Minutes of Regular Meeting

Meeting
Regular meeting of the full senate, 3:15 p.m., Kendall Cram Room, Lavin-Bernick Center
Presiding: The chair, President Cowen.

Attendance
Ex Officio: Cowen (pres./chair), Bernstein (provost) Miller (interim Sr VP Health Sciences), Lorino (CFO), Jones (COO), Poplus (proxy for Ordoyne, pres. ASB), O’Dwyer (proxy for Hayes, chair, SAC), Mackin (sec)
Deans: DeNisi (Freeman), Query (Libraries), MacLaren (Newcomb-Tulane College), Bernhard (Arch.), Marksbury (SCS), Ponoroff (Law), G. Bernstein (SLA), Hamm (Med.), Buekens (SPHTM), Altierno (SSE)
A. B. Freeman School of Business: Sujan
Newcomb-Tulane College:
Architecture: Klingman, Goodwin
Continuing Studies: Green, Schwartz
Law: Nowicki, Davies
Liberal Arts: Dangler, Masquelier, Carroll, Desai, Pollock, Balée
Medicine: Mushatt, Bunnell, Doucet, Phinney
Public Health and Tropical Medicine:
Hutchinson, Webber, Long, Rose
Science and Engineering: Schmehl, Diebold, Walker, Tasker
Social Work: Pearlmutter, Lewis
Student Senators: Lowy (proxy for Edgens), Feng, Beevers
Staff Senators: Earles, Barrera
Senators at Large: Hill, Kuczynski, Koritz, Purrington, Myers, Gaver
Invited Guests: Parker (chair, IT), Chaisson (chair, Benefits), Barron (CIO), Maczuga (assoc. vp tech. transfer), Cherrey (vp, student affairs), Lopez (sr assoc prov), Mitchell (assoc prov), LeBlanc (pub. safety), Baños (chief of staff)
Absent Senators: Langston, Wiese, Page, Cardinal, Rothenberg, Diamond, Taylor, Diaz-Thomas, Pigott, Landry

Introduction of New Senators and Guests
President Cowen introduced the following new members to the senate:
Provost Michael Bernstein
Senator Lance Green, SCS
Senator Jean Dangler, SLA
Senator Linda Pollock, SLA
Senator Dave Mushatt, Medicine
Senator Bruce Bunnell, Medicine
Senator Hosea Doucet, Medicine
Senator Cedric Walker, SSE
Senator Jeff Tasker, SSE

Minutes
The minutes of the September meeting were approved with two minor changes.

Elections
Five professors were nominated for the Committee for Review of Faculty Decision Impasses:
Cedric Walker
Larry Powell
Election will take place at the next regular meeting of the senate.

President’s Report

President Cowen said he had nothing significant to report since the extensive report he made at the last senate meeting. He entertained questions, but none were asked.

Unfinished Business

Special/Select Committee.

Senator Hill gave the report of the special committee, which had been formed to develop procedures for faculty involvement in decisions about faculty status during the state of financial exigency. On behalf of the committee, he moved adoption of the proposed "Interim Principles and Procedures on Financial Exigency." He emphasized that the principles were "interim" for the current state of financial exigency; whether the proposal would eventually form the basis of a change to the Faculty Handbook remained to be seen. The senate had previously agreed not to modify the Faculty Handbook while under the existing state of financial exigency. The proposal would create a Faculty Committee on Financial Exigency to represent the faculty in discussions with the administration.

Senator Carroll moved to amend paragraph 4 of the procedures to include the phrase "if the School does not respond within 30 days" to the beginning of the last sentence so it would read, "If the School does not respond within 30 days, at the end of the 30-day period the President shall be entitled to act." Her amendment was accepted without objection.

Secretary Mackin moved to amend the committee motion with editorial changes to ensure consistency within the document and with the senate constitution, clarifying that the proposed committee would be a special committee of the senate. His amendments were also accepted without objection.

Vice President Barron said he was concerned with the effect of Senator Carroll's amendment. His concern was that the changed wording implied that if a school made any response, the president would then not be able to act. Senator Carroll said that was not her intention. Senator Hill said the purpose of the 30-day period was to give the deans an opportunity to provide alternatives to the president, who would presumably consider those alternatives.

Senator Purrington said that the president would, in any case, not be bound by those recommendations. President Cowen agreed, saying the president has the option of accepting or not accepting the school's recommendations. Either way, the president would take the case to the Board.

