Minutes of Regular Meeting

September 14, 2009

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), Long (vice chair), Sachs (SVP, dean SOM), Lorino (CFO), Y. Jones (COO), Clinton (pres, ASB), Barrera (chair, SAC), Mackin (secr), Wiese (parl)
Deans: DeNisi (ABF), (Libraries), MacLaren (NTC), Schwartz (Arch.), Fitzmorris (proxy for Marksbury, SCS), Griffin (Law), Haber (SLA), Barrera (proxy for Buekens, SPHTM), Altiero (SSE), (SSW)

A. B. Freeman School of Business: Sujan
Newcomb-Tulane College: Kalka
Architecture: Bernhard
Continuing Studies: McLennan (also proxy for Green)

Law: Eason, Davies, Carriere

Liberal Arts: Horowitz, Masquelier, Cole, Rothenberg, Mayer, Thompson

Medicine: Barbeau (proxy for Mushatt), S. Landry, DeSalvo, Betancourt

Public Health and Tropical Medicine:
Hutchinson, Hassig, Lefante

Science and Engineering: Schmehl, Colombo, Rice (proxy for Walker), Tasker

Social Work:
Student Senators: Goldberg (proxy for Aronson), Blainey
Staff Senators: Platner, Hayes

Senators at Large:
Invited Guests: Wilson (chair, Athletics), Robins (chair, Benefits), Kahn (chair, Student Affairs), Carroll (PFAC), Purrington (faculty rep to board), Dozier (vp, development), McMahon (chief of technology), Maczuga (assoc vp, tech transfer), Holtman (assoc vp, workforce mgmt), Cherrey (vp, student affairs), Johnson (gen. counsel), Mitchell and Lopez (assoc provosts), Salzer (asst provost), Coignet (strategic planning), Baños (chief of staff), Banker (spec asst, pres), Gilbert (Hullabaloo)

Absent Senators: Bernstein, Query, Marks, McFarland, V. Jones, Reitan, Bunnell, Doucet, Leverson, Wendt

Introduction of New Senators and Guests
The following new members introduced themselves to the senate:

Martyn Thompson and Vicki Mayer, School of Liberal Arts
Aline Betancourt, School of Medicine, and Deborah Barbeau, alternate for School of Medicine
Susan Hassig and John Lefante, School of Public Health and Tropical Medicine
Jeanne Carriere and John Eason, School of Law
Paul Colombo, School of Science and Engineering
Marc Kahn, chair of the Committee on Student Affairs

The president also introduced Stephen Griffin, interim dean of the School of Law. President Cowen welcomed them all to the senate, stating that the experience would be the highlight of their careers.
Minutes
The minutes of the May 4 meeting were approved without change.

Elections

Faculty Representative to the Board
Senator Schmehl was elected by vote of the faculty senators to complete the term of Professor Desai.

President’s Faculty Advisory Committee
Senators Mayer and Tasker, who were nominated by the faculty senators in closed session, were elected to PFAC by the full senate.

Committee on Committees
Senator Thompson was elected to the Committee on Committees as the representative of the School of Liberal Arts.

Senators at Large
At the closed session of faculty senators, the following eight faculty members were elected to one-year terms as senators at large:
- Dennis Kehoe, chair of the Committee on Faculty Tenure, Freedom, and Responsibility
- Janet Ruscher, chair of the Committee on Equal Opportunity and Institutional Equity
- Vijay John, chair of the Committee on Physical Facilities
- Russell Robins, chair of the Committee on Faculty and Staff Benefits
- David Lesmond, chair of the Committee on Information Technology
- Marc Kahn, chair of the Committee on Student Affairs
- Linda Carroll, member of the President's Faculty Advisory Committee
- Dan Purrington, faculty representative to the board

President’s Report
The president discussed two presentations, which had been previously distributed to the senate and will be available on the senate Web site. The first presentation covered the previous fiscal year’s successes, disappointments, and challenges. President Cowen said the list was a brief summary of important points. A complete list would be very long.

