Faculty Senate Meeting Minutes
Wednesday, September 22, 2021
McKernan Auditorium, LSU Law Center

Attendance

Faculty Senate Executive Committee members present:

1. Mandi Lopez (President, VCS)
2. Ken McMillin (Past- President, AG)
3. Joan King (Vice-President, AG)
4. Marwa Hassan (Secretary, Engineering)

Parliamentarian: Joan King

Guests:

Senators present (X = Present):

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Guests: (I= In-person, V=Virtual)

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<td>Jennie Stewart</td>
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<td>Javin Bowman</td>
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<td>Pamela Monroe</td>
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Alternates:

Zach Thompkins for John Miles
Jared Soileau for Joseph Legoria
Fabio Del Piero for Samithamby Jeyaseelan
Angelle Stringer for Estanislado Barrera
Suzanne Marchand for Katharine Jensen
John Nyman for Kevin Ringelman

- Dr. Lopez called the minutes to order and asked senators and guests to follow instructions on the screen to register their attendance. Voting will be done by roll call.
- Ms. Knoll announced the alternative representatives. Roll was taken by means of email to facultysenate@lsu.edu
- Dr. Lopez introduced the guests including President Tate
Public Comments on Agenda Items
None.

Consideration of the Minutes from April 22, 2021
A motion was made to approve the minutes and seconded. 5 senators abstained. The minutes were approved with minor corrections.

LSU President Speaks at the Faculty Senate Meeting

President William F. Tate IV, LSU President, spoke briefly at the faculty senate meeting. President Tate thanked the faculty senate for providing an opportunity to speak at the faculty senate meeting. President Tate said that in the past 60 days, especially the last 30 days, many positive comments were received from the student’s parents as students are getting back to the normal class operations, for which he thanked and praised the faculty. President Tate mentioned the visit with the United States president regarding LSU’s COVID policies and added that new decisions should be made on vaccine policies as the federal policy begins to evolve. With respect to the current vaccine policy, the policy for students is different than for faculty. While students have an option to take the test regularly and an option to abstain from taking the vaccine, faculty and staff are mandated to be vaccinated. President Tate said that a decision should be made if faculty are to be given the same choice as students. He suggested that faculty can discuss about the same and provide feedback.

Q & A Summary:
Senator: Can the policy of the students be converted to be the same as faculty?

President Tate: No.

Senator: Why?

President Tate: The policy of the students cannot be converted to be the same as faculty since there are legal and political obstacles that prevent it from being implemented. Moreover, the word “mandate” is being used as a disclosure tool, primarily because we are trying to incent people to take a vaccination, as I believe that it is the most important way to keep people safe, more broadly. And that is why it has been effective and has led to an 82% vaccination rate with students.

President’s Report

Dr. Lopez gave here President report. There are three parts to this President’s Report:

Part-1
1. Points were shared regarding the transparency of the Board of Supervisors, where a rampant culture of discrimination against women or females pertains at the highest level.
2. The issues raised with the Board of Supervisors regarding the abominable treatment of international graduate students and the gender-biased discrepancies in payments.
3. A need for more effective consultation and communication strategies between the faculty and the board of supervisors was discussed with board liaison Jason Roddy, and some plans were presented that to be applied in the near future.
4. A need for at least an equal amount of airtime or close for faster faculty centric communications.
5. The funding from our libraries is among the lowest in the SEC.
6. Classroom cloud crowding continues to be an issue. A survey has been sent out, which is the only way to identify the problem spots and work with the administration to solve them.
7. Classroom resources should be improved.
8. A routine evaluation, i.e., weekly or monthly, of the classroom equipment to make it user-friendly, consistent, and reliable.
9. Points raised regarding the graduate student tax and communication between ISO, registrar and department. Communication should be a more organized and welcoming onboarding process for international graduate students.
10. A change is necessary for diverse faculty leadership without fear of public attack, shaming, questioning, and invalidation.
11. LSU faculty salaries are at least 12% below the SEC average. As such, the annual cost of living should be increased for faculty.
12. The need for duplicate vaccination information from employees has come up. The faculties are not inclined towards doing the same thing regularly (i.e., submitting the daily symptom checker).
13. Regarding the faculty activity tracking software, the faculty leadership warned the administration about LSU 360 before implementation, mentioning that the data should be transferable).
14. FSEC stood by faculty to mandate vaccination. However, faculty who contentiously object to being vaccinated should have the policy as students do, i.e., to submit regular testing and abstain from vaccination.
15. Tuition remission has been sidelined for so long. FSEC continues to campaign for this small benefit to our LSU employees.

**Q&A Summary**

Senator: Who’s the board of supervisors who asked the question?

