

**Faculty Senate Meeting Minutes**  
**Monday, January 22, 2014**  
**Student Senate Room, LSU Student Union**



**Attendance**

*Faculty Senate Executive Committee members present:*

- |   |  |
|---|--|
| 1. Kevin L. Cope (President, English)             | 2. William Daly (Past President, Chemistry)      |
| 3. Joan King (Secretary, Food Science)            | 4. Ken McMillin (Vice-President, Animal Science) |
| 5. Judith Sylvester (Member-at-Large, Mass Comm.) | 6. Judith Schiebout (Member-at-Large, Geology)   |
| 7. Suresh Rai (Member-at-Large, Electrical Eng)   |  |

Parliamentarian: Louay Mohammed

*Senators present (X = Present; A = Alternate; P = Proxy):*

1	X	Aghazadeh, Fereydoun (Mech Eng/Eng )	23	X	Dorian Dorado (Foreign Lan Lit/HSS)	45	X	Carl Motsenbocker (Horticult/Ag)
2	X	Fakhri Al-Bagdadi (Comp. Biomed Sci/Vet)	24		Susan Eades (Vet Clinical Sci/Vet)	46	X	Dan Novak (English/HSS)
3	X	Sibel Ales Bargu (Oceanography/C&E)	25	P	Kenneth Fasching-Varner (Ed T Pol Prac/Ed)	47		Seth Orgel (Music/Music Dramatic Arts )
4		Austin Allen (Landscape Arch./AD)	26	X	Kristin Gansle (Education/HSS)	48		Evelyn Orman (Music/Music & DA)
5	X	Linda Allen (Chemistry/Sci)	27	X	Jeff Gillespie (Ag Econ/Ag)	49		Irvin Peckham (Eng/HHS)
6		Reid Bates (SHWRED/HSE )	28	X	Linda Smith Griffin (Libraries/Library )	50		Rosemary Peters (French/HSS)
7	X	Jennifer Baumgartner (Child Family/HSE)	29	X	Gundela Hachmann (Foreign Lang Lit/HHS)	51		John Pojman (Chemistry/Science)
8	X	Richard Bengston (BAE/Eng)	30		Jong Ham (Plant Path/Ag)	52	X	Suresh Rai (Elect & Comp/Eng)
9		David Bertolini (Architect/A&D)	31	X	Wes Harrison (AGEC/Ag)	53		Margaret Reams (Environ Studies/C&E)
10	X	Graham Bodie (Comm Studies/HSS)	32		Richard Holben (Drama/Music & DA)	54	X	Judith Rhodes (Social Work/HSS)
11		William Boelhower (English/HSS)	33	X	Stuart Irvine (Philos Relig/HHS)	55	X	Jeffrey Roland (Philos Rel Studies/HSS)
12	X	Dorin Boldor (Biol Eng/Ag-Eng)	34	X	Sherif Ishak (Civil Environ Eng/Eng)	56		Roussel, Charles (Economics/Business)
13	X	Lillian Bridwell-Bowles (English/HSS)	35		Dorothy Jacobsen (Kinesiology/Ed)	57	X	Gary Sanger (Finance/BA)
14	P	John Caprio (Bio Sci/Sci)	36	X	Joan King (Food Sci/Ag)	58	X	Judith Schiebout ( Geology/Science)
15		Russell Carson (Kinesiology/Ed)	37		Gus Kosoulas (Biological Sci/Vet Med)	59		Andrew Schwarz (Info Sys Dec Sci/Bus)
16	X	Lauren Coates (English/HSE )	38	P	Robin Kurz (Library Info Sci/HSE)	60	X	Stephen Shipman (Math/Science)
17	X	Kevin Cope (English/HSS)	39	X	Vince LiCata (Biological Sci/Sci)	61	X	William Stickle (Biological Sci/Sci)
18	X	Belinda Davis (Poly Sci/HSS)	40	X	Ron Malone (Envir Eng/Eng)	62	X	Judith Sylvester (Mass Com/Mass Com)
19	X	William Daly (Chemistry/Sci)	41	X	Mandi Lopez (Vet Clinical Sci/Vet)	63	X	Ramachandran Vaidyanathan (EE Comp/En)
20		Jeffrey Davis (Entomology/Ag)	42	X	Kenneth Kip Matthews (Physics Astro/Sci )	64	X	Muhammed Wahab (Mech Indust Eng/Eng)
21	X	Charles Delzell (Math/Sci)	43	X	Ken McMillin (Animal Sci/Ag)	65		Christopher Weber (Polysci/HSS)
22	X	John DiTusa (Phys Astron/Sci)	44	X	Jacquelyn Sue Moffit ( Acct/Business)	66	X	Jun Zou (Interior Design/AD )

