary of it to the chair's evaluation.
To: If it is held, the chair will attach a summary of the specific proceedings of the conference which must be signed by all present, to the chair’s evaluation.

A voice vote was made followed by a call for division. The motion on the amendment was carried.

Senator Yvonne Fuentes: If the faculty member decides that he does not present a plan, it is a personal problem with my chair, is he still given the two years for remediation?

McGehee: Yes. The faculty member is not under force to write the plan and there is no penalty. You might say it is in his interest to do so given the resources that may be given to him.

Proxy Larry Crumbley: Are we still on C.4.C?

President: We are debating the amendments. All in favor of the amendments as amended, please say aye.

Amendments pass (Lynch/McGehee amendments to C.4.c items 1 to 5).

Crumbley: I suggest that we add this to the end of C.4.C. I want this to apply to the whole document:

Burden of proof process must be based upon clear and convincing evidence.

This is the same language that is in PS-104.
McGehee: Place the amendment at the end of C.4.B

Motion was seconded and Apostolou called the question. The motion was carried.

President: Any changes to sections C.4.C or C.4.D?

Apostolou: I am really concerned about the remediation being triggered by two consecutive unsatisfactory reviews because by the time you get the first unsatisfactory review, there would be insufficient time to make meaningful changes before the next review. I move that references to the triggering of peer review of chair’s decision (and ultimately remediation) be changed from two out of three unsatisfactory evaluations to three consecutive evaluations. Also, any references for triggering peer review from the three out of five years evaluation be removed.

President: Where is the change going to be made? Is it in the amendment just passed or in some other part of the addendums?
Apostolou: In the amendments that have just been approved. The amendment item #2 of the approved Lynch/McGehee amendment from section C.4.d would be changed

From: When the chair makes such a finding with regard to a faculty member for the second consecutive year, or for the third time in five years, then after step 5 of C.3.b the chair will offer, with two weeks’ notice, to hold a conference with the faculty member to discuss the finding and all related issues, and to explain the pertinent provisions of the present subsection C.4.

TO: When the chair makes such a finding with regard to a faculty member for the third consecutive year, then after step 5 of C.3.b the chair will offer, with two weeks’ notice, to hold a conference with the faculty member to discuss the finding and all related issues, and to explain the pertinent provisions of the present subsection C.4.

Motion was seconded.

Senator Carl Motsenbocker: PM-35 specifies that language. What effect will this change in PM-35 language have?

McGehee: If we have the triggering action as three consecutive unsatisfactory evaluations, I think, the policy would be out of compliance and we could not complain if the university didn't approve that change. However, if you feel it is worth a try, I don't have any particular problem with it. There are other things that have been stretched and so I can't say you can't modify it.

Homberger: UNO has tried to change from two consecutive years to three years. The main reason is that, otherwise, it could be easier and faster to lose tenure than to acquire it. It would take one year less to lose tenure than to get tenure. If we do it with three years, we have the symmetry of having as much time to get tenure as to lose it. The time to lose tenure could be less than seven years otherwise.

Apostolou called the question. The motion on the amendment was carried.

Crumbley: I'm assuming we make this change throughout the document.

McGehee: There is only one place.

Senator Andreas Giger: Is there anything that would prevent a chair from harassing a faculty member by giving him constant negative evaluations. And if the peer committee continues to reject the chair's recommendation? Could the chair continue to harass the faculty member?
McGehee: I think so. The rejection of the chair’s recommendation would be visible all the way up and the campus review committee. These actions could also be considered in the regular evaluation of the chair.

Lynch: If the chair does this, it is a good reason for the dean or provost to remove him.


McGehee: This assures things will happen if only one unsatisfactory evaluation is made. It assures certain procedures are followed.

Giger: Won’t there be other changes necessary in the document given the latest amendment?

Motsenbocker: In section C.4.c.2 it references two years....

President: Let me read it

(C.4.c.2) HRM, whenever it receives a file that contains a finding of unsatisfactory job performance, or whenever there has been such a finding during the previous two years, will circulate the file to the Provost and the Advisory Board, defined in C.4.g and herein called the Board.

McGehee: I move to change that to three.

President: You are changing

From: *previous two years*

TO: *previous three years*

Amendment was seconded and the motion was carried.