The successes he listed included successful senior-level hires; the doctoral education initiative; student quality and enrollment in undergraduate, graduate, and professional programs; the creation of neighborhood health centers; progress with FEMA and insurance recoveries; the university's stable financial position, and the strategic plan for institutional advancement. The president discussed the progress made with FEMA and insurance recoveries, noting that after the senate’s May meeting and before the end of the fiscal year, the university received a considerable amount of money from FEMA. He attributed it to the new leadership in the federal Office of Homeland Security. President Cowen said he estimated the university still had about $75 million in claims remaining to be resolved by FEMA and, in addition, was expecting some mitigation grants. He thanked the Obama administration and the team at Tulane that had been working on the claims.

A second point the president emphasized was the creation of neighborhood health centers. The university was developing three neighborhood health centers, one in New Orleans East, one in Gentilly, and one in Mid-City. He said Vice President Sachs and Senator DeSalvo had been working hard on the projects. Senator DeSalvo briefly discussed the continuing development of the program. The president restated that the leadership of the School of Medicine deserved credit for the accomplishments.

The president then turned to the disappointments of the previous year. Topping the list was the economic downturn and its effects. He said the university could not control that problem but simply had to cope with it and was, in fact, coping reasonably well. A second disappointment was crime on campus and in the neighborhood, particularly affecting the uptown campus. President Cowen said that last year, especially in the fall, was a particularly bad year. The university took the threat seriously and made several improvements, he said, and would continue to work on improving security on both the uptown and downtown campuses.
The president also mentioned the failure to hire a new dean of the School of Law. He introduced Stephen Griffin, the interim dean of the school, to the senate and thanked Dean Griffin for his leadership. President Cowen then discussed the disappointment of Tulane's failure to reach an agreement with Louisiana State University on management of the teaching hospital downtown. That disappointment, however, had been overcome by the recent achievement of an agreement after the involvement of the governor's office. He said he was pleased with the new agreement.

A large disappointment was the deferral of salary enhancement for faculty and staff members who had been earmarked to receive them. In FY 2009, the university had enhanced salaries for five schools and planned to enhance salaries in two schools in FY 2010, the basic sciences in the School of Medicine and the faculty of the School of Public Health and Tropical Medicine, together with some other faculty and staff salary enhancements. Those had to be postponed because of the economic downturn. He said the administration would continue to look at ways to go forward with the enhancement program, but he remained disappointed that it had been postponed.

A final disappointment the president discussed was a decrease in research awards. He said it was the first time in several years that the university had suffered a significant decrease. He attributed part of the decrease to timing, and the administration was working on that aspect. This year, he said, the applications for awards had increased greatly because of the federal stimulus program, so he anticipated FY 2010 to be a very good year.

After discussing those disappointments, President Cowen talked about the challenges coming out of FY 2009. The weak economy continued to affect universities across the country, although, he said, Tulane was weathering the storm fairly well. Another challenge he discussed was the problem of attracting, retaining, and rewarding the best people for the future of Tulane. The university had not been able to give raises and had established a hiring freeze. He noted that the hiring freeze had not prevented the hiring of some 300 people, so a large number of exceptions were granted.

One of the greatest challenges, the president said, was continuing to enhance the educational and clinical mission of the School of Medicine. Reaching an agreement with LSU was a start, but much more remained. A final challenge was that improving the infrastructure for information technology required more resources than were available.

Before discussing the administration's priorities for FY 2010, President Cowen asked Vice President Lorino to summarize how the actual figures for FY 2009 turned out. Vice President Lorino reported that originally the FY 2009 budget had planned for a $29 million deficit, but some good surprises in the fourth quarter reduced that deficit to about $23 million. Those surprises included an increase in revenue from the medical group and higher than expected net tuition. Tuition expectations had been lowered because of concern about underestimating financial aid costs, but almost every school received more tuition than had been budgeted. He added that the bottom line would actually show a surplus because of FEMA and insurance settlements. President Cowen commented that the money received from FEMA and insurance would go to reimbursement of the funds spent in repairing the university, which would help the university maintain a good liquidity position. The important point was that the operating deficit was $6 million less than expected.

President Cowen then turned to the administration's priorities for FY 2010. He declined to go through the presentation in detail, assuming the senators were capable of reading it. Instead, he opened the floor to questions.