*Guests:*

Emily Smith	Ryan Landry	Matthew Bondrean	Alex Grashoff
Jane Cassidy	Laura Rempart Kraeater	Jackie Craddock	

**Consideration of the Minutes from December 5, 2013**

Motion by Fakhri Bagdadi, seconded by William Stickle.  
 Approved unanimously with potential corrections.

**President's Report**

- The next issue of the Faculty Senate newsletter will be coming out around January 31.
- The first issue is a resolution of a problem on the MyLSU login website that has a popup window that requires consent and otherwise to show enthusiasm for a drug policy and nominate yourself for selection to give your urine. This is only a federal requirement. There is a question as to whether the pop up window that seems to obstruct your access to a necessary function constitutes a pre act of consent. A. G. Monaco has come up with a solution, and next semester we will have a new window with that does not require consent but recognition that it has been witnessed and read.
- There is another curious case of talking vending machines in the Engineering Bldg. and Coates Hall where it has been reported that vending machines have once again began talking. Margo Carol has agreed to reinforce the gag order by Faculty Senate.
- We are enjoying outreach to the Faculty Senate by Academic Affairs for inclusion in interviews. There is an opportunity for Faculty Senators to meet with a College of Business Dean candidate. Compliments to Dean Rick Koubek who came up with the idea. Searches are proceeding in a transparent fashion.
- Resolution 13-12 sponsored by Ken McMillin regarding travel services has been discussed with the Provost. The Provost is thinking it over, but there is favorable motion in the area.
- The Faculty Senate Executive Committee is going to talk about a strategy for dealing with the delay in the election of graduate council members. It has been about 2 to 2.5 years since we passed the resolution calling for the Graduate Council to become an

elected rather than an appointed body. We are hoping that we will be able to come to some final resolution and we will report on that next month.

7. The Faculty Senate Executive committee is now developing a plan for a commission on leadership development noting that there are any number of people who have come from within who have turned out to be good leaders. We are looking to encourage further development of leaders from within our ranks in future months.
8. The Alexander Summit meeting will take place Feb 8<sup>th</sup> at 10 AM with faculty presentations and Jon Bel Edwards, member of the Louisiana House of Representatives, will be speaking.
9. The Board of Regents will release a survey on the faculty roll in innovation. It has caught the attention of Commissioner Purcell that Faculty on campuses outside the A&M campus are very uninformed about how they can make a contribution to innovation in their pedagogical area. The survey is in the process of development. Kevin Cope and some others around the state met with commissioner last week to make some suggestions. Probably that is going to go through the various Academic Affairs offices around the state next month.
10. The Water Campus appeared as a major development spearheaded by the Baton Rouge Area Foundation, which was met with enthusiasm but there are few questions that need to be asked in regards to the LSU Foundation and LSU Flagship Coalition. Is \$45 million downtown the same as \$45 million on campus? Whatever happened to our own Coastal Studies people in this mix up? That investigation is underway.
11. There is a Group benefits issue regarding payments to doctors. The payments to physicians will be delayed. This probably does not affect a large number of faculty, as most faculty here are in the LSU First plan, but we are attempting to figure out what went wrong down there and how it needs to deal with any additional delays.
12. There was a major press conference concerning a funding initiative and the recalibration of university funding statewide. The governor and his associates are talking about the value of education in the state. We are waiting to see how this will fair in the upcoming legislative session. Kevin Cope spoke with President Alexander who said persons in liberal arts should not feel great anxiety about being left behind in a STEM heap to come up with a STEM related enterprise of some sort. We can all be cautiously optimistic about the new direction being taken. This was the first time all four system heads were cooperating.

