

MINUTES

BOARD OF REGENTS

JANUARY 8, 2009

The Board of Regents met in session at 9:40 a.m., Thursday, January 8, 2009, in the Louisiana Purchase Room, Claiborne Building, 1201 North Third Street, Baton Rouge, Louisiana. Chair Pat Strong called the meeting to order. Executive Assistant Carolyn Blanchard called the roll and a quorum was established.

Present for the meeting were:

Pat Strong, Chair
Artis Terrell, Jr., Vice Chair
Robert Levy, Secretary
Scott Brame
Robert Bruno
Richard D'Aquin
Maurice Durbin
Donna Klein
Mary Ellen Roy
Victor Stelly
Harold Stokes
Roland Toups
Joseph Wiley

Absent from the meeting were:

Jamey Arnette
Ingrid Labat
W. Clinton Rasberry, Jr.

PUBLIC COMMENTS

Chair Strong noted that no written requests were received for public comments and asked whether the audience had any comments at the time. There were none.

APPROVAL OF THE MINUTES OF DECEMBER 4, 2008

On motion of Regent Levy, seconded by Regent Stokes, the Board voted unanimously to approve the minutes of December 4, 2008.

SWEARING IN CEREMONY FOR 2009

Board Officers (Chair, Vice Chair, and Secretary)

Regent Strong noted that the newly appointed officers for 2009 would be sworn in by Ms. Connie Koury, General Counsel. Ms. Koury administered the oath of office to Regent Artis Terrell, Jr., Chair; Regent Robert Levy, Vice Chair; and Regent Mary Ellen Roy, Secretary.

Members to Serve on the Executive Committee

Regent Strong requested members of the Executive Committee be sworn in by Ms. Koury as follows: Regent Artis Terrell, Regent Robert Levy, Regent Mary Ellen Roy, Regent Donna Klein, and Regent Harold Stokes. Regent Clinton Rasberry was absent and will be sworn in at a later date.

Members to Serve on the Office of Student Financial Assistance

Ms. Koury administered the oath to Regent Joseph Wiley and Dr. Larry Tremblay, Acting Deputy Commissioner for Academic and Student Affairs, to serve as the Regents' representatives on the Louisiana Office of Student Financial Assistance Commission for 2009.

Member to Serve on the Board of Regents' Proprietary Schools Advisory Commission

Ms. Koury administered the oath to Regent Richard D'Aquin to serve on the Board of Regents' Proprietary Schools Advisory Commission for 2009.

Regent Strong turned over the leadership as Chair to Regent Terrell. Dr. Sally Clausen, Commissioner of Higher Education, introduced Mr. Donald Vandal, Deputy Commissioner for

Finance and Administration, to read a Resolution to Regent Strong on behalf of the staff. He said the staff has admired Regent Strong for his insight, enjoyed his humor, and trust his judgment. Mr. Vandal said the staff wanted to extend heartfelt thanks and appreciation for his 19 years of service to Louisiana's postsecondary education community.

Regent Strong thanked everyone and stated that he had enjoyed working with the members of the Board and its staff. Commissioner Clausen next presented a plaque on behalf of the Board and its staff to Regent Strong to demonstrate appreciation for his leadership during his tenure as Chair. She said that Mr. Strong had lead with courage and collaborated with skill. She said that Regent Strong has agreed to serve on a foundation board for higher education promoting some initiatives of the Board of Regents in the future.

Dr. Jeanne Burns, Associate Commissioner for Academic Affairs for Teacher Education, noted that Regent Strong had served on the Blue Ribbon Commission for Educational Excellence and was a strong advocate for the improvement of teacher education. She thanked him for his support in all endeavors to improve teacher effectiveness.