Fuentes: We replaced item 6 and item 7 (change approved with Lynch/McGehee items #4 and #5 and were added at C.4.d.6 and C.4.d.7, respectively). Item 8 (C.4.d.8) talks about the provost making appropriate commitments to the plan at two years. And item 9 (C.4.d.9) also mentions a plan that would be the same two-year plan. Nowhere does it pick up that the faculty member may or may not present the plan because it really is a personal problem with the chair. Does he lose the two year period? My chair may be leaving in two years. I may bide my time until that happens. Should we not pick up on something like that in the event that no plan is presented?

McGehee: I think you're on to something there.

President: Where should we put it?
Fuentes: Something between (C.4.d.9) 9 and (C.4.d.10) 10. It is important that the faculty member be given those two years.

Crumbley: Place something to the effect that if the person fails to submit a plan, the person still has the two year period.

McGehee: Instead of saying term of the plan, let it say period allowed for improvement.

Cowan: Add a final sentence to the amended #6 to C.4.d (C.4.d.6).
"If the faculty member so chooses not to submit a written plan he/she will still be granted a two-year remedial plan.

Cherry: It seems that the first place where the two years is mentioned is not paragraph 6 but paragraph 8 (C.4.d.6 and C.4.d.8, resp.). Would it make sense to insert it in paragraph 8 after the phrase provided by C.5?

Cowan: I will accept the changes as a friendly amendment.

President: We will move it down to 8 (C.4.d.8).

From: The Provost, after consulting with the Board, will respond to the request for resources, making appropriate commitments as provided in PM-35, and setting the term of the plan at two years from the date of this response except as paraded by C.5. The Provost will transmit the response to the faculty member, with copies to the dan and the chair. A copy will become part of the file.

TO: The Provost, after consulting with the Board, will respond to the request for resources, making appropriate commitments as provided in PM-35, and setting the term of the plan at two years from the date of this response except as paraded by C.5. The Provost will transmit the response to the faculty member, with copies to the dan and the chair. A copy will become part of the file.

Motsenbocker: Below that it still refers to a plan. It may need more changes.

McGehee: Maybe it just needs some drafting care. It still needs a look. Suppose your motion was the following we move that page 8 be amended so that the faculty member is allowed the same terms even in the absence of a plan and we will email you the amendment. If you will amend by direction.

Chandler: I move that we recess until 3PM on the 15th of May.

Motion was seconded and was carried at 5:40.

The meeting was called to order at 3:05 PM May 15th.

Senator and President-elect Carruth McGehee: I would like to thank Yvonne Fuentes and Dominique Homberger for their help. I move the adoption of the following. At C.4.b, line 3, page 7,

From: For a finding of unsatisfactory job performance to be made, gross deficiencies must be serious so that if they should persist after the faculty member receives adequate notice, and after a reasonable time is allowed for improvement, then grounds would exist for the consideration of dismissal for cause under the provision of PS-104, the policy statement entitled Dismissal for Cause for Faculty.

To: For a finding of unsatisfactory job performance to be made, the deficiencies must be gross and serious. That is, they must be so substantial that if they were to persist after the faculty member receives adequate notice, and after a reasonable time is allowed for improvement, then grounds would exist for the consideration of dismissal for cause under the provision of PS-104, the policy statement entitled Dismissal for Cause for Faculty.

The motion was seconded.

Senator John Chandler: I had thought we already had voted on the 'gross deficiencies' clause.

[The word gross was added to the original version that was "For a finding of unsatisfactory job performance to be made, deficiencies must be sufficiently serious so that if they should persist after the faculty member receives adequate notice,"]

The amendment was passed.

McGehee: I move the adoption of the following five modifications:
The five amendments were intended to remedy the omission of a review of administrators who also hold faculty rank as to their responsibilities as a faculty member. The review process in C.4 addresses tenured faculty and Addendum D does not implement the review described in C.4 for faculty members. The logic was that just as other faculty must undergo the reviews outlined in C.4, so too, must faculty who hold an administrative position.

#1: Modify C.4.d, item 7, page 9, and insert if any after the plan:

From: The Committee will then send the plan and the report to the chair, the faculty member, and through the dean to HRM, who will transmit them to the Provost and the Board.

To: The Committee will then send the plan, if any, and the report to the chair, the faculty member, and through the dean to HRM, who will transmit them to the Provost and the Board.