#### **Q&A Summary:**

None.

Update and discussion concerning the tobacco-free initiative (presentation by tobacco-free task force convener, Vice-Chancellor [Student Life and Enrollment Services] Kurt Keppler; consultation and comment by Associate Vice-Chancellor [Human Resource Management] A G Monaco)

Kurt Keppler said he is not an expert in tobacco areas, but there are some members of their committee that are. He will cover what they are doing right now to prepare for a policy. LSU understands that Act 211 stated that all state universities in Louisiana must develop a policy to become smoke free by August of 2014. LSU is taking that as also as enacting policies. The committee is comprehensive with members from faculty senate, staff counsel, the health center, and students. There is no such thing as a neutral person; people are either strongly for or against this policy. As we develop a policy to go forward as a smoke free campus, we also should discuss if we want to go tobacco free. Second, is how do we determine which two choices to follow and then a timeline. If everyone went 85 mph to Shreveport tonight some of us would get a ticket and some would not although we all were breaking the law. In order to implement a policy to have a smoke free campus the idea of enforcement is too costly and much more personnel and resource driven. We are not interested in handing out tickets or fines, but need some form of enforcement such behavioral enforcement as peer pressure. Around the campus at indoor facilities, you rarely see someone smoking indoors. A vast majority of the time you will not see someone smoking indoors. We do not have signs, or have police watching for smokers. We as a society just follow rules. Rarely does someone fail to follow rules if there is peer pressure. We will operate similarly for this policy, we will have signs and encourage people to stop smoking, to change the fact that smoking is not allowed on campus. We have lots of large garbage cans around campus that also serve as ashtrays, but we do not want to spend tons of dollars and resources to remove these. We may add flowers to them instead. We will have some way of dealing with a person who does not comply. We have been talking significantly about other issues like a smoking environment area for smokers. We are leaning towards not doing that. The cost would be too large to upkeep and maintain the area. We acknowledge that an individual's vehicle is a personal space with the windows up and we would not enforce the policy in that area. Electronic cigarettes are dangerous to one's health, they are still legal and you can still buy them. They emit a vapor and odor and do have nicotine. The committee is leaning towards a requirement of not allowing these. That is still be debated. The big issue is tobacco free and making all tobacco products illegal on campus. The committee talked at great length about personal freedoms, personal health, individual rights, etc. If one chews tobacco, the right is similar to riding without a helmet on a motorcycle. Others say that is not true, insurance rate goes up; there is a cost to clean up product. You can have the same argument that it is not a good idea. Dr. Sylvester has done much research and did many surveys. How many of the LSU faculty responded that they are a regular smoker? The answer is 4% of the faculty are regular smokers, 8% said they were occasional smokers, 18% said they were former smokers and 70% said they never smoked. The staff was a little different 10% of staff are regular smokers, 9% are occasional smokers, On the student side 7% are regular smokers and 15% as occasional smokers. The concept of smoke free is strongly supported with upwards of over 80% supporting. A tobacco free environment is different, where 69% of the faculty, 64% of the staff and 52% of the students supported it. It has a lot to do with what area you are arguing from. Student government believes it is much more of a 'it's not my problem if someone else is doing it' issue. We are not saying a person cannot smoke or chew tobacco only that this cannot be done on LSU property. A draft will be shared with Kevin Cope and he can share that draft with you.

*Q&A Summary:*

William Stickle

If there is not any teeth in this regulation, why bother, is it window dressing to appease people that we have a policy?

Kurt Keppler

We want people to realize over time that this is not an acceptable process. Before someone could smoke inside, but now you cannot. We are making an assumption that most of the community will adhere to the rules.