REQUEST TO SEEK INTERIM EMERGENCY BOARD FUNDING UNIVERSITY OF LOUISIANA AT LAFAYETTE (CAJUNDOME)

Mr. Rich Griswold, Associate Commissioner for Facilities, informed the Board that the University of Louisiana System has requested consideration of its intention to seek funding to correct structural deficiencies at the Cajundome at the University of Louisiana at Lafayette. Mr. Griswold stated that the staff had visited the facility and noted that the concourse at the second level is supported by 44 structural beams that radiate outwardly to the exterior walls of the facility. He continued by saying that forty of the corbels are centered on the beams and

apparently are structurally sufficient; however, at four locations where doors exist at the first and second levels, the corbels were located in an offset manner. Mr. Griswold said these corbels are now failing and could permit the beam to dislodge and collapse. He noted that the institution did take immediate and temporary action to support the beams at the four locations, but permanent repairs need prompt action.

On motion of Regent D'Aquin, seconded by Regent Klein, the Board voted unanimously to recommend that the University of Louisiana at Lafayette seek funding from the Interim Emergency Board in the amount of \$1,233,828, which includes reimbursement of approximately \$150,000 spent to date.

REPORTS AND RECOMMENDATIONS BY THE COMMISSIONER OF HIGHER EDUCATION

MORATORIUM ON THE CONSIDERATION OF PROPOSED NEW ACADEMIC/RESEARCH PROGRAMS/UNITS

Commissioner Clausen thanked the staff along with system presidents and campus heads for their diligent work during the Christmas holidays to address the first announcement of budget cuts for higher education followed by plans for the reduction of those cuts by the Governor. She also thanked the Governor and his staff for their tireless efforts in making the reduction to the budget cuts possible. Dr. Clausen said that the latest amount of \$55 million must be cut from higher education. She noted that other states are facing a similar situation such as: (1) California cuts in higher education are forcing an enrollment cap in which 10,000 students will be turned away from school next year, (2) New York is planning a 15% tuition increase to offset a nearly \$350 million cut, (3) Florida is considering a similar increase, (4) Kentucky Community and Technical College system leaders are considering the elimination of tenure as well as health benefits for retirees, and (5) Washington's colleges and universities are facing budget cuts of

twenty percent. She said that next week the Regents' staff will refocus its attention on the performance-based funding model that will be submitted to the Governor and Legislature in the spring.

Commissioner Clausen introduced Mr. Gerard Killebrew, Associate Commissioner for Academic Affairs, to share findings on the moratorium on new programs as well as the review of low-completer programs.

Mr. Killebrew noted that the Board of Regents had, several times in the past, imposed moratoria on the consideration of proposed new academic/research programs/units. He noted that the current proposed moratorium would be in effect for the remainder of the 2008-09 fiscal year and the entire 2009-10 fiscal year. He gave a comprehensive rationale for the moratorium.

Regent Stelly inquired about the necessity of hiring out-of-state consultants for professional services if a moratorium was passed and new proposals did not have to be reviewed. He noted that this could be a major cost saving to the systems. Regent Strong noted that the Regents were responsible for hiring professional consultants to review new programs and/or proposals. Regent Stelly inquired if it was necessary to hire out-of-state consultants for the reviews or the possibility of staff completing the review. Regent Strong said it was necessary to have an unbiased third party conduct the review. Dr. Clausen said the Regents would cut its budget more than half on professional services.

She then asked the system presidents and representatives to address the proposed moratorium and low-completer review as well as Regent Stelly's question.

Dr. Randy Moffett, President, University of Louisiana System, stated that the University of Louisiana System will participate fully in the review of low-completer programs, and he

supports the moratorium as well as key components of an on-going effort to contain cost in higher education. He said often times it is healthy to step back and take a look at what we are doing and where we are spending our dollars. He said that at a campus level, when a program is developed, they have used external advisors, but not necessarily paid advisors. He noted that consultants were used for more than reviewing program proposals. He said many were hired for legal matters, as well as for crisis and emergency responses following the Virginia Tech University incident. He noted that the University of Louisiana System would reduce its budget for professional services.

Dr. Ralph Slaughter, President, Southern University System, noted that when times get difficult you have to accelerate the pace of analyzing low-completer programs. He said it is important that higher education in general, and the Southern University system, specifically, to try to concentrate the scarce resources that it has on the best programs. President Slaughter stated that the Southern System had no problem with the low-completer review. He said the system office does not hire consultants to review programs, but they use consultants for other reasons.