Noting that the report called for developing "key functional areas" in Newcomb-Tulane College, Senator Carroll asked if the president could give some examples of what he meant. The president referred the question to Dean MacLaren. Dean MacLaren mentioned programs to meet the needs of at-risk students and students who were undecided and required more assistance. President Cowen added that, although one year does not make a trend, the university had achieved its highest retention rate of first year students in the
previous year. The rate was 91 percent. Part of the reason was the investments the university is making in advising students who needed more help.

Senator Carroll had also asked about rumors of a satellite medical school in Baton Rouge. Vice President Sachs explained that the School of Medicine had signed a letter of intent with Baton Rouge General to build a satellite campus in Baton Rouge to improve the clinical experience for its third- and fourth-year students. He said that New Orleans did not have enough teaching beds. He also said the satellite campus would provide richer opportunities for dual-degree students in medicine and public health.

Senator Purrington asked whether his recollection was correct that FY 2010 was supposed to be the year in which the structural deficits would come to an end. President Cowen replied that the original plan was for the deficits to end in FY 2011, but because of the economic downturn, the date might be postponed to FY 2012. The reason for the FY 2011 estimate was because of the smaller class that arrived after the storm. That class of 900 would graduate in the coming spring to be replaced by a class of 1,500 in the fall.

President Cowen was asked how and when the administration would decide about the enhanced compensation program for downtown faculties. He answered that the enrollment figures across the schools looked good. After the first and second quarters of this fiscal year, the administration would have a better idea of the effects of enrollment on the bottom line. If those results were encouraging, the administration might begin to do something this year, although it could not be retroactive to July 1.

President Cowen said he wanted to bring two other points to the attention of the senate, one of which was mentioned in his report, although the other was not. He began with the one that was not mentioned: the School of Continuing Studies would be creating another satellite campus in Madison, Mississippi. He asked Terrence Fitzmorris, associate dean of the school, to discuss the plan. Dean Fitzmorris said the school had been approached by the mayor of Madison to consider putting a campus in her town. The town offered to renovate a school to be used as the campus at a nominal rent. The School of Continuing Studies would be committed for three years. He said the program had the potential to bring in new students to graduate from Tulane.

The president added that the mayor of Madison had been mayor for 29 years. She was the longest serving woman mayor of an American city and had been recently elected to another four-year term. She was very dynamic. When she had been first elected, the population of Madison was 1,200 but had since grown to 28,000. Madison is consistently in the top ten most livable cities in the United States. He said he believed the School of Continuing Studies had shown good judgment agreeing to open a campus in Madison. Asked where the city of Madison was located, President Cowen responded that it was six or seven miles north of Jackson, so the campus could draw upon the larger area of about 600,000 people.

The second point the president raised was a recent news story that reported Tulane had announced a $1 billion capital campaign. The reporter had missed the context of the Tulane Talk that discussed laying the foundation for a future capital campaign. The news spread around the country that, in the midst of an economic downturn, Tulane had the "chutzpah" to begin a billion-dollar campaign. While the president said he did not mind the publicity, that story was not accurate. As his FY 2010 presentation indicated, the intention was to rebuild the development function to support a future campaign.

Finally, President Cowen asked Victoria Johnson, the university's general counsel, to update the senate on the status of censure by the American Association of University Professors. She reported that at its June 13 meeting, the AAUP delegated authority to its Committee A to remove Tulane from its censure list. That removal was conditional, requiring Tulane to agree not to use removal from censure as part of its case in any pending litigation. On July 22, after consultation with outside lawyers, Tulane responded that it was inappropriate to engage in negotiation with an organization that was not party to the litigation about what would be stated in the litigation, but the university would provide a statement that it had no wish or intention to refer to removal of
censure in any lawsuit. On August 26, the AAUP replied that the issue was being referred back to Committee A, which would meet on November 6, after which Tulane would receive its response.

The president invited questions on the AAUP matter or any other issue, but none were raised.

