

## LOUISIANA STATE UNIVERSITY HEALTH SCIENCES CENTER

Committee A reported last June to the 2007 annual meeting on the Louisiana State University Health Sciences Center (LSUHSC), one of the five institutions investigated by the Association's Special Committee on Hurricane Katrina and New Orleans Universities. Last year's statement to the annual meeting conveyed the investigating body's condemnation of the adoption and implementation of a "force majeure" exigency plan under which sixty-one full-time members of the faculty were placed on unpaid furlough. The investigators were also able to report encouraging developments, however, as the health sciences center and its affiliated hospitals showed signs of recovery from the trauma inflicted by the hurricane. What follows are the opening paragraphs of Committee A's 2007 statement.

Six schools comprise the Louisiana State University Health Sciences Center, the School of Medicine by far the largest. Hurricane Katrina's damage to the institution's facilities, finances, and sheer ability to perform was immense, yet it managed within weeks to resume some of its functions by using other locations. All faculty continued to receive salary and benefits while the university was closed and when it reopened partially in September, October, and into November 2005. That situation was to change abruptly, however, with the approval on November 18 by the LSU board of supervisors of a "force-majeure" exigency plan that superseded existing Louisiana State University regulations.

The plan provided the LSUHSC chancellor with authority to determine how many and what kinds of positions were currently needed and thereby to decide which professor would be placed on "furlough" status, defined as "temporary leave without pay" that could "lead to eventual termination."... Notifications of placement on furlough reached affected professors only a few days before and, in some cases, only on or after the December 1 date when they ceased being paid. The procedure provided them with only five working days to request review of the decision by the vice chancellor and the

appropriate dean, who would then submit a recommendation to the chancellor on whether to sustain or reverse the decision. If the chancellor sustained the decision the notified professors would then have three working days to apply for a review by the system president.

The administration discarded existing financial-exigency procedures without adequately explaining why it found them inadequate, thereby setting aside standards conforming more closely with those in the 1940 *Statement of Principles on Academic Freedom and Tenure* and derivative AAUP-supported policies and procedures. The administration proceeded to place numerous professors on unpaid furlough with virtually no notice, acting at odds with AAUP-recommended standards and the institution's own previous standards by unilaterally deciding whom to furlough, while paying little, if any, deference to tenure rights and rights to relocation in another suitable position.

Perhaps the first sign that the days of "force majeure" were nearing their end was an announcement at the final board of supervisors meeting for 2006 that no more "force-majeure" furloughs would be imposed. By that time, the number of professors on involuntary furlough was dropping at an accelerating rate. By January 2007, when the Special Committee's draft report was circulated with an invitation for comments, the total of sixty-one had been reduced to twenty-two, and by June 2007 the total was down to twelve, and in only four of these cases, just one of which involved a professor with tenure, a resolution was not yet in sight. The "force-majeure" plan was to remain officially in place until June 2008, when notices of termination to four nontenured professors furloughed under the plan would run their course, at which point the financial-exigency policy at LSUHSC would revert back to the policy in the LSUHSC Faculty Handbook at the time Katrina struck. The AAUP investigating body had reported that this policy, while greatly to be preferred over "force majeure," had its flaws, but the LSUHSC administration indicated its willingness to consider specific AAUP proposals for modifications in the policy.

Committee A's report on LSUHSC to the 2007 annual meeting concluded as follows:

In light of these salutary developments and with further developments in process, Committee A makes no recommendation to the Ninety-third Annual Meeting regarding the Louisiana State University Health Sciences Center. The committee and its staff plan to keep in close contact with the institution's administrative officers and faculty leadership in the year ahead, and the committee will report back on LSUHSC to the Ninety-fourth Annual Meeting in 2008.

Since last June, the LSUHSC administration has worked in close cooperation with the AAUP staff in seeking to resolve the handful of unresolved furlough cases. As of April, two such cases remained. One involved a professor who had already rejected two offers of recall and made it clear that she would not consider any offer to be suitable if it was not for a position more closely resembling her previous position, which had been discontinued. The other furlough case involved an alleged financial irregularity, which was sufficient not only to keep the administration from offering reinstatement but also to keep the professor from requesting it.

With regard to the adoption of standards that will serve to prevent future cases, members of the Special Committee on Hurricane Katrina and New Orleans Universities, appointed as a subcommittee of Committee A, guided the staff in proposing modifications in the LSUHSC financial-exigency policies. Following discussion among the staff and the subcommittee, the staff in November sent a proposal for ten modifications for consideration by the administrative officers and the relevant faculty committees. An April 30 letter from the administration informed the Association that all responsible LSUHSC bodies had approved adoption of most of the modifications, including the three viewed by the AAUP as most important.

Two of the three major modifications strengthen the faculty's role in governance. In the event of financial exigency, the previous policy called on the chancellor to appoint an *ad hoc* committee of faculty and administration to institute a retrenchment plan. As now modified, the chancellor is to appoint this committee "after consulting with the officers of the Faculty Senate." Similarly, the previous plan had the chancellor appointing a standing committee for hearing faculty appeals. Here, too, the provision as now modified has the appointing done "after consulting with the officers of the Faculty Senate." The third major modification strengthens tenure. The policy had called for

retrenchment by order of seniority, but with exceptions allowed because of institutional need. As now revised, in any departure from the order of seniority “the burden of justifying exceptions will rest with the administration.”

The proposed modifications were submitted to the Louisiana State University System office for review to ensure conformity with system regulations. By letter of June 3, the LSUHSC administration reported receipt of assurance from LSU’s general counsel that the modifications are in compliance with the system regulations and that no further action is required.

Committee A commends the LSUHSC administrative and faculty officers for their good work. It welcomes not having to make any recommendation to the Ninety-fourth Annual Meeting regarding the Louisiana State University Health Sciences Center.