Dr. Mandi Lopez: Blossman

**Part 2: History and cons of our constitution and bylaws**

At the establishment of the University, it was composed of about 12 faculties. As the Faculty grew, they organized themselves into a council to establish a system of shared governance. In 1972, the Faculty Council had grown too large, leading to some arguments and committees operating independently of the Faculty Council. So, the Faculty Council subsequently formed a committee to create a Faculty Senate. After about a year, all existing committees were moved under the leadership of the Faculty Senate. The number of senators was determined by the census in the College, a practice that continues today. In terms of organization, the Faculty Senate was delegated the authority by the Faculty Council to represent it, and the FSEC to represent the Faculty Senate. Within the Constitution and bylaws, Faculty Senate remained a clause. Later, at an annual meeting of the Faculty Council, it occurred to reverse or otherwise nullify any action of the Faculty Senate. The last meeting of the Faculty Council was in 1996, which was held in the Union and George Strain was the President. There was limited participation, and voting had to be done by paper after the quorum was not achieved.

There has not been a meeting of the Faculty Council until very recently. As such, confusion stimulated in April when a Faculty Council meeting was called to present a resolution, separate from what was passed from the Faculty Senate. The Faculty Council delegated representation to the Faculty Senate, thus, will retry taking a right to reverse any action of the Faculty Senate. According to our current constitution and bylaws, it is that it is not the Faculty Senate that represents the Faculty Council. However, the board of supervisors is not familiar with the Faculty Senate constitution and bylaws, nor do they necessarily know the difference between the Faculty Council (composed of all full-time faculty instructors and above) and Faculty Senate. The Board of Supervisors will likely conflate the Faculty Council of advisors with everything else. The discussion with the Board of Supervisors concluded that the Council could not be dissolved. The Faculty Council is the faculty retain the right to organize in any way they wish. By default, the LSU Faculty Council is represented by the LSU Faculty Senate and the Faculty Senate, in turn, by the FSEC, which cannot be changed. The only thing that can be dissolved is the Faculty Senate itself, and that process can be initiated with a request directly to the Board of Supervisors and followed by a majority of the vote of the Faculty Council.

**Q&A Summary**

Dr. Jared Soileau: Who represents the faculty?

Mandi Lopez: The Faculty Senate represents the Faculty Council. The Faculty Council is all of the faculty. In 1973, the Faculty Council delegated the authority to represent them to the Faculty Senate in 1973. Under the new revision of the BOS, Council cannot change the authority and change the Senate ruling but can dissolve the senate.

**Part 2 cont.: Faculty Senate Constitution and Bylaws**

Professor McMillin and Joan King put together the history of the Faculty Senate. They also aligned the current activities and bylaws and found those errors in the current measures versus those existing in the constitution. They updated the bylaws and gave a presentation at the meeting. The slides are about the definitions and BOS regulations. Moreover, they mentioned that the Faculty Council has not approved any changes in the constitution, as required, since 1996. These issues should be addressed as the constitution does not necessarily reflect what the Faculty Senate does. Their presentation was postponed due to time constraints.
Update on the Response to the Husch Blackwell Report, Jane Cassidy, Interim Vice President for Civil Rights & Title IX

Dr. Jane Cassidy serves as the Interim Vice President for the Office of Civil Rights and Title IX. Her office is tasked with working through the Hush Blackwell recommendations and carrying forward their own Title IX action plan. Their mission is to prevent discrimination, sexual assault, or violation and ensure everyone receives appropriate support and is treated fairly and respectfully. VP Cassidy provided an update on the response to the Husch Blackwell Report. Out of the eighteen recommendations, Office for Civil Rights and Title IX has fully implemented eleven of them and are close to another three. VP Cassidy mentioned that the monthly update on the Recommendations of the husk Blackwell is available at https://www.lsu.edu/titleix-review/. VP Cassidy mentioned new requirements had been recently put forth in state law, and to align with the same, she explained our responsibility to prevent discrimination or sexual assault and support the one who has faced such trauma. She presented some survey results for sexual assaults. For instance, a survey conducted in the United States, one in six men, one in three women, and one in two trans people experience some form of sexual violence over their lifetime. In addition, at least 42% of the students have faced harassing behavior at college campuses across the United States. Comparatively, Office for Civil Rights and Title IX receives a significantly lower number of reports than the survey outcome values (i.e., only 3-400). As such, a more user-friendly website for reporting and support has been developed at lsu.edu/support, and the LSU Mobile app has an icon for survivor support that directly links to filing a report. In addition, one can also call the Title IX office 225-578-9000, and anybody in the office can help make a report or can take a report from you.