**Unfinished Business**

**FY 2010 Budget Report**

Vice Chair Long, who had chaired a special joint committee comprising the members of the Budget Review Committee and the President's Faculty Advisory Committee, presented a summary of the budget report that the committee had approved on May 12 and that had been distributed to the senate before this September 14 meeting. In its May 4, 2009, meeting, the senate had delegated authority to approve the budget to the special committee.

Vice Chair Long stated that the budget assumptions presented by the administration offered only minor changes from those that the senate had earlier approved. At the time the joint committee met, the pleasant surprises announced by Vice President Lorino had not surfaced, and a $25.5 million deficit for FY 2009 was forecast. The proposed FY 2010 budget projected revenues of $667 million and expenses of $687 million for an operating deficit of $20 million. After lengthy discussion, the joint committee approved the budget on behalf of the senate, and the budget was then presented to the board.

**Committee Reports**

**Academic Freedom and Responsibility of Students**

Secretary Mackin presented the brief written report, which had previously been circulated to the senate, because the committee chair was unable to attend. He noted that the committee had only heard one case in the previous year.

**Faculty and Staff Benefits**

Senator Robins presented the report, which had been distributed to the senate before the meeting. He said that the university had negotiated to hold down the increase in the costs of health care to 4 percent. Furthermore, that increase would be absorbed by the administration. Employees would see no increase in their costs. President Cowen commended Chief of Staff Baños, Senator Robins, and their team for the effectiveness of their work.

**New Business**

**Committee on Committees**

Vice Chair Long, chair of the committee, presented the first reading of two committee motions to amend the bylaws (Appendix 1). The first motion proposed to amend the membership structure of three committees to reflect the realities of changes in the administration's structure and in titles of certain administrators. The second motion proposed to amend the bylaw defining the function of the Committee on Committees to add the function of appointing committee members and to include the phrase "with the concurrence of the President" in the function of appointing chairs and deputy chairs. He said the change simply repeated what was written in the senate constitution about senate committee appointments. The advantage was that the committee chair would be able to find the functions stated in one place in the bylaws.

Senator Carroll asked if the proposed changes in the description of functions accurately reflected the constitution. Secretary Mackin read the appropriate sections from Article V, Senate Committees, indicating that the proposed wording accurately reflected the constitution.

**Technical Changes to the Faculty Handbook**

Vice Chair Long also presented the first reading of six amendments to Part III of the Faculty Handbook (Appendix 2). He said the introduction of categories like professors of practice had changed the meanings of words in the Handbook. The adjective "regular" used to be synonymous with tenure-track, but now referred to a broader category of full-time faculty. The six proposed amendments were intended to make the language consistent. He said the amendments made no substantive changes to the Handbook. The second proposed change to the Handbook (Appendix 3), also a first reading, involved
changing the requirements for terminal degrees to be consistent with the fact that some categories of faculty required either a terminal degree or equivalent experience. He said the change would make section C conform to section B of Part III of the Handbook.

Senator Carroll suggested some editorial changes to the proposals. Among other things, she said the term "tenure-track" could imply probationary faculty and suggested "tenure-line" would be more appropriate. She also noted that the amendment could be simplified by substituting "continuous appointment with tenure" as a replacement for the original meaning of "regular" where it was applicable. Others pointed out stylistic or typographic errors in the proposal. Senator Long asked that those suggestions be e-mailed to him and he would incorporate them in the final version for the second reading.

Senator Rothenberg said she found the term "regular" to be very confusing in light of the discussion. She also questioned the provision that adjunct professors were limited to two courses per semester. She suspected that was not true in practice. Vice Chair Long said that the Handbook included that provision as policy.

Secretary Mackin suggested that after the editorial changes were made, Vice Chair Long could work with him to provide a version of the proposed amendments that would use colored ink to show what was being changed in the Handbook.

After the discussion of the various amendments, Senator Purrington asked about the situation in the mail facility, whose services he thought were inadequate. He wondered whether the situation could be improved. Vice President Lorino said that the short answer was no, not in the immediate future. The mail room had suffered the loss of half of its staff.

Senator Rothenberg pointed out that construction on the Green had made package pickup almost impossible. Vice President Lorino said he would see if some procedure could be worked out for prearranged pickup to avoid the construction.