#2: Modify C.4.d, item 8, page 9 as follows:

From: The Provost, after consulting with the Board, will respond to the request for resources, making appropriate commitments as provided in PM-35, and setting the term of the plan at two years from the date of this response except as provided by C.5. The Provost will transmit the response to the faculty member, with copies to the dean and the chair. A copy will become part of the file.

To: The Provost, after consulting with the Board, will prepare a memorandum to the faculty member. The Provost will define the period of time allowed for improvement, herein called the term. The term will begin on the date of the memorandum and run for two years; or for a greater length of time if the faculty member and the Committee have so agreed in writing; except that subsection C.5 may apply, allowing the Provost certain discretion in setting the term. If the faculty member has prepared a written plan for improvement, then the memorandum will also state the University’s commitment to provide adequate resources to support the plan. The Provost will transmit the memorandum to the faculty member, with copies to the Committee, the dean, and the chair. A copy will become part of the file.

#3. Modify C.4.d, item 9, line 2, page 9 and delete of the plan:

From: The Committee will continue to advise and assist the faculty member and monitor his or her progress throughout the term of the plan.

To: The Committee will continue to advise and assist the faculty member and monitor his or her progress throughout the term.

#4. Modify C.4.d, item 10, line 2, page 9 and delete under the plan:

From: If the Committee and the chair both conclude that the faculty member has grievously failed to make a good faith effort as called for by this procedure, or if at the end of the term, they both conclude that the faculty member’s progress under the plan is inadequate; and if, further, they both conclude
that there are sufficient grounds for consideration of dismissal for cause under the provisions of PS104; and if the Provost, after consultation with the Board, agrees, then the Provost will ask the Chancellor to initiate consideration of dismissal for cause.

**To:** If the Committee and the chair both conclude that the faculty member has grievously failed to make a good faith effort as called for by this procedure, or if at the end of the term, they both conclude that the faculty member's progress is inadequate; and if, further, they both conclude that there are sufficient grounds for consideration of dismissal for cause under the provisions of PS104; and if the Provost, after consultation with the Board, agrees, then the Provost will ask the Chancellor to initiate consideration of dismissal for cause.

#5. Modify subsection C.5, page 11 and replace the third sentence:

**From:** Similarly, in such a case, the Provost may set the term of a plan for improvement at more than two years.

**To:** Similarly, in such a case, the period of time allowed for improvement (as called for in item 8 of C.4.d) may be lengthened at the discretion of the Provost.

Senator Nick Apostolou called the question. The motion on the amendment was carried.

McGehee: The following amendments were made with the help of Dominique Homberger. I move that the four amendments to Section C be approved:

#1. Modify the opening paragraph of Section C, page 3

**From:** In this section, faculty will mean tenured faculty. Section C does not address reviews of the department chair, or of a faculty member who is serving as an administrator and has no departmental duties. Section D addresses those.

**To:** In this Section, faculty will mean tenured faculty and includes those who are serving as administrators. As to the latter, Section D governs the evaluation of certain persons with regard to their administrative roles, and calls for evaluation by departments with regard to their departmental roles (see D.3.c).

#2. Modify the second paragraph to C.3.c on page 6 before the paragraph that starts with "The chair's evaluation ..." by

**Adding:** Exceptions are provided in C.3.d with regard to evaluations of certain persons serving as administrators.

#3. Modify item 2(d) in C.3.c from page 6 by

**Deleting:** If a faculty member is serving as an administrator who reports to an office above the department level, but still has duties in the department, then the chair's evaluation will address only that person's departmental functions.
#4. Modify after C.3.c, page 6 by

Inserting C.3.d Evaluation of Faculty Serving as Administrators The departmentally conducted annual review process defined in the present Section C is mandated for all faculty members with primary appointment in the department. Thus it includes the chair and anyone else who serves as an administrator and reports to an office above the department level. In every department, the tenured faculty will elect a committee to carry out the process for such persons. Unless the department's rules specify otherwise, it will be a committee of three elected for three-year terms, and the committee will elect its own presiding officer.

The committee will write the evaluation with regard to every faculty member in this category. In each case, the evaluation will consider the person's performance and contributions as a faculty member in the department. All provisions of Section C, which apply when the chair evaluates a faculty member, apply with equal force when the committee does so. This evaluation is independent from the process called for in subsection D.3.