VP Cassidy emphasized that Sexual assault takes many forms, and faculty, staff, and graduate students are mandatory reporters. If someone discloses to you that they were discriminated against in any sexual misconduct, and if you see or hear any kind of sexual misconduct, you must report it. The only time you’re not required to do is when you experience the sexual harassment assault discrimination yourself (i.e., you get to decide whether you report or not). There are a number of places where students, faculty, and staffs can talk with people who do not have to report. While on of these groups of people are doctors, nurses, mental health counselors (largely on student health Center), and another group of people are confidential supporters (who are determined by the office for civil rights and Title IX. VP Cassidy explained three situations, where one does not need to disclose under the law: 1) during a public awareness event as part of educating others, 2) in the course of academic work consistent with an assignment, and 3) As a matter of overhearing a conversation. While graduate assistants are also mandatory reporters, graduate students and undergraduate students or workers are not. If any mandatory reporters do not report sexual harassment, they shall be terminated, as stated in the law.

Q &A Summary:
Joan King: As per Title IX regulations, Graduate assistants are mandatory reporters. How will they be notified, or how are they notified that they are mandatory reporters if they’re a graduate assistant?

Jane Cassidy: Title IX offices are talking to GA. We are going to graduate student orientation and around the departments doing these presentations about the new regulations, where GAs are mandatory reporters. In addition, Title IX offices can come to any department and talk to students as needed to make them aware that they are mandatory reporters.

Questioner: If you are fired for not reporting, how can offenders still be hired?

Jane Cassidy introduced Josh Jones to answer this question.

Josh Jones: One of the things that OCR/TIX is doing is looking at the sanctioning process. The office is looking for appropriate sanctioning action based on the crime. All complaints are not moved forward yet; all the reports are recorded. As such, any repeat offenders can be identified from reports, and the actions can be taken accordingly.

Senator: Pamela Anderson education, a faculty member, commented on a faculty member assaulting grad student repeatedly and not fired and allowed to retire.

Jane Cassidy: When in doubt, one can report someone to OCR/TIX, and it will be decided how to proceed. Let OCR/TIX make those decisions, as it has enough people in place now who know all of this and can handle things in a different way than they were handled before.

Senator: How can faculty predators retain their faculty grad status?
Jane Cassidy: That is being looked at right now by the Grad Council, so these are likely to change. Without further information, it is hard to talk in generalities.

Senator: Whether or not due process exists in the investigative process?

Josh Jones: Yes, so throughout the entire process, they are entitled to an advisor, so during the investigation portion, they can have any, it is an advisor choice, it can be an attorney, it can be a faculty member whom they trust, or it can be a family member. They are entitled to know the charges against them, i.e., that the details of the complaint. At the end of the investigation, both parties receive a preliminary report, and they have ten days to review that report, so they get to review all the information that the investigators gathered.

Senator: Can the personal edge cross-examine the accuser?

Josh Jones: Out of hearing, cross-examination is allowed, but only by the party’s advisors, and that’s why the hearing process of one of the parties does not have an advisor. University will appoint an advisor to them so only the advisors can do that cross-examination and knows if it’s a university of pointer device or they’ll have gone through a series of training so that they understand right now to do that kind of cross-examination.

Senator: Whether or not they’ll be due process for somebody accused of not reporting?

Josh Jones: Yes, there will be a process by which that is looked into.

Susan Rouchon: What we’re doing to implement this process and LSU athletics?

Josh Jones: They are bound by all of the same policies, and OCR/TIX is working on making sure that all of their coach’s athletic staff understand their reporting responsibilities and report to the Title IX office. And, they have no they have nobody to report anything to besides the title nine coordinator, now everything has to come up to josh from athletics.

Senator: There are three steps to 1) Reporting, 2) filing a complaint 3) Investigation. Yes? reporting, 2) formal complaint, 3) investigation, 4) hearing, 5) final report, 6) appeal

Jane Cassidy: Yes, 1) so somebody files an incident report, 2) If you wanted to go forward to an investigation you filed complaints a formal complaint, 3) investigation, 4) hearing 5) final report, and then 6) appeal.

Senator: Can the accuser be a self-advisor and cross-examine?

Josh Jones: No.

Joan King: Can you revisit the statement where you said about having the person that comes to you, and you tell them to find another person to talk to, who is not a mandatory reporter? What to do if it slips out before you say you are a mandatory one.

Jane Cassidy: Sometimes, they will slip out before you have a chance to say anything to them. When you report as a mandatory report, Asha Murphy, a case manager at OCR/TIX, will reach out to them. And they can respond to her and say if they want to proceed or not.