**Adjournment**

With no further business, the meeting was adjourned at 4:00 p.m. to gather at a reception sponsored by President Cowen.

Respectfully submitted,
Jim Mackin, Secretary

**Secretary’s Note:** All written reports mentioned in the minutes, together with the full text of approved Handbook revisions and other policy changes, will be available on the senate Web site, http://www.tulane.edu/~usenate/.
Appendix 1

Proposed Technical Amendments to University Senate Bylaw III (Standing Committees), Section 2: Committee Membership

I. Committee on Educational Policy—Under ex officio (non-voting), change “the Director of the Innovative Learning Center” to “the Chief Technology Officer or the CTO’s designee”

II. Committee on Equal Opportunity and Institutional Equity—(a) Change the semi-colon before “the General Counsel” to a colon; (b) Change the words “…one representative each from the Office of Multicultural Affairs, Disability Services, and Lesbian, Gay, and Bisexual Life, all ex officio (non-voting).” to “…a representative from the Office of Multicultural Affairs, and a representative from Disability Services.” [Note: Lesbian, Gay, and Bisexual Life has been consolidated with Multicultural Affairs.]

III. Committee on Information Technology—Under Administration (non-voting), change “Chief Information Officer” to “Vice President for Information Technology and Chief Technology Officer”

Proposed Amendment to University Senate Bylaw III (Committees), Section 1: Committee Functions

Committee on Committees

I. Add a new subsection: (1) Except where otherwise provided, to appoint members of Senate standing committees.

II. Renumber existing subsections (1) - (5) as (2) - (6) respectively

III. Change the new subsection (3) [originally subsection (2)] to read “Except where otherwise provided, to appoint, with the concurrence of the President, the chairs (and deputy chairs as needed) of Senate standing committees…. 
Appendix 2

Proposed Technical Amendments to Part III of the Faculty Handbook

1. In Section A (Statement on Academic Freedom, Tenure, and Responsibility) of Part III of the Faculty Handbook, change the word “Regular” in the title of Article III and in the title of Article IV to the words “Tenure-Track.” [“Regular” now refers to all full-time appointments, both tenure track and nontenure-track per Part III, A, Article II, Section 7.]

2. Change the title of Part III, C of the Faculty Handbook from “Appointments” to “Administrative, Joint, and Emeritus/Emerita Appointments.” [Part III, A, Article II already carries the title “Appointments.”]

3. In Section B (Academic Titles) of Part III of the Faculty Handbook, change the citation at the end on the paragraph on Research Professor to be “(Appointments–Part III, A, Article II, Section 6 of this Faculty Handbook).” [This corrects the citation.]

4. In Section B (Academic Titles) of Part III of the Faculty Handbook, change the final sentence in the paragraph on Adjunct Faculty to read “In accord with Appointments–Part III, A, Article II, Section 7 of this Faculty Handbook, there is a limit of four courses annually not to exceed two courses per semester.” [This makes the citation complete.]

5. In Section B (Academic Titles) of Part III of the Faculty Handbook, change the final sentence in the paragraph on Administrative Faculty to read “See Part III, C, 6 of this Faculty Handbook.” [This makes the citation complete.]

6. In Section C (currently “Appointments”–see proposed amendment 2 above), change subparagraph 6,e to read “Faculty are entitled to academic freedom as set forth in Part III,A, Article X of this Faculty Handbook.” [This makes the citation complete.]
Appendix 3

Proposed Amendment to Part III, C, 4 of the Faculty Handbook

Change the last paragraph to read (additions in bold):

“For a regular appointment, the candidate must possess the terminal degree in the field, except that candidates for appointments as clinical faculty, Professors of the Practice, Senior Professors of the Practice, Lecturers, and Senior Lecturers may have either a terminal degree in their field or equivalent professional experience. Ordinarily, candidates for special appointments will also be required to possess the terminal degree in the field except that candidates for part-time clinical appointments may have either a terminal degree in their field or equivalent professional experience.

[These changes will result in Part III, C, 4 conforming to the language in Part III, B, 1 of the Faculty Handbook.]