New Business

passed unanimously Senate Resolution 96-01, calling a special investigating committee on the awarding of the Chancellor’s Incentive Awards and for placing the Chancellor’s Special Assistant on Administrative leave.

Special Faculty Senate Meeting
October 14, 1996

President Collier announced that this special meeting would be conducted by the rules in the Faculty Handbook allowing not only senators but also full-time faculty members or invited guests to speak at this meeting. He would also recognize persons who were not full time faculty members or invited guests as long as the meeting remained orderly.

Invited Guests: Rick Ramsey, President of the Staff Senate, Paul Estes, SGA President, Eric Reed, President of the Black Faculty & Staff Caucus. Chancellor Davis, Special Assistant DeVillier, Provost Jenkins, Associate Vice Chancellor Lindsay and Associate Vice Chancellor Fogel all declined to come.

The announced purpose of these proceedings was to present a resolution developed by the Faculty Senate Executive Committee addressing the misappropriation of scholarship funds by the Chancellor’s office. President Collier explained possible motions which could occur after the resolution is distributed and read by the Secretary, i.e. substitute motions and/or amendments to the main resolution. He also stated that because he feels the faculty are the “heart and soul of the institution,” he wanted to allow as much flexibility as possible, but at the same time also maintain as much decorum in the meeting as possible.

New Business

SR-96-01. President Collier gave the Senators the background leading to the drafting of Resolution 96-01, noting that the Executive Committee and subgroups had already met with a number of administrators, including three meetings with the Chancellor and his staff. On Thursday, 10/9, the Executive Committee met with Chancellor Davis in his office where they gave a recommendation that Special Assistant David V. DeVillier be placed on administrative leave with salary until the matter could be resolved. The Executive Committee also informed the Chancellor of their plans to create a special committee to look into the issues. President Collier also stated that he had spoken with the Staff Senate President, the President of SGA, and the President of the Black Faculty and Staff Caucus with regard to the make-up of this special committee. They all agreed that having the committee composed of only tenured faculty was acceptable since tenured faculty are less susceptible to pressure. President Collier noted that even though the Executive Committee strongly suggested that Mr. DeVillier be placed on administrative leave, Chancellor Davis to date has not done so. Although Mr. DeVillier has subsequently taken annual leave, the Executive Committee does not view annual leave to be the same thing as administrative leave with pay. As a result, that recommendation of Mr. DeVillier being placed on administrative leave remained in the resolution which was distributed to the Senators.

President Collier introduced the members of the Faculty Senate special committee: Dr. Ralph Kinney, chair, Dr. Kenneth Paxton, committee secretary, Dr. Emily Basinski, Dr. James Catano, Dr. John Collier, Dr. Thomas J. Durant, Dr. Tom Klei, Dr. Roger Stockbauer, Dr. Isaiah Warner and Dr. Elizabeth Wilson.

Secretary Richardson then read Senate Resolution 96-01 to the Senate for the Executive Committee:

"Whereas the integrity of the university demands that the standard for awarding financial aid should be merit tempered by need, and that no group be given preferential treatment for such aid not clearly indicated in policies governing the distribution of funds; and

Whereas an LSU Internal Audit Report suggests that these principles have been compromised in the Chancellor’s Incentive Awards program,

Be it resolved:

1. that the Faculty Senate ratifies the action of the Faculty Senate Executive Committee in forming a special committee charged with investigating the influence of the Office of the Chancellor on the awarding of scholarships and financial aid and to make appropriate recommendations about procedures and personnel actions that should be taken; and further
2. that the Faculty Senate calls upon the administration to facilitate this investigation to the extent permitted by law, and further

that the Special Assistant to the Chancellor, Mr. V. David De Villier, be placed on administrative leave until such time as there is a satisfactory resolution to this matter."

President Collier suggested that the vote could be by written ballot, which had been prepared.

Discussion of SR 96-01.