Inessa Bazayev: Can we include a statement on the syllabus?

Josh Jones: Yes, I am working on a statement that can be added to the syllabus.

ADA Accommodation Request Process and Overview, Jennie Stewart, ADA/Title II Coordinator, Office of GI Rights & Title IX, Jason Hicks, Provost’s Fellow, Office of Academic Affairs

Jennie Stewart, Title II Coordinator, Office of GI Rights & Title IX, explained about the COVID-based arrangements for faculty and staff that President and Provost tasked to OCR/TIX. Along with Jennie, the review committee was composed of Jason Hicks, Provost’s Fellow, OAA, bringing input from a faculty perspective and administrative, and Lindsay Madatic, Associate Director of Employee Relations, HRM, who was responsible for ADA accommodations prior to the creation of
OCR/TIX. All three committee members have been reviewing the requests that are submitted by faculty, staff member, or graduate students for COVID-based modifications or arrangements. Any appeals from this committee were submitted to Jane Cassidy, Interim Vice President OCR/TIX. The review for COVID-based modifications is typically not tasked to medical professionals; rather, relevant CDC updates and the John Hopkins information page about Louisiana are used as guidance. Jeannie mentioned that for COVID arrangements, ADA accommodations are not enough in light of the risk that the pandemic brought. ADA accommodations would have been a much higher standard indicating that there would be a limitation to one or more. In context to the limitation, a personal limitation is what centered on both ADA and COVID based arrangements, these accommodations are provided as per high-risk employee requests and supported by a recommendation of a health care provider. Apart from the personal limitation, another consideration for accommodation is the type of work and whether it can be accomplished remotely. There are many similarities between ADA and COVID-based arrangements, yet the threshold for ADA is higher, and it may have one or more life functions. For COVID, the risk is assessed regarding what mitigation measures are present to reduce the COVID risk. For all the submitted requests, the response is provided irrespective of what that response is, if it is approved, it will result in a change in the modality or if a change that should be carried to the department, then the department is included. Additionally, there are departmental requests but could be approved by the Department chair, college Dean, through the office of academic affairs. The purview of the committee is limited and only applied to the individual employee, not to that of the person’s family. Some of the denials for the requests is attributed to the scope of the review (i.e., the request was outside the scope of review for the committee). The committee will probably be moving forward again in the subsequent semester as the pandemic continues.

Provost Fellow Jason Hicks presented the request data as of Friday, 09/17.

Requests are coming across from the faculty, staff, and graduate students who perform instructional duties in the classroom. Among the total of 102 requests, the predominant applications were from the faculty (i.e., 73/102), followed by staff (i.e., 17/102), and graduate students (i.e., 12/102). There was a bit of mixture in these requests (ADA, outside the scope of review etc.). Overall, 39 cases were approved for 100%, 29 that was denied and again, some of those are ones that weren’t in purview into ADA. Some were granted partial accommodations, like social distance or plexiglass. 4 cases are pending as more information are needed.

Q & A Summary
Senator: Are ADA COVID accommodation decisions made based on the LSU mitigation strategies or the actual behavior of students?

Jennie Stewart: We have incorporated mitigation strategies into our response. All of the mitigation strategies that are in place we do have that enumerated in our response letters.

Senator: Are medical expertise involved in the decision?

Jennie Stewart: Yes, LSU health center recommendations and CDC guidelines are taken into account

Senator: If you don’t accommodate family members etc., you put the faculty member at risk as well as the students?

Jason Hicks: We struggle with that, but there are opportunities that the departments can provide accommodations. These actions are limited and also do not fall under the purview of the committee. Further, there is also insufficient consideration for faculty working with unvaccinated students taking the risk to their vulnerable faculty members.

Old Business

a. Postponed: Second Reading, Resolution 21-04, “Faculty Endorsement of the Graduate Student Bill of Rights”
   Sponsored by Faculty Senator Daniel Tirone

b. Second Reading, Resolution 21-04, Faculty Compensation for Thesis & Dissertations Credit Hours
   The resolution was read by Senator, Pamela Blanchard. This is the second reading. No friendly amendments were included. The reader invited authors of friendly amendments to co-author the resolution. No changes were made.
Q&A Summary
Bob Newman: What is the nature of this resolution?

Pamela Blanchard: Mentoring is part of our job as graduate faculty and doesn’t merit additional compensations.

Bob Newman: Are the proposed claims substantiated by Data?

Pamela Blanchard: Yes. This information was gathered from the office of institutional effectiveness. An excel file consisting of all the 8000 and 9000 level classes information was available. Moreover, we are 9-month employees, and we continue working with our students in the summer with no compensation.