Motion was seconded.

Senator Dominique Homberger: I would like to move that the change described in item 1 from the second sentence be changed to strike out "As to the latter".

McGehee: There is not a big disagreement here. It is only to make things clearer. Homberger: I withdraw the motion.

Proxy Larry Crumbley: Does the three-member committee just evaluate administrators who hold faculty rank or does it also evaluate other faculty [referring to amendment, item #4]?

McGehee: Only administrators.

Crumbley: There is a need that these committee members serve on staggered terms. "Three-year staggered terms".

Senator Yvonne Fuentes: There is a conflict of wording. Two evaluations are imagined. Does the evaluation mentioned in C.3.c.2.d refer to annual evaluation (of faculty member) or to administrator?

McGehee: Evaluation of person with respect to departmental role. Addendum D addresses evaluation of administrative role by supervising administrator, while the other review calls for department chair in respect to research/teaching in the department's own fashion.
President Laurie Anderson: Addendum D governs evaluation of administrative roles while Addendums A, B, and C evaluate regarding faculty role.

Homberger: Some administrators have two appointments. One is as administrator and the review will be conducted by the administrator's superior with input from faculty. Many administrators are 100% administrator and would not require the second review. But if the administrator does have faculty research/teaching responsibilities, the administrator/faculty member would have to undergo the same review as other faculty. Otherwise, there would be two classes of tenured appointments in respect to the way reviews are conducted with one for faculty and the other for faculty that also hold an administrative position. The policy statements (SR03-09 and SR03-10) inadvertently overlooked this conflict because the committees worked on their tasks separately and had already many tasks to address.

Senator Victor Stater: The department chair is not spared, likewise the dean....Seems to me you are strait jacketing the department as to how they deal with these reviews.
McGehee: There is a point there. It is better, though, not to leave the question just out there. The policy statement does say, however, that the department can specify the review another way.

Professor Paul Hoffman: Sometimes there is nothing to evaluate the administrator as a faculty member. Nothing.

Homberger: Careful analysis realized this potential problem. If there are two important positions as administrator and faculty member, then it should be important that both jobs are evaluated. Tenure is tenure whether it belongs to a faculty member or a faculty member that holds administrative rank. Everyone must undergo the same exact procedure of review of tenured ranks (outlined in C.4).

Senator A. Raman: It is important to evaluate teaching and research in the same way regardless of the status of the faculty member.

The motion on the amendment was carried.

Senator and Secretary Paul Bell: I move the adoption of the amendment to Section C:

Subsection C.4 will be inoperative unless two attorneys not on retainer with LSU provide at a total cost less than $2000 opinions on the legality of PM-35 and PS-36 Addendums A-C within six months of senate approval of section C.4.

This amendment prevents the implementation of post-tenure review unless legal opinions on the legality of PM-35 and PS-36 Addendums A-C are acquired. It allows us to vote on the addendums but it just prevents the implementation of the policy unless the legal opinions are acquired.

There are various reasons to pass this amendment:

The delay in implementing the addendums can be to the senate’s favor. That is, some faculty feel that approval of this policy should be done in a go-slow fashion.

The intent of the earlier senate resolution "The legality of PM-35" was to do as this amendment does to acquire legal opinions. Let us complete the task that is long overdue.

I have met with state AAUP executive committee who are wholeheartedly behind this resolution. I have heard from two other universities and their desire that these legal opinions are acquired.

I have had monthly lunches with the local chapter of the AAUP where an occasional diet of talk on the special case of Louisiana’s tenure as a
property right was discussed. What does this tenure as a property right mean to us? Perhaps these opinions will make this issue clearer to us.

**McGehee:** This would be best placed in the first sentence of the resolution after "Be it resolved that the senate recommends the adoption of the following addendum to PS-36".

**Bell:** I agree to that.

**Moore:** All this does is get an opinion. Nothing is done. What's the point?

**Senator James Cowan:** Why didn't we do this first? This should have been done five months ago, not now.

**Lynch:** Attorneys cannot address something in the void. Meaningful opinions are done if the attorneys can see our finished product.