Senator Nathaniel Wing (French & Italian) asked for a full report, as promised in the Oct. 4 meeting. President Collier noted that the statistics presented in the newspaper articles are accurate with regard to the percentage of students who were from Lambda Chi. The original scholarship resolution, judging from some of the documents that originally set up this program, actually did not have the additional restrictions regarding minorities on it, but when it was passed by the LSU Board of Supervisors those additional restrictions were indeed placed on it and they are part of the official record for it. When the Board of Supervisors in April of 1995 changed the criteria for it, they only extended the criteria to include "the discretion of the chancellor." They did not remove the wording that said "with special emphasis to minorities," and they did not remove the statements about financial need. In addition, a different method of determining financial need was used than that used by the Office of Student Aid and Scholarships. In discussing this with both the Chancellor and his Special Assistant, the point was made by them that those awards were made prior to that change in the criteria. The Chancellor's Office has a significant influence on the awarding the Graduate Tuition Scholarships, and this irregularities may be broader, the Executive Committee is recommending that there is a real need to look at it in a broader sense.

Awards, for which there are 100 awarded each year, with 10% of those reserved for the Chancellor's Office discretion. These are for full tuition and fees, and the guidelines for them speak of diversity within the university, including not only minorities but other under-represented groups within a program. Whether or not there are any indications in how this program is handled is uncertain at this time, as the investigating committee has not had a chance to look at it. The FSEC also found out that approximately 5-10% the chancellor's Student Aid scholarships are decided outside the specific committee assigned this responsibility inside the Chancellor's Office and at the Chancellor's Office's discretion.

President Collier replied that he thought the report should, as part of the public record, contain this information. President Collier replied that what has happened may be the result either of a simple error judgment or of indiscretion. But since we don't have all the facts before us and this irregularities may be broader, the Executive Committee is recommending that there is a real need to look at it in a broader sense. Dr. Isaiah Warner (Chemistry) commented that the legislature has appointed a committee, the Board of Supervisors has appointed a committee, and now the Faculty Senate has appointed a committee, so he wondered how the senate committee's responsibility would differ. President Collier replied that the LSU special faculty committee would be least influenced by any outside forces. The Board of Supervisors may only consider the Chancellor's Incentive Awards. The Supervisors may decide to go broader than the Senate committee and there may be two legislative committees looking at this as well. These committees can of course supersede the senate committee. The specific charge of the Faculty Senate special committee is to look into all of the scholarships and financial aid over which the Chancellor's office has significant influence and see if there is any misuse and to make the recommendations for policies and personnel changes that should be taken as a result of it.

Eric Reed (President of the Black Faculty & Staff Caucus) remarked that no one had accused Mr. Devillier of racism, but he wanted to know why so many of the scholarship students were from southwest Louisiana. Mr. Reed read the LSU Commitment to Community statement. He cited the incident earlier of a misappropriation of a VA Scholarship, where an African-American woman had given scholarships to minorities who did not qualify for them. The African-American woman was terminated, the students had to pay back the money, and they were also expelled from school. He recommended the committee devise a policy to cover such inequities. President Collier responded that the senate can not make those policy statements, only recommend them.

Professor Thomas Durant (Sociology) presented a number of issues: (1) he would not want the investigating to give the appearance that this was a 'witch hunt' trying to uncover every single program in the Chancellor's office or to lose sight of the specific charge which is the heart of this issue. (2) He expressed concern about the amount of time it may take to investigate the entire set of programs. (3) In regard to the third part of the resolution, he wondering whether or not this apparent condemnation might be premature, although there is probably sufficient information to warrant a resolution at least removing Mr. Devillier from any control over scholarships. He suggested that responsibility is with the Chancellor's Office in addition to any individual. President Collier responded since Dr. Davis is the Chancellor, he is responsible for what has happened in the Chancellor's office. However, an amendment may be put forth simply limiting Mr. DeVillier's responsibilities about scholarships. The next regular meeting of the faculty senate will be on November 6th and the next regular meeting of the Board of Supervisors November 8th. The committee should report back prior to the next Faculty Senate meeting on November 6th if possible. He wants the committee to look at other programs that the Chancellor's Office has significant influence over to see if that will help us in our conclusions. The committee should make a recommendation to the Executive Committee and then the Executive Committee would recommend to the Faculty Senate what should occur.