Senator

Are you going to give us extra time to go smoke somewhere else?

Kurt Keppler

We will recommend that there be workshops on stopping smoking. Smoking cessation classes do not work for everyone.

Judith Sylvester

Kentucky has seen an increase of about 5-fold of staff requesting smoking cessation classes. I think a lot of people would do that. Most tried to quit at least three times. We will have a few hard core people. We do have lost productivity due to illness from smoking. There is insurance help she believes for smoking cessation aides. We have to be super sensitive to the fact that it is an addiction and that is why we are taking time to go through this to work these details out.

Senator

The new rules move us to a hard conflict from a soft conflict, now can go outdoors. This would create a hardship for smokers who would have to leave campus to smoke. I personally do not have an issue with this.

Kurt Keppler

The current situation is the policy is the distance for no smoking from doors is 25 feet. Someone suggested a solution to the problem was to laser a line on the ground as to where 25 feet is for all doors. The current policy is not enforceable because we do not have people to go around determining what 25 feet away from doors is. Trying to enforce a 25 feet from the door policy with limited resources is impossible. It is easier to enforce not having smoking at all than it is to enforce a distance.

A.G. Monaco

I have not heard that someone cannot go to their vehicle to smoke. I go to my truck to smoke. The point of people having to leave campus may be overstated.

Kurt Keppler

We never said that is not acceptable, we understand that smoking in your personal vehicle would be acceptable. We all know there is a second hand smoke issue and cleaning issue, ashtray issue, and a cigarette butt issue. The process of enforcing non smoking is easier than 25 feet from a door is. People will move the ashtrays to where they perceive is that distance.

Senator

I am speaking for constituents, who have no desire to quit. They spend time on campus all day and are available to students even outside their office hours. These faculty members will be in their office for office hours only and will work at home. It will impact students and other faculty access to them. He will still be doing his research and teaching but will be doing his research at home. Faculty members desire flexibility in our schedules. That is an extraordinary situation that needs to be anticipated.

Kurt Keppler

I get that. The idea of going smoke free is not an option due to the Act. If only 4% of the faculty members are frequent smokers, we are looking as a small conflict issue.

Senator

There are more than faculty, staff and students on campus, what about people tailgating?

Kurt Keppler

This policy would apply to anyone on campus, vendors, parents, etc. How to handle people who gather for a football game is an issue. In theory people are not allowed to smoke in stadium but they do in corridors of the stadium. I was pleasantly surprised that Alex Box is tobacco free. Baseball is not allowed to chew tobacco which is substituted with bubble gum.

Fakhri Bagdadi

What is considered campus?

Kurt Keppler

Walking down the sidewalk on Highland is city property. Walking on campus center is LSU. Things that LSU owns would be covered by the policy.

A.G. Monaco

We are seeking legal advice on that; we cannot require tobacco free on city property.

Kurt Keppler

That might be a solution to your friend, where they can walk down Highland and not be considered on university property.

Richard Bengston

LSU couldn't enforce the federal no fly policy on game days, so how can they enforce no smoking? They tried to stop the confederate flag and all it did was help the confederate flag business in Louisiana. We went from one or two and then everybody had one.

A.G. Monaco

I hit Tye Patterson with this issue. There are issues with people not smoking anywhere. There are only 6 games days a year. At the University of Akron there was not as big an issue due to the cold weather. They put up signs due to basketball games. I don't think it is enforceable on game day. There is a guy with charcoal, and a pig on it making smoke. The game day ban is a stretch. People who have game days have limitations on this.

Senator

The numbers were interesting in terms of staff. The people in this room have more job security than staff. I hope that the enforcement or peer pressure around staff would not be partial to those with greater job security or visitors to campus. You have people cleaning up what people from Bayou Superfest have left who are getting preference from this policy.

Kurt Keppler

There is no attempt by anybody to have massive punishment. The idea is what we can do to change behavior. All other schools, such as Texas A&M and Arkansas have done these policies and we can ask questions from those places, including all of the other schools in the state.

