

IX. ADDENDUM

A Response to the Draft Report from Louisiana's Commissioner of Higher Education

On August 29, 2005, the State of Louisiana and all of its governmental entities were confronted with unprecedented challenges that changed our state. The catastrophic impact of Hurricane Katrina cannot be overstated. The operations of every campus in the impacted area was totally disrupted. The colleges and universities that were intact after Hurricane Katrina were converted into medical triage centers, evacuee shelters, and support facilities for first responders and military personnel. Just as flood waters were receding, our state was hit by another enormous storm, Hurricane Rita, expanding the number of colleges and universities disrupted and inflicting additional damages to the Katrina-affected campuses.

While reading the first few pages of the draft report, I believed that our efforts to convey the enormity and urgency of the moments, days, weeks and months following Louisiana's nightmare were understood. Upon reading the conclusions drawn by the Special Committee, I realized that we had failed.

The combination of two major hurricanes hitting our coast within thirty days and the collapse of the levee system in New Orleans caused the entire coast of Louisiana to be placed on life support. When I convened our system presidents for our initial meeting immediately following Hurricane Katrina, the first concerns expressed regarded students, faculty, and staff.

You correctly describe that communications were down and that documents were lost. Day-to-day decisions had to be made without the benefit of knowing if the physical structure of institutions still existed. It was nearly two weeks before special permission was granted by federal authorities to even access these damaged campuses in Black Hawk helicopters with military escorts due to looting and security concerns.

Just as the state, our institutions, students, and faculty members began to assess the damage from Hurricane Katrina and achieve some calm, Hurricane Rita hit. Weary first responders and campus administrators had to re-evacuate the little occupancy they had and secure their physical premises once again.

At the same time, there were discussions of what the loss of 35 percent of the state's revenue base would do to Louisiana. There were discussions of bankruptcy and mass layoffs of public workers and closure of some regional offices, including colleges and universities.

During all of this and even knowing that they would have to answer to legislators concerned about the draining of existing state revenue, our postsecondary education leaders were steadfast in their commitment to keep faculty fully paid for as long as possible. We creatively took advantage of policies developed by the Civil Service Commission for state employees to retain faculty and staff through the months of September, October, and November 2005. Constitutionally, it is an unlawful donation to pay someone who is not performing duties. However, using the aforementioned strategy, we were able to justify paying faculty and staff if they made themselves available if needed.

Our colleagues from across the nation provided assistance to our faculty and students. Our regional accreditor, the Southern Association of Colleges and Schools, agreed to several accommodations for our institutions in the process of accreditation as well as working through multiple other problems presented by the crisis. The Southern Regional Education Board helped us to establish an online registry so students could continue to take classes and faculty could perform work to develop online courses. We established a registry for faculty members to teach at other institutions, especially those taking in a significant number of displaced students. The U.S. Department of Education provided multiple waivers and accommodations for student financial aid.

Unfortunately, the Civil Service Commission could no longer justify its leave policy after December 1, 2005, and universities were unable to continue paying faculty who had no classes, no labs, and no campus. The state cut \$75 million from higher education budgets, and tuition income took a dramatic downward turn. Projections of future student enrollment were best guesses.

No one laments the actions made necessary by these events more than those of us in Louisiana's postsecondary education system. It is an understatement to say that we agonized over each and every decision that adversely affected a student or faculty member. In addition to faculty and students, our state lost millions of dollars in assets and years of positive momentum. While reading the report, I could not help but feel as I did when dealing with some of the federal agencies guiding us through the disaster and now through recovery. In our initial meetings, one representative said that they had been instructed to "not only think outside of the box but to get rid of the box." In the next breath, he began to describe all of the rules and regulations we needed to follow.

This report does much of the same. It eloquently describes that “(w)hat actually befell New Orleans higher education on August 29 far exceeded even the worst fears” and then concludes that actions taken by Louisiana did not follow established policies and procedures.

The chair of the Louisiana Recovery Authority, Dr. Norman Francis, often answers claims that something was not done fast enough or well enough in the hurricane response with “As compared to what?” There are no comparables. Standards developed to guide single institutions in a well defined circumstance barely apply.

It is clear that great effort went into your investigation and report. I know that your mission is to protect faculty. During these difficult times this has been our mission as well, and we have taken extraordinary measure and advantage of every creative avenue available to keep our faculty whole for as long as possible. Not because of policies and procedures but because it was the right thing to do.

Thank you for providing me an opportunity to respond.

E. Joseph Savoie
Commissioner of Higher Education
State of Louisiana

A Postscript from the Special Committee’s Chair

The Special Committee recognized that in many respects this document is not a final report. More than a year and a half after Katrina, the outcome of the cases of many affected faculty members is still to be determined. Hearings and appeals are still to be held, recalls from furlough still occur, and litigation in some cases may prolong the process further. Important institutional plans and decisions, moreover, are still to be fully implemented and remain subject to modification. We hope, as conditions on New Orleans university campuses improve (often slowly and painfully, to be sure), more of the harshest of the post-Katrina personnel actions may be mitigated. Although some of those draconian decisions and their effects have become permanent by default—as faculty members simply departed or ceased resisting, or programs were irretrievably recast—we note more optimistic prospects in other areas. We take comfort from the degree to which faculty leaders at the five institutions we studied have been resilient in their advocacy of professional interests on their campuses and throughout the region. We have also been heartened by an apparent commitment—not only by the affected New Orleans institutions but also by many col-

leges and universities across the country—to heed the lessons of Katrina, and to prepare far more thoroughly for future calamities and disasters.

The president or chancellor at all five of the investigated New Orleans universities reviewed and commented in detail upon a draft of this report, as did the general counsel of one of the cognizant university systems and the president of another, and we would be remiss if we did not convey our appreciation for their thoughtful and informative responses. We believe we have improved the report by taking these comments into account, often simply by changing or elaborating the text, and occasionally by adding footnotes that convey the writer’s concern.

The above-printed response to this report from Louisiana’s commissioner of higher education, Dr. E. Joseph Savoie, bears special note. As stated in the report’s introductory chapter, during the Special Committee’s late August 2006 visit to New Orleans Commissioner Savoie not only devoted a half day to meeting with us, ensuring the presence at that meeting of several other key officials. He also arranged a lengthy tour of the heavily affected parts of the city, providing us with a profound impression of the devastation that the hurricane had wrought.

The commissioner’s comments poignantly remind us of the gravity of the natural forces that traumatized New Orleans and its universities, and continue to make living and working there so difficult. Moreover, his letter reminds us of the common values and interests we share—those who are charged with leading New Orleans institutions, and those whose task it is to appraise the stewardship of those leaders. Where we diverge—and inevitably, on certain issues, we do diverge quite substantially—I trust that it is not so much because we have incompatible values or interests, as because we differ on the appropriate and permissible response to the calamity brought by Katrina.

Robert M. O’Neil 



Committee A on Academic Freedom and Tenure has by vote authorized publication of this report in *Academe: Bulletin of the AAUP*.

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