**Moore:** $2000 is too little and will only provide a few hours of attorney review.

**Bell:** One may be surprised at how little this may cost. Some opinions have already been acquired at little cost. This may be viewed at like a loss-leader at a grocery store. The attorneys may feel that these opinions may allow them to acquire future clients from LSU.

It may be best not to be too specific on the amendment's wording. The opinions may not come back clear as to legality or not. It may take review by the Senate to determine this. This should be addressed later.

It is true that this should have been done earlier, but Tom Lynch also made a good point as to the advantages of the review now.

**McGehee:** Let me read the amendment aloud [he did so]. I would comment on two levels. First, the difficulties of interpreting the instructions here. The Faculty Senate Executive Committee would be responsible for carrying this out, I presume, and we would certainly try to do so conscientiously. Ignore the cost. How would one identify the two attorneys? We have seen some "opinions" distributed, and they seem more like applications for employment than legal opinions. Do we collect more of those? How do we select?

Second level, the question of legality. The only answer worth hearing is a court ruling. It seems likely that the only way to get the answer is for a case to arise in which PM-35 has been the occasion for abuse. And then the most likely ruling for the plaintiff would be on grounds that due process has been denied. If we pursue this amendment, there will be a big delay before we get a PM-35 implementation policy that is protective of faculty rights and due process. A big "meantime." In that meantime we would be in much better shape with subsection C.4 in place.
Chandler: The comments are true that the true test is the court. Being that this effort is not much more than recommendations to change PS-36, then, I would say the inclusion of this amendment is a moot point. They can take our recommendations whether we like it or not.

Senator Chuck Rush: As I read this, if you cannot find attorneys that will do this for less than $2000, then these addendums are inoperative.

Crumbley: Please look at the funny looking handout. With PS-36 we have an express route to PS-104, Dismissal for Cause. For PM-35, a court case two years ago stated that this is not a termination procedure. It is a bridge or people mover. A test of the legality of PM-35 could be done by filing a preliminary injunction and in four or five months a decision. Delay this second road that will run into PS-104. You are sort of guilty and must prove your innocence.

Cowan: There are three outcomes of this amendment with two making us in a more clouded position than before. Suppose we have an opinion that says it is legal and one that does not? It will not improve matters.

Senator Carl Motsenbocker: I was on the Senate when a resolution was passed on the legality of PM-35. What has happened since in regard to this resolution?

Senator Jim Catallo: The power dynamics of the actual case will determine the legality. It is a question of the power relationships. Whether it is legal or not is not important.

Bell: I would like to change the amendment

From: Subsection C.4 will be inoperative unless two attorneys not on retainer with LSU provide at a total cost less than $2000 opinions on the legality of PM-35 and PS-36 Addendums A-C within six months of senate approval of section C.4.

TO: Subsection C.4 will be inoperative unless two attorneys not on retainer with LSU provide opinions on the legality of PM-35 and PS-36 Addendums A-C within six months of senate approval of section C.4.

Motion was lost.


Catallo: Some departments are extremely heterogeneous. Is there anyway to narrow this down to encourage those who have experience in the faculty member’s specialty to be on the committee?
President: There is veto right on appointments to the committee now.

McGehee: I get your point. You’re suggesting that we write in a bias toward persons in the faculty member’s specialty, and maybe we can do that. But are we sure that is always what the faculty member will prefer? Look at the wording allowing challenges.

Cowan: Department standards across campus should be similar. I would not be concerned.

President: Look at C.3 Challenge for cause on page 10.

Catallo: Good.

Senator Claire Advokat: Section 3.a (C.4.e.3.a) must consider conflict of interest.

Chandler: This is impacted by the size of the department. I am the only senior faculty member in my department.

Crumbley: I would like to amend C.4.a as follows:
   This PS-36 Addendum does not apply to pre-May 2000 tenured faculty, unless they so desire.

Professor Robert Tague: I recommend that it not apply to any tenured faculty. Enactment of the (addendums) policy is a change to the contract between the faculty member and LSU. Allowing faculty to retain PM-35 would make it easier to test the legality of PM-35. A faculty senator cannot make a decision on this issue for all his faculty.

Homberger: For the sake of fairness, it is not right to exclude earlier-hired faculty. It should exclude all.

McGehee: I oppose this amendment. Since 1982, faculty have signed a contract by which they accept the regulations of the university and the Board of Supervisors; those change. And the changes in policy statements often enough afford increased protections and benefits - are you sure you want to exclude existing faculty from those?