Judith Sylvester

All LSU system schools are tobacco free, except for LSU A&M. Nichols State University has been tobacco free for four years now. We are way behind. Regarding the football games, we cannot expect perfection; I want things better than now. We need to have buildings responsible for their areas. At the Mass Communications building they are trying to prevent cigar smoking on their patio. We need to say we have a campus policy and we really do not want you to smoke on our patio. We all have to be involved even if you are not a smoker. Care for people who had diseases due to smoking cost \$4 billion in health care for the state of Louisiana. We have to keep in mind that there is a cost to us to have tobacco, to have a generation coming up that we are not educating about this.

Senator

Would it be implicit to state in the policy what happens on game days?

Kurt Keppler

We have to go with what is in the Act. Act 211 is pretty broad right now; there are several different interpretations of the policy. A.G. Monaco has asked different attorneys about the Act and has received several different interpretations. It says develop a policy and I guess in theory we could have exceptions.

Senator

Does that mean in the future we will have to enforce the policy?

Kurt Keppler

I told you what we will do. One of the assumptions we have is that we have no choice.

A.G. Monaco

We have to develop a plan not enforce a plan, but people downtown expect us to go to that level. Inevitably we will get this forced on us, so we need to do this on our own design. We are not far from being required to do this.

Charles Delzell

The laws do not require us to ban smoking outdoors. The lawyers he checked with agree with this, including the attorney Scott Wilson. It is easy to explain why the new law doesn't require it. Page 6 of the handout provided says that public universities should develop a policy on the prohibition of smoking. It does not define what a smoke free policy is. It does not say everywhere at all time. Page 1 says this act shall be designated as the smoke free air act. This act does not ban smoking everywhere in Louisiana. The smoke free policy at LSU need not ban all smoking everywhere at LSU. It does not supersede existing law from before, for indoor smoking being banned. Part B page 3, item 6, says nothing in this part shall prohibit smoking in an area outside of employment. We are not required to but we are allowed to post signs that there is no smoking. Page 1 says legislature finds it in the best interest to protect nonsmokers from second hand smoke in indoor areas open to the public in restaurants and places of employment and a balance should be struck between the health concerns of non consumers of tobacco products and the need to minimize unwarranted governmental intrusion into the regulation of types and spheres of conduct and choice in respect to the use and non use of tobacco products. They are not banning it but limiting it. What is an unwarranted governmental intrusion? Those who want to regulate the use of tobacco products have to show us why it is warranted. Another handout was provided. Southern University has a completely tobacco free policy with consequences. If you are in a parking lot and smoking you have three chances before you are fired, the first one as an oral warning, the second one written. For the third offense a dismissal for cause will be initiated.

Judith Sylvester

Where did you find this information? There needs to be some verification of that. There are laws that protect people from being fired. One cannot be fired without due process.

Charles Delzell

I do not want to see people get fired. That is what Southern University had done, it is on their website.

Lillian Bridwell-Bowles

We need to encourage critical reasoning and to encourage intelligent behavior and commend the committee in moving us in that direction.

Charles Delzell

I would like to make summary remarks.

Kurt Keppler

My interest is to tell you what we are thinking and what we are going to propose. We are not interested in firing or fining anyone for this. We have not identified our final report yet this is just a feedback mechanism. I realize that everyone in the SEC doing something is not a valid excuse for doing it too. We need to investigate why we are doing it and what are the parameters, so we are looking at what other schools are doing and why and what are the ramifications. We will get you a policy draft before we present it for your feedback.

A.G. Monaco

I have spoken to Patrick Martin who is on the subcommittee regarding the enforcement. You are going to be hard press to have me take away a person's source of livelihood. I don't want to bring us down to high school level here. One attorney tells us to have a smoke free policy and enforce it, another says no you only have to have a policy, but downtown they say it is inevitable. We need to be proactive. We need to do something and lead the process so we do not have something forced on us. I am please you are concerned about non tenured faculty getting fired. We have to apply common sense.