Dean Ponoroff suggested that paragraph 4 needed further clarification that indicated the president would consider the school's recommendation before acting. Senator Carroll pointed out that faculty members already had the right to appeal to the Board if they disagreed with the president's decision on issues of faculty status. After further discussion, Dean Ponoroff amended the previous amendment to add the sentence "If the School does respond, the President shall consider the School's recommendation before taking further action."

Senator Carroll suggested that the amendment should include a means of insuring that the Board receives both the president's recommendation and the school's alternative. Secretary Mackin said he did not think that was necessary. Because the proposed committee would be a special committee of the senate, at the conclusion of the process, the committee would, by the constitution, have to give a complete written report to the senate. At that point, the senate could make any recommendations to the Board to ensure that all alternatives had been considered. Senator Carroll remained unconvinced that an additional report to the Board about the schools' recommendations was not needed.

Senator Schmehl noted that in the hypothetical situation of a school offering alternative cost savings, the administration would have to take any changes back to the Board for
approval. President Cowen agreed and added that the special committee would already have had an opportunity to propose alternatives and agree or disagree with the administration's plan before that plan was originally presented to the Board. That committee would, in an emergency, be the voice of the faculty.

Vice President Barron pointed out that, in a true emergency, the process could not be prolonged. The president might need to act before the Board could meet to consider the schools' alternative plans. Dean MacLaren suggested that the deans be included on the special committee to get the schools involved earlier. President Cowen replied that he did not believe that was necessary because the deans, as members of the administration, would be part of the dialogue at an early stage. Senator Desai commented that the deans would be in a difficult position, making recommendations about faculty status in some cases without input from their faculties.

Dean Ponoroff said he thought the procedures as amended were as specific as possible considering the different circumstances that could be imagined. The president concurred. Senator Hill pointed out that the motion as a whole included the provision that terminations of faculty should be considered only as a last resort and that principle would guide the process. Any president would be obliged to accept feasible recommendations that avoided faculty terminations.

Dean Ponoroff's amendment was adopted unanimously. Because an objection had been raised to Senator Carroll's original amendment, it was voted on and confirmed by a large majority.

Further discussion focused on the terminology "mission criticality and strategic priorities" and the question of whether the faculty committee should be provided with an outside expert on finances. A motion for the previous question was made, seconded, and approved unanimously. The senate then unanimously approved the committee motion to adopt the interim principles and procedures as amended [included as appendix 1 to these minutes].

Committee Reports

Committee on Committees
Secretary Mackin presented the report on behalf of Vice Chair Langston, who was unable to attend because of a family emergency. He noted that almost all committee vacancies had been filled and that the committee would be reviewing the structure and function of all senate committees this year. He moved that the senate approve extended terms for Leann Myers (Committee on Faculty and Staff Benefits) and Penny Jessop (Committee on Student Affairs). That motion was approved unanimously.

Committee on Educational Policy
Senator Green presented the committee's report, which included three committee motions: (1) recommending creation of a special committee to develop a constitution for Newcomb-Tulane College; (2) recommending that the dean of Newcomb-Tulane College be made a permanent, non-voting member of the Committee on Educational Policy; and (3) recommending adoption of the 2008-09 academic calendar. Motion 1 was approved unanimously. Motion 2 was accepted by the senate as a first reading of a change to the bylaws.

On motion 3, Dean Ponoroff asked for clarification that the proposed calendar did not affect professional schools that were guided by their own accreditation requirements. Senator Green replied that, as with past calendars, this calendar did not apply to those schools. After a brief discussion of the desirability of a fall break, the calendar was approved by unanimous vote.

New Business

None presented.

The senate then adjourned to executive session to consider the report of the Committee on University Honors.

Respectfully submitted,
Jim Mackin, Secretary
Appendix 1, Interim Principles and Procedures on Financial Exigency

Preamble: The Faculty is primarily responsible for realizing the core mission of the University, teaching and research. Accordingly, terminations of faculty due to a condition of financial exigency should be considered only as a last resort. Any terminations must be measured against the potential effects on the University's reputation and the subsequent impact on recruitment and retention of both students and faculty. Procedures for terminations must strive to protect tenure, a necessary condition of the academic freedom essential to the advancement of truth and unhindered creativity in teaching and research.