Raman: I am in favor of an entire faculty amendment. If we approve it–let faculty ratify it.

Senator Robert Ward: We are not a legally recognized bargaining unit. We have a vote—what does it mean? Where is your legal representation? It is a policy recommendation unless a collective bargaining unit is started.
Homberger: I have been asked to support an amendment that would bring this issue before the entire faculty.

President: That is a different topic than what is being debated now.

Moore: I am not a lawyer. No faculty in my department supports changing this policy. The amended document probably keeps rights in. Turn it around—post-tenure review for all new faculty this fall. Something like

This PS-36 addendums applies to faculty entering employment on July 1, 2004 or later.

Catallo: Make it like above and allow one to opt for this addendum. Something like

This PS-36 addendums applies to faculty entering employment after January 1, 2004.

Moore: Or change to "hired after" instead of "entering employment".

Senator Angeletta Gourdine: But what if someone had negotiated earlier than July 1, 2004 but was not to start employment until after that date?

Catallo: "Accepting a contract offered by the university"


The PS-36 addendums applies to those hired after January 1, 2004.

[This would make the complete amendment:
This PS-36 Addendum applies to those faculty hired after January 1, 2004. Faculty hired before this date could elect to be covered by the Addendum.]

President: Any objection to the amendment?

McGehee: I oppose this amendment. It does not make sense. How would the subsection on Rules of an Academic Unit be applied to some faculty and not to others? The annual review process would be defined one way for some, another way for others. There are those who consider C.4 controversial, but it is more protective than PM-35 standing alone. I urge you to vote against this amendment. I move to close debate.

Rush: Turn it (the amendment) down to allow us to vote and to change the rest of the policy.
Motion to close debate failed.

Senator Mike Mailander: Our department has had a policy clause that applies only to one group of faculty. It did not hurt us to have policies apply to some but not others.

Senator James Honeycutt: I call the question.

President: The Constitution of the Faculty Senate in (article 1) section 6 reads:
At any meeting of the Faculty Council for which the item is on the Agenda distributed prior to the meeting, the Council may, by vote of a majority of those present and voting, review, modify, overrule, or otherwise deal with any action taken by the Faculty Senate. Upon the written request of 50 members or 10 percent of the Faculty Council, whichever is the smaller number, final action of the Senate shall be submitted to the Council for review. Upon written request of a majority of the Senate, any pending matter may be referred to the Faculty Council for final action.

Ward: You do not have a property right issue here. You have one-half of the contract and the school owns the other half. If you want someone to change the contract— it must be one-on-one. No council, no AAUP, no legal authority for faculty. If someone decides not to sign— anything else— common practice of personnel law— all part of your contract. It is the faculty manual, promises when you came in, that is your contract.

Raman: I call for a secret ballot.

Motion seconded and the motion was lost.

The motion on the amendment on the grandfather clause was carried.

President: On to peer-review committees and C.4.6 Advisory Board.

Cowan: Have we approved changes to C.5 and C.6?

President: Yes, we approved a change to C.5 in one of the amendments. That is the end of the seriatim consideration of the resolution.

Tague: Reject addendum to PS-36 if we don’t want to undergo this— not one person likes it. Approach this through negotiations. The three-year modification (requiring three consecutive unsatisfactory evaluations) was good.

Chandler: We (the senate) do not have the right to negotiate personnel matters. I don’t think PM-35 is a great document, but it does not lower criteria for dismissal for cause. Some changes to the dismissal for cause could be proposed.
Crumbley: A rose by any other name is still a rose. Same thing for post-tenure review. We do not have to pass it. Tenure is a property right. A lot of good changes have been made, but it is still bad. It is still inherently discriminatory targeting those with tenure. It does not address instructors or non-tenure track research professors. Yesterday, the Tiger Weekly reported of my survey that found 97% surveyed wanted a legal opinion.

The three consecutive unsatisfactory evaluations is a good addition. It is a fairly good mouse trap. The protection is illusory. The university can now have an automatic triggering of remediation.

Cowan: Let the faculty as a whole decide on this. I move that this be moved to the Faculty Council for their approval.

President: The motion reads the
Be it resolved the Senate refers the following addendum to PS-36 as amended to the Faculty Council for a vote.