Charles Delzell

If it is inevitable, then all we need to do is lobby against it. When this law was enacted last year, in the first version of it on page 6 you see the original version says no person shall smoke on the grounds or inside the facilities of or in buildings utilized by institutions of higher

education. It would have banned smoking on campuses. There were amendments, for exceptions. The bill was changed to that universities would develop a policy to ban smoking. On page 2 of the handout, Professor Siegel on the CDC report on secondhand smoke said that people getting sick from secondhand smoke in outdoor areas is ridiculous. He is saying just do not ban it outdoors. The author talks about hysterical claims that are debunked. If you are accused of any crime you have a right to expert witnesses. The back page shows the survey from the committee on attitudes on smoking that he received, being randomly selected. Question 24 on page 58 was mentioned because it contained information that they wanted the recipients to know. In the questionnaire they are saying that the act mandates a smoke free campus and that is not true.

Judith Sylvester

I want to say that 30% of our campus has very serious reactions to second hand smoke it does not have to be a heart attack; it could be asthma, or an allergy attack. A good 25% of faculty and staff on campus say there are places on campus they avoid, like the library due to second hand smoke.

Charles Delzell

I have been to the library the last few weeks and no one was smoking.

Judith Sylvester

You can go with me and I can show you data. We should do it because it is the right thing to do for our students, faculty and staff.

Ron Malone

If it is not mandated then we have to have information about it. What is actually mandated so we can give input on those things that are not mandated?

Judith Sylvester

The intent for this is to be a mandate. All of the other college campuses have accepted that as law.

William Stickle

May we move on?

Kevin Cope

You may send comments to the task force or you can take it up in the senate.

### **President Alexander Comments**

The smoking issue is inevitable. I battled this in Kentucky. We appreciate your work on this. We all need to be there on this. Childhood obesity is about all of health and state budgets. We have to tackle all of these issues. Emphysema has been a big issue in Kentucky. It is taking over their state budget. I came to answer questions. The federal government passed the omnibus bill and they put a little money into funding agencies. LSU is looking to gain back \$7 million of the \$15 million we lost. Now NSF, NIH, and the Department of Education can put out rfps that they have been sitting on due to the sequester. All ideas for new research grants and projects were all put on hold until congress ended the sequester. At the federal level there is nothing to worry about. In the governor's state of state address, you will hear more about higher education funding. Louisiana is in the middle for higher education, the last couple of years have not been good. Colorado will be the first state not to spend a dollar on high education. Colorado will be out of the higher education business eventually in 2022, followed by New York and then by New Hampshire. The states are now down to \$70 billion in total funding for higher education. The Federal government is up to \$170 billion. The Governor will release the budget on Friday. Higher education leaders have worked very closely with each other. There will be a \$100 million deficit in the budget. We have prioritized one or two things that will get new money. Everyone thinks there should be new resources put into higher education. He has been taking with Steve Moray about bringing new jobs into Louisiana. The best way to get into the argument for funding is to talk about our role in workforce development. We asked to not allow us to get cut next year and allow us to keep tuition dollars. We got that. The first request for new money was higher, they gave us a ball park about what we could ask for. We asked for \$40 million. The Speaker of the House and the President of the Senate were supportive. We have to show we are performing better. Our graduation rates are better. We are providing 650 engineers in market. The economy needs more. We are asking to put new resources into our areas. We know that there are deficiencies in the pipeline. We need more teachers in the schools. There are a lot of societal issues such as poverty. We have new tuition dollars to help, about a 4.5 to 5% increase. Assuming we met our LAGRAD Act we get \$971 million for tuition dollars. We made a strong case that we stay together on this. We are prioritized for them to help us more if there are new dollars. Right now we have to unify as a group. This has been an eight week process, with 2 dozen meetings here and with the governor's staff. There are a number of things turning our way. You will hear a lot about budget reductions coming and I do not know where they will be. The goal was to get written into the governor's budget in a positive way.