Ultimate authority for declaring a state of financial exigency and for the measures adopted to alleviate it rests with the Board of Administrators, based on its fiduciary responsibility. Stated below are procedures and policies to ensure faculty involvement in potential faculty terminations.

1. **Formation of a special Faculty Committee on Financial Exigency (FCFE).** In anticipation of a state of financial exigency that might result in faculty dismissals, the President shall call together a special senate committee as a Faculty Committee on Financial Exigency (FCFE), consisting of the President's Faculty Advisory Committee and the non-administrative faculty members of the existing Senate Committee on Educational Policy and Budget Review Committee to represent the faculty in the decision-making process and consult on actions to deal with the situation.

2. **President presents case for financial exigency to FCFE.** At the outset of the crisis the President shall present to the FCFE explicit evidence of the severity of the financial condition of the University. The FCFE shall review the evidence and transmit to the Board as soon as possible but within 15 days from the date that the President has presented the above information to FCFE, either: 1) an endorsement of the President's assessment of the situation; or 2) its own assessment, explicitly stating its point(s) of disagreement with the President. The Board shall not make a determination on financial exigency until it has received the report from FCFE or the 15 days have elapsed. These proceedings and resulting document(s) shall be considered private unless the President and the FCFE both agree to make all or portions of them public.

3. **President presents remedies to FCFE.** In the event that the Board of Administrators declares a state of financial exigency, the President shall as soon as possible but within 15 days from that declaration, present to the FCFE a report on the administration's plan, covering the full range of cost-saving measures it proposes and an estimate, with as much specificity as possible under the circumstances, of the anticipated savings to be achieved through possible program or faculty terminations, if any. The FCFE shall review the administration's report and transmit to the Board within as soon as possible but within 15 days of receipt of the President’s report, either: 1) an endorsement of the administration's plan; or 2) its own assessment, explicitly stating its point(s) of disagreement with the plan. These proceedings and resulting documents shall be considered private unless the President and the FCFE both agree to make all or portions of them public.

4. **President notifies FCFE and affected Schools.** As soon as possible, but within 15 days of the adoption of a program by the Board, the President shall inform the FCFE and the School(s) in which terminations of faculty are to be made. Any affected School will have 30 days to respond with recommendations to
the President as to other cost-saving options that may be available to it, short of faculty terminations. If the School does not respond within 30 days, the President shall be entitled to act. If the School does respond, the President shall consider the School’s recommendation before taking further action.

5. Whenever possible, dismissals should proceed from non-tenured to tenured faculty. However, consideration of program accreditation and integrity, mission criticality, and strategic priorities may affect specific terminations.

6. A tenured faculty member, who is terminated in the context of financial exigency, shall, during the notice period provided for in Article V, Section 2 of the Faculty Handbook, have the right to apply for any faculty position that is officially open. If, in the discretion of the Department or School in which the opening arises, the applying terminated tenured faculty member is deemed qualified for the open faculty position, the applying terminated tenured faculty member shall have a preference over any applicants for the position from outside the university.

Appendix 2, Comparative Data of Tenure/Tenure Track Hires/Status Changes and Non-Tenure Track Hires/Status Changes from January 1, 2006, to September 18, 2007

The data below was obtained from the Office of Institutional Equity:

Total Non-Tenure Track New Hires: 36
Total Non-Tenure Track New Hires with Waivers: 15
Percentage of New Hires with Waivers: 41.6%

Total Tenure/Tenure Track New Hires: 49
Total Tenure/Tenure Track New Hires with Waivers: 13
Percentage of Hires with Waivers: 26.5%

This data does not include new hires for adjunct, instructors, lecturer or visiting professors as these hires are not currently reviewed by the Office of Institutional Equity.

Status Changes

Status changes represent employees who held another position prior to their current appointment, such as medical resident, postdoctoral fellow, adjuncts, or instructor to Professor of Practice, Clinical or Research faculty, or a tenure track position.

Total Non-Tenure Track Status Changes: 81
Total Non-Tenure Track Status Changes with Waivers: 38
Percentage of Status Changes with Waivers: 46.9%

Total Tenure/Tenure Track Status Changes: 21
Total Tenure/Tenure Track Status Changes with Waivers: 8
Percentage of Status Changes with Waivers: 38%

The previous information submitted to the Senate at its May 2007 meeting covered the period from January 1, 2006 to September 30, 2006.