Dr. Michael Gargano, Vice President for Student and Academic Support, Louisiana State University System representing Dr. John Lombardi, said that there is a public relations aspect to the low-completer program review – higher education demonstrates that it will downsize and become smaller to save money. He pointed out that even though a campus may eliminate the program, the faculty may not be eliminated. He said if a strict moratorium is placed on academic programs, the need for consultants to evaluate programs would be lessened, but consultants may be hired in other areas to assist to identify emerging opportunities.

“For the LSU System, we are prepared to take the steps that will be necessary that will

engage our various campuses in a complete review of our academic programs in consultation with our chancellors and our chief academic officers in consultation with our system heads and our board,” said Mike Gargano representing the LSU System. “We will make the appropriate decisions that will be necessary so that we offer the types of academic programs that are successful and meet the particular needs of our state.”

Mr. Jim Henderson, representing Dr. Joe May, President, Louisiana Community and Technical College System, thanked Commissioner Clausen and her staff for the collaborative approach taken on this very sensitive subject. He said when it comes to the moratorium on programs, the Regents should be commended for taking into account the need to allow programs targeted for economic development. Mr. Henderson reinforced that LCTCS’ commitment to the most efficient and effective use of higher education dollars.

Commissioner Clausen noted that higher education has a challenge to increase production. She cautioned, however, that such reductions may come at a price. She said the Lumina Foundation reported that ten years ago the United States was the most prosperous nation because our citizen were the world’s best educated, but now we rank 10th in the world. She observed that before President-elect Obama ends his first term in office, there will be 3 million new jobs that will require a four-year degree, and Louisiana must graduate students to fill these jobs. Dr. Clausen said that meeting workforce needs will be a priority.

On motion of Regent Toups, seconded by Regent Levy, the Board voted unanimously to grant approval for the following Moratorium on the Consideration of Proposed New Academic/Research Programs/Units, as follows:

- 1. The moratorium shall take effect immediately and through the 2009-2010 fiscal year. Prior to expiration of this term, the Board of Regents may reconsider the need for continuance and/or possible**

changes.

- 2. This moratorium shall apply to all existing and anticipated proposals for new programs and units, with the following exceptions:**
 - a. Programs/units required and/or approved due to legal mandates (e.g., Desegregation Settlement Agreement);**
 - b. Programs/units which have completed all levels of review except final consideration by the Board of Regents (The related Letter of Intent must have already been approved by both the associated management board and the Board of Regents. Further, the full program proposal must have already been approved by its associated management board and submitted to the Board of Regents for final review.);**
 - c. Technical/workforce programs at institutions within the LCTCS and other community colleges;**
 - d. Programs/units deemed essential to completing program development required for institutional accreditation of emerging new institutions and/or previously authorized units (e.g., Louisiana Delta CC, Fletcher TCC, and Sowela TCC, etc.); and**
 - e. Programs/units deemed essential to continue ongoing teacher education reform efforts (those programs which lead to certification and/or licensure); and**
 - f. Other programs/units deemed essential to immediate and long-term economic development (wherein there is a well-established and clear connection with existing/new industry).**

Considerable and definitive evidence will be required should an affected institution request review of a proposed new program/unit under any one of the exemptions above. In the case of a requested exemption under scenarios a., b., c., d., and e., a written statement by the affected campus head (with approval of the relevant management system) addressing how the exemption will be met with an accompanying commitment to provision of required state funding (given higher education's current and anticipated budget cuts) will be required prior to Board consideration. Under scenario f., the affected

campus head and associated faculty/staff, (with approval of the relevant management system) shall be required to appear before the Board of Regents to present a detailed explanation of potential beneficial economic impact and an accompanying commitment to provision of required state funding (given higher education's current and anticipated budget cuts).