Kevin Cope

This is tremendous achievement. Momentum is powerful at the moment. Is there any move to strengthen our own influence and is there any move to combine with other systems?

President Alexander

We have had issues like last year with the Tech colleges on funding. We do not see any of that happening. We had to fight to get research into this component. This is 20% equity based, 60% performance based on graduation rates and 20% research based. At first this was not added into the budget. Innovation drives new economies and jobs. We have to make sure all that comes together. Tom Layzel, Sandra Woodley and Alexander all worked together in Kentucky previously. We have some very good leadership on our side with this. We are going to perform well. We will continue to perform well, so it is hard to come with arguments against us. Louisiana is very different than other states. We are off to a better start. If we are at odds with each other, it is a problem at the legislature, so we are working together. That is where we are right now. This is not monies that will be supplanted.

Gundela Hachmann

Are there any plans to raise tuition and tops?

President Alexander

In state students are paying about \$900 a semester if they have Tops. What is now factored into equation is that families get tax credit at home. There will be variations in tuition around the state. Some are low, some are high. There is a lot of concern about tweaking tops. There are 14 states which have adopted Tops. The federal government has a similar type of program to Tops. They are talking about ways to tweak it, a also to put more money into the On the Geaux grants for those students in need. We are third in the nation in state student aide. Tops is as difficult here as it is in other states to tweak. Our balance of need based versus merit based is probably our greatest disparity compared to the rest of the country. Nationally 72% of undergraduate students graduate in debt, but only 40% in Louisiana. Louisiana is 10<sup>th</sup> in the nation lowest in the amount of debt our students have, which is about \$22,000 and about 35% of our students at LSU are graduating in debt.

Joan King

How will the 20% match from industry work in order to get the \$40 million? At what level will funding be sought?

President Alexander

We will be flexible in on how we count it such as in king support, software hard dollars, etc. Decisions will be done at higher levels with faculty input. Getting the 20% will not be that difficult for us. It will be difficult for other universities.

#### Update briefing concerning the retirement plans and related pre-filed Legislation by Kevin Cope

There is potential for extraordinary calamity and progress. The opportunity for progress is due to that people in the legislature are beginning to recognize that this is deterrent to recruitment of faculty and technicians. I want to give a quick summary on nomenclature and what the problem is now and what some of the solutions are. The retirement contributions are made up of four parts, member contribution of 8% with 0.05% as a service charge from that. The normal cost is the amount of the employer's contribution that reaches your retirement accounts. This is the payment to you. The third part is the total employer contribution which includes unfunded accrued liability and amount put into your retirement. The unfunded accrued liability (UAL) has not been funded for a long time. The amount going in to the UAL is \$117 million a year, we may have an infusion of \$141 billion from higher education in the future. For the raises that got so much publicity, the amount of total compensation in the LSU system statewide has reversed. With the optional retirement plan which has 56 to 57% enrolled, when initiated in 1992 it was started as a private plan, but the UAL was attached to it, so it counted as having an UAL liability to it. No one contributed to it or benefitted from it. Most of it came from K-12 retirees. This forces us into an antagonistic relationship. In 1995 at the beginning of plan the normal cost was 7.7%, so an employee was receiving a total of 14%. We are in the present where the normal cost sunk to 5.2%. This is 40% less than other universities paying social security. Next year we have a drop off to a 3.6% level. The unfunded accrued liability has gone up to 23%, but the employee package down to 11.6%. Doing better is doing worse. There is an obscure and little noticed law that connects the normal cost that Optional Retirement Plan (ORP) persons receive with the defined benefits cost that TRSL people receive. If TRSL has a good investment year the normal cost for teachers goes down, this is tied to the normal cost to ORP, who receive less and pay a tax for other peoples success. This is probably illegal as well. Legislature has House Bill 6 from Pierson that establishes a floor to the normal cost roughly equal to social security number, as 6.125% for the minimum normal cost. The advantage would be a floor, and would raise the total back to an overall level of 14.5%. This sets normal cost to 6.5% period and they cannot add to it. Senator Guillory has a Senate Bill covering whether people could go back to other benefit plans. The con is that the bill in its present form allows teachers retirement system to determine the number of years. You will get a ratio of that, not the full amount.