Ellis Sandoz (Political Science, proxy for Jim Stone) observed that media attention has been biased and has tried to discredit top administrators. LSU has worked harder for minority causes than most other universities in the past two decades that he has been here. Paragraph 3, as Prof. Durant suggested, prejudges the issue, and we should wait until the reports to the Supervisors and legislators clarify matters. The resolution probably should not be tabled. In addition, a case decided in March 1996 by the 5th Circuit rules that the motion by the Office of Student Aid and Scholarships is premature. Professor Warner observed that there is a larger issue here and that is, in fact, Mr. DeVillier used these funds to encourage and promote his fraternity. This is the issue, he said, and not affirmative action.

President Collier answered several written questions. The phrase "to the extent of the law" which occurs in the second part of the resolution refers to the Buckley Amendment dealing with the confidentiality of student files. He read the chancellor's letter.
Thank you for your letter of October 14, 1996, pertaining to establishing a Faculty Special Investigative Committee. This, as you mentioned, is the result of our previous discussions and understandings. As Chancellor, I urge the cooperation of all. I also assure you and those concerned that there will be no retribution taken against any person or of bodies participating in giving testimony. Please know that my office will provide all possible assistance in your endeavor to ascertain and evaluate all pertinent facts.

Senator Rossman moved the question, but President Collier asked Professor Sandoz if he wished to amend the resolution, as he had suggested earlier. Professor Sandoz then moved to amend Resolution 96-01 by deleting paragraph #3.

Senator Strain presented the rationale behind the inclusion of this paragraph in the resolution. By this call for the placement of Mr. DeVillier on administrative leave, we are asking for decisive action to both the academic community and the community at large that this kind of behavior is not acceptable to the university and that it is clearly to be discontinued by this action.

Senator Cherry add that there can be very little argument about the statistics and the point of specially identifying Mr. DeVillier was that there was very little doubt about the fact that he was responsible for the decisions here which went against stated university policy at the time, regardless of the legal status of affirmative action at the present time.

Professor Sandoz stated that the Chancellor has already taken responsibility for any errors; we should also bear in mind that the Board of Supervisors endorsed the way in which the program was being handled in the Spring of 1995. Since February of this year all of these programs were handed over to the Student Aid and Scholarship office to be administered. Choosing minority students for these scholarships was only one criteria among a number of others. The scholarship program was understood to be something to not only bring good minority students in, but also to bring in any good student. We should restrain ourselves and wait until the facts are established. He called the question.

Mr. Reed commented that this change by the Board of Supervisors was after the fact and the criteria in fact included race, whereas in practice the scholarships were given to white fraternity students. Furthermore, Mr. DeVillier has admitted he made the mistake.

Senator Kinney moved to close debate. The motion passed by a two-thirds voice vote.

President Collier then restated the amendment before the Senate which was to strike the third item on the resolution which read... “3. that the Special Assistant to the Chancellor, Mr. V. David DeVillier, be placed on administrative leave until such time as there is a satisfactory resolution to this matter.” The motion to drop the third paragraph failed by a voice vote.

Senator Kinney made a motion to suspend the rules so a vote could be taken on the resolution. The motion passed with a two-thirds vote and the original resolution was then before the Senate for a vote.

President Windhauser made a motion to use a written ballot for the vote on Resolution 96-01 (second Cherry); however, it failed.

President Collier then reread Resolution 96-01 and stated that the motion before the Senate was to pass this resolution. A voice vote was taken and the resolution was carried unanimously.

Respectfully submitted
Malcolm Richardson
Secretary