Motion was seconded.

Rush: The faculty are very confused. Most are ill informed but do want senators to vote against this. Sending this for a faculty vote by the Faculty Council may .......

Moore: I am afraid the faculty would be uninformed. We know more about this than the faculty. Don’t need to pass the buck on this.

Gourdine: I disagree. It is not passing the buck. This is more democratic action. Use our vast knowledge to disseminate in some coherent way so that the faculty are not uninformed.

Proxy Rebecca Saunders: Does a vote by us preclude it going to the Faculty Council?

President: No.

Homberger: Some faculty have asked me to have the full faculty vote on this. One reason is that faculty members consider the addendums with the multiple amendments as being rushed and a fear of being hoodwinked. Secondly, channel resources toward a town meeting similar to the success of the Flagship Agenda. Three, we can make a recommendation. If so, would it not be wise to get feedback from the new provost? It may be a good idea to wait. In the meantime, inform the faculty and have town meetings.

Rush: If we vote against it, why go ahead with it?
Raman: This issue also impacts LSU's ability to attract and hire good people.

Moore: All faculty can elect whether they are or are not covered by the new addendums. This is really only of importance to new faculty.

Giger: If we turn it down, we still have post-tenure review. The addendums will make it harder. We have it whether we agree on the addendums or not.

McGehee: There has been a misrepresentation of what is in the document. I hope that faculty rely on more than Tiger Weekly for their information. Post-tenure review is a term that has been applied in lots of ways. As a result, the AAUP finds the term meaningless.

Rush: You are not discussing the amendment on the floor. The issue is whether the addendums will go to the Faculty Council.

President: Insert the sentence at the second sentence. The amendment reads Be it resolved the Senate refers the following addendum to PS-36 as amended to the Faculty Council for a vote.

The motion was carried.

Raman: I move we adjourn.

Senator Jill Suitor: Will it be essentially the thing of three hours ago?

President: As amended.

Cowan: Will it be on the web site?

President: Yes.

Meeting adjourned at 6PM.

Paul Bell
Secretary

Photos by Narasimhan Kannan
Whereas the Faculty Senate by resolution SR01-14 requested the Provost to convene a committee to "revise sections of PS-35 concerning the evaluation of Deans and Chairs" and that half of the members be from non-administrative positions, and

Whereas Provost Fogel appointed a committee of six voting and four ex-officio members on 7 November 2001, half of whose members were faculty (all voting), as was the chair, and

Whereas the Committee having met in the spring of 2002 and again in the spring of 2003 and having developed and sent out for comment various draft proposals, and

Whereas the Committee has concluded that the objectives of the Faculty Senate's resolution can be best met by providing a new section to PS-36 and an amendment to PS035, and

Whereas the Committee has submitted a draft of such a section to the Faculty Senate,

Now therefore, the Faculty Senate adopts that draft as a recommendation to the Interim Provost and the Chancellor and requests that it be incorporated into PS-36 and PS-35, respectively.

Recommendation:

Amend PS-35, page 1, under "Policy Coverage," second sentence, to read:

"Employees with faculty rank and individuals with or without faculty rank and tenure who administer academic units, as well as certain other administrators holding faculty rank, are excluded and will be evaluated under PS-36 Addendum, Section D."

Amend PS-36 Addendum by adding a new section as follows:

PS-36 Addendum, Section D.
EVALUATION OF INDIVIDUALS WITH OR WITHOUT FACULTY RANK WHO ADMINISTER ACADEMIC UNITS, AND OF CERTAIN OTHER ADMINISTRATORS HOLDING FACULTY RANK
D.1 Initial Appointment of Administrators Holding Faculty Rank

While this section of PS36 primarily is concerned with the evaluation of individuals with faculty rank and tenure holding certain administrative positions, it should be emphasized that faculty input into the initial appointment of any individual who will administer an academic unit is essential to promoting a community of shared governance. Faculty participation is of particular importance when external candidates for administrative positions are selected. Faculty rank and tenure may only be offered in accordance with the faculty processes specified in the following:


PS07, *Academic Honorifics,* if the candidate will be appointed to a designated professorship or endowed chair.

[Resolution continues at another site. Click here and find Section D in PS-36 Addendum or at the Faculty Senate web site.]