*Q&A Summary:*

Stuart Irvine

TRSL posted and quickly dropped the cost for buying back years which was very high. It was pricey.

Kevin Cope

Maureen Westgard of TRSL came down and fought with me at the legislative committee hearing. We are not going to look at a one for one exchange for any number of years. The Board of Regents also came up with a plan. The normal cost may be somewhat at a lower floor like 5% and then give the systems the ability to add some sum to that. This is most favorable to faculty. These do not address problems of insolvency and non social security equivalent issues. Having faculty from 12 different universities helped stop a bill dead in its tracks.

Senator

It sounds like requiring people to pay for the UAL is not fair since they were not a party to creating the debt. The same is true for new participants in TRSL. I am treated the same for TRSL but I am not the creator of the problem as a new employee. Some schools districts when privatizing their jobs are required to act as though that person is still a public employee. They are required to treat the employees as UAL people.

Kevin Cope

These are only patchwork items. The legislature makes promises it does not and cannot fulfill. Some schools districts have attempted to exit TRSL altogether. TRSL has attempted to create a poison pill to have those leaving to play the UAL up front, but TRSL did not want to disclose what the UAL is.

Graham Bodie

Last year there was a presentation that suggested LSU take over retirement. Is that still in play?

Kevin Cope

The plan still exists and is on the faculty senate website. Not much attention has been paid to it. President Alexander has come to an understanding about how grave the situation is and this is his second priority, the first being getting money into the system as a whole. HRM is still trying.

Graham Bodie

They are not pushing that agenda to find out how much we owe?

Kevin Cope

Yes they are. We are looking for some legislative allies to help.

Stuart Irvine

There seemed to be a response that LSU would have to pay that portion of the UAL immediately not over time. It would be a big chunk of money.

Kevin Cope

The UAL is now \$29 billion. Higher Education comes to about 5% of the state budget and LSU is about 40% of that.

Senator

Are the bills posted on the Faculty Senate website?

Senator

In the employee receives figure, about 8% of that figure is coming from us as the employee contribution.

Kevin Cope

The total institutional contribution to your retirement will be about 3.6%.

Stuart Irvine

LSUnited has hosted a retirement forum in the past few years and they have a TRSL person come to explain the various bills as they are introduced. They will do this again maybe around Feb 12<sup>th</sup>. People who have attended in the past found this to be pretty useful information.

Wes Harrison

None of the bills have ORP severed from TRSL.

Kevin Cope

No none of the bills have this, but there is still time for bills.

Senator

Does it say in the Regents bill what the floor figure would be?

Kevin Cope

The suggestion would be about 3 or 4%, but no mentioned of what it would be.

Linda Allen

A year ago state government was telling new employees they would have to go into a cash balance plan. Has that been found to be legal?

Kevin Cope

It is at the moment illegal and unenforceable.

Jeff Gillespie

At what point is this no longer social security equivalent?

Senator

I spoke to someone about this and 7.5% of compensation is all that is required. The question is what compensation is. It should be of salary. If on salary we are doing that ourselves with our 8%.

Kevin Cope

We are still seeking a legal opinion on this. We have not gotten info yet.

Wes Harrison

The issue is whether or not they the 7.5% is paid by the institution as additional compensation.

Senator

The issue is whether or not 7.5% of the employees compensation is going into a retirement account regardless of the source of funds.

Kevin Cope

The problem is with who is the employee of record here. A person is paid by LSU but the employer is the system.

### Old Business

**Second and Final Reading Faculty Senate Resolution 13-14**, "A Call for Protection of Privacy Rights of LSU Staff, Sponsored by Vince LiCata, John Protevi and William Stickle

Will be re-scheduled until next month.

New Business

None.

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Senator moved to adjourn and it was seconded by all.

Adjourned at 4:58 PM