Bob Newman: Why not have this as a college issue?

Pamela Blanchard: Why do we charge students tuition to take a 9000-level class? We charge them tuition so they can have access to a faculty member? Other SCC universities have a compensation structure for advising.

James Madden: Do we have a choice as to how many graduate students we accept?
Answer: Yes, but we have had a large number of faculty leave the school, and they have left the lines. Moreover, can we say no to GA’s?

Adriano Vatta: How was the value depicted would define delineated in the resolution come upon are calculated or determined?

Pamela Blanchard: A financial model was prepared to show that this could be paid for and not cost any additional money, i.e., there is a mechanism to cover the cost.

The resolution passed with 26 yes, 11 No, 4 Abstentions, and a forum of 41.

Dr. Lopez asked for Amendment Suggestions from the floor:

A better compensation structure may be course release.

Senator: Can we propose a model based on course release?

Pamela Blanchard: That is fine, the compensation structure is decided upon by the university administration.

New Business

a. First Reading, Resolution 21-06, “A Call to Bring LSU’s Vaccination Mandate into Conformity with State Law and National Guidelines”
   Sponsored by Faculty Senators Inessa Bazayev, Robert Mann, Jeffrey Roland, Daniel Tirone, Meredith Veldman

   Whereas the Faculty Senate welcomes the Covid-19 vaccine mandate announced by President Tate on August 24, 2021, as a crucial step in enabling LSU to fulfill its educational mission in the midst of the global Covid-19 pandemic; and

   Whereas lack of vaccination compliance presents a clear threat to the health and safety of all LSU students, staff, and faculty; and

   Whereas the resolutions passed by the Faculty Senate, Student Senate, and Faculty Council in April and May of 2021 indicate the overwhelming desire of the LSU community for a robust mandatory vaccination policy; and

   Whereas Louisiana Rev. Stat. 17:170(E) states that students may be exempted from a vaccination requirement “if the student or his parent or guardian presents a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student or his parent or guardian is presented;” and

   Whereas LSU’s current Covid-19 vaccination exemption procedure does not require a written statement but instead allows students to seek an exemption by checking a series of boxes online; and
Whereas knowing how many students are partially vaccinated or unvaccinated is necessary to accurately assess risk in classrooms and elsewhere on campus; and

Whereas the current policy of randomly testing 25% of all unvaccinated students once a week is effectively, at best, a policy of monthly testing while the CDC and the American College Health Association both recommend at least twice weekly testing of unvaccinated students; and

Whereas the Pfizer and Moderna vaccinations require a two-shot regimen and the effectiveness of these vaccinations after one dose is notably lower against the now-dominant delta variant than the alpha variant; yet the current University reporting metric does not differentiate between the partially and the fully vaccinated and does not incentivize students or employees to obtain their second shot;

Therefore, be it resolved that the LSU Faculty Senate commends the University leaders for instituting a Covid-19 vaccination mandate; and

Therefore, be it further resolved that the LSU Faculty Senate calls on the University leaders to amend LSU’s Covid-19 vaccination exemption form so that it requires students to submit written documentation providing the rationale behind their desire to seek exemption; and

Therefore, be it further resolved that the LSU Faculty Senate calls on the University leaders to impose at least a once weekly testing requirement for all non-vaccinated and partially vaccinated individuals on campus; and

Therefore, be it further resolved that the LSU Faculty Senate calls on the University leaders to implement a more accurate reporting metric that separately reports the percentage of students who fall into the following four groups: those who are fully vaccinated; partially vaccinated; unvaccinated but not subject to testing due to a COVID-19 infection in the last 90 days; and those who have opted out of receiving the vaccine and are subject to LSU’s testing regimen

Motion to move into discussion:

Q & A Summary:
Senator: How will this resolution relate to Pres. Tate COVID 19 policy about bringing students and staff and faculty under the same vaccination environment?

Senator: In the current exemption form for faculty, there is no personal exemption. But it does require a written statement if you have a religious reason for accommodation. So, essentially, we’re just asking them to apply the same standard for accommodation based on the student having to write a declaration as the faculty do. The issue of the personal exemption is something that would still have to be worked out with the administration covered by HR and will not be subject to this resolution.

Senator: What written statement will be required from students, and who will vet these statements?

Meredith Veldman: When faculty submits a statement, they are required to explain the reasoning behind it. So, it is expected to be the same for the students. It would be the same who vets the statements right now.

c. Faculty Senate Member-at-Large Election

Seven candidates presented in the meeting.

No nominations from the floor. Elections took place.

Election results: Jeffrey Roland. Associate Professor & Director of Undergraduate Studies, is the next Member-at-Large.