- 3. Previously approved Letters of Intent for proposed programs/units currently on file which do not fit one of the exemptions above will remain current for three years after the term of the moratorium has expired. Related program proposals will not be accepted during the term of the moratorium without fulfilling exemptions detailed in section 2 above.**
- 4. Colleges and universities may continue to submit proposed Letters of Intent for projected new programs which do not fit into one of the exemptions above with the understanding that approved Letters of Intent will not become active until after the moratorium has been lifted and will remain current for three years after the term of the moratorium has expired.**

2009 Review of Low-Completer Programs - Phase I and II

Mr. Killebrew observed that four times in the past, the staff had conducted reviews of academic programs which have graduated low numbers of completers. He said that in fall 2008, the Academic and Student Affairs staff began formulating the structure and process for the fifth periodic review of low-completer programs and informed the Board that such a review was imminent. Mr. Killebrew, said that shortly thereafter, it became apparent that the State's fiscal condition had deteriorated significantly and it was then decided that more immediate action regarding questionable academic programs would have to be taken. He outlined the procedures and policies to be followed through the process of review. Mr. Killebrew said that the affected campuses/systems will be required to submit by March 1, 2009, its rationale for maintenance, termination, or consolidation of low-completer programs. He said that staff recommendations regarding these programs will be forthcoming in April 2009. He commended the institutions for

their willingness in the past to take appropriate action on low-completer programs.

On motion of Regent Toups, seconded by Regent Klein, the Board voted unanimously that the Board of Regents direct affected systems/campuses to submit rationales for the continued maintenance, reconfiguration, consolidation, and/or termination of the 658 Low-Completer programs identified using the following procedures as outlined below:

- 1. Low-Completer program rationales shall be due in the Office of the Associate Commissioner for Academic Affairs by March 1, 2009.**
- 2. Rationales should not exceed one page in length for each program under review.**
- 3. Any corrections in numbers of graduates previously reported by the affected institution must be supported with substantive and conclusive documentation (i.e. list of completers by social security number).**
- 4. Rationales for program maintenance shall address the following issues:**
 - a. Consistency with institutional role, scope, and mission.**
 - b. State's need for graduates.**
 - c. Institutional need to support other more productive programs.**
 - d. Measures of program productivity other than numbers of graduates. Here, proven numbers of job placements related to education provided within a degree program may be relevant. Such figures, however, may merely support the offering of select course work, not necessarily entire programs.**
 - e. Additional institutional support needed to make the program productive within a reasonable time frame.**
- 5. Rationales for program reconfiguration/consolidation shall address the following issues:**
 - a. Reasons why a reconfigured/consolidated program would succeed as compared to the current non-productive program arrangement.**

- b. All issues identified in #4 above.**
- 6. All rationales for program maintenance/reconfiguration/consolidation shall provide supportable five-year projections for numbers of enrollees/graduates beginning AY 2008-09 through 2012-13, with the understanding that the Board of Regents shall hold the affected institution fully accountable for achieving these goals.**
- 7. There are no staff requirements for the content of institutional requests for termination.**

Regent Strong inquired as to the number of proposals on hand at the Regents' offices that have not been reviewed by consultants. Mr. Killebrew said there were at least 6 four-year and above degree programs yet to be reviewed, but that all programs would fit the stated "exemptions." He continued by saying that these proposals should be forthcoming unless the institution withdraws the program.

Dr. Clausen noted the following activities since the last Board meeting:

- A majority of time has been spent on the budget talks with system heads, the Governor and his staff as well as legislators,
- Spoke at the CABL Innovation Panel, and
- Attended the Lumina Foundation "Tuning Study" as Louisiana is one of a handful of states invited to participate in this worldwide project to improve education.

She said that a member of the Regents was instrumental in raising \$10,000 as a donation for one of the high-performing, high-poverty schools to enhance the principals to continue assisting students in the classroom.

OTHER BUSINESS

On motion of Regent D'Aquin, seconded by Regent Klein, the Board voted unanimously that the Commissioner of Higher Education be given permission to advertise and the flexibility to hire as soon as possible an Academic Officer,

an Information Technology Officer and support staff.

Regent Bruno said the University of New Orleans and Southern University--New Orleans are still struggling since the hurricanes of 2005. He is making a public plea from the Governor's office, system presidents, university presidents/chancellors and the Board to carefully look at the situation and see if these two universities can be spared from the higher education budget cuts.

ADJOURNMENT

Vice Chair Levy stated there being no further business to come before the Board, the meeting was adjourned at 10:45 a.m.