

FACULTY MORALE DURING AND AFTER AN EMERGENCY: UPR LAW BEFORE AND AFTER HURRICANE MARÍA

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INTRODUCTION

THANK you to the University of Toledo Law Review for inviting me to write in this Deans Issue about faculty morale. I am Vivian Neptune, and I have been the Dean of the University of Puerto Rico School of Law for the past seven years. Please note that I was asked to write in this issue before Hurricane María hit Puerto Rico on September 20, 2017. Before María, I planned to share with you some of the strategies that I have used to motivate my faculty including: sabbaticals, reduction in class-load, divulgation of accomplishments, and publications in our online magazine. Now, however, after María, I decided to change the scope of my discussion. In the paragraphs that follow, I am going to speak to you about faculty morale during and after an emergency.

I. NAVIGATING UNIVERSITY UNREST AND STUDENT STRIKES

To give you some context, I have been dealing with emergencies since I began my deanship. Before becoming a dean, I started at the law school as a professor in 2006 after leaving a big law firm in Puerto Rico. The University of Puerto Rico (“the University”) is the only public institution of higher education in Puerto Rico. Its law school is a centennial institution with a student body of 700 students. The law school has been accredited by the ABA since 1945 and by the AALS since 1948. In 2007, I started as an associate dean. Soon after, in 2009, we had a student strike due to a tuition increase imposed by the Board of Governors of the University. The dean at the time resigned, and I was appointed interim dean and later dean after the thorough search for a dean concluded in 2011. All of which took place while the impact of the strike was in full effect on the campus. Further, I became the first female dean elected and appointed to my law school.

After the strike ended, I had to manage faculty morale, expectations facing budgetary cuts, and a divided faculty. The faculty was divided due to a controversial aspect of the strike, in which the police were called to end the student protests. Imagine the violence on our campus and the impact on our faculty and students. I concentrated on the peaceful end of the conflict and focused on ways to

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mend the deep wounds that the violence created among my faculty and students that had conflicting views on the use of violence. After holding multiple meetings, individual sessions, and faculty retreats, I was able to unify my faculty and come to an agreement on a strategic plan for the next seven years.

My first recommendation for boosting faculty morale after an emergency related to class interruption and violence on the campus is that you must promote faculty involvement during the healing process through faculty retreats and one-on-one meetings. A healing period is crucial before being able to move forward. Afterwards, you may involve the faculty in the design of the new goals and projects for the future. You cannot move on without having closure from the difficult period of time.

After my first emergency, the student strike of 2009-2010, faculty morale increased in response to the use of strategies aimed at recognizing the collaboration, scholarship, research, and community service of my faculty. Seven years later, we were thriving and meeting all of our goals. We had the ABA and AALS site team visit in March 2017 and were very proud of our accomplishments. Specifically, we were proud of the nine new clinics and ten new pro bono programs that were created since their last visit. By 2017, we had expanded to a total of 21 clinics and 16 pro bono programs. All in all, the visit went smoothly. Just ten days later, however, students declared another strike due to the cuts proposed by the Oversight and Control Fiscal Board (which had been created by federal legislation to deal with the financial crisis of the Island). The proposal of the board was and still is to cut half of the budget of the University of Puerto Rico. The strike lasted until June 2017 after the president, chancellor, and members of the Board of Governors of the University resigned.

Because I was the senior dean on my campus among nine other deans, I ended up presiding over the administrative board of the campus and what we call the "Board of Deans." We went two months without a chancellor and without any centralized leadership. With the other nine deans, I summoned the administrative board and the academic senate, and we were able to facilitate a student general assembly in a healthy environment with security and faculty presence. The strike ended after students voted in a pacific way and the Board of Deans approved the new academic calendar to restore order to the campus.

My second emergency also involved a strike at the University. Like the first strike, there was a lack of leadership on the campus and at the Central Administration level. Faculty morale was restored only after assuming leadership among the deans, establishing direct communication with the student body that physically blocked the gates to the campus for three months, and restoring the academic calendar. Faculty members felt confident that the semester would be saved and that a peaceful resolution was feasible. My second piece of advice to boost faculty morale in an emergency caused by interruption of academic activities and lack of leadership is to establish alliances with other faculties at the University and be a leader. Across many campuses, other faculties look to the law school for leadership. We as law school Deans should not be afraid to assume that task and fill the void. There was great impact on the morale of my faculty and students when we were able to finish the semester in July and even had a summer session of three weeks during August.

I. HURRICANE MARÍA AND ITS AFTERMATH

Academic year 2017-2018 began on September 5, 2017. Hurricane Irma passed very close to Puerto Rico from September 6 to September 7. The impact of Irma in Puerto Rico was not as substantial as initially estimated, but some parts of the population lost electricity and there was massive flooding. We resumed classes on September 12, but shortly after on the 20th, María hit the island. For this third emergency, not one of the previous drills was helpful. I do not think that anyone would be prepared to handle the aftermath of the direct impact of a category five hurricane at his or her school. Everybody in Puerto Rico suffered some kind of material loss as a result of María, including: windows, doors, roofs, ceilings, yards, or vegetation. Some people even lost their homes because María caused them to fully collapse. The worst part of the hurricane was the lack of electricity, water, bottled water, gas, and diesel. At one point, 100% of the population was without electricity, internet access, phones, and telecommunications. Only one FM station was still standing afterwards. Food was difficult to get because supermarkets could not operate without energy, and there was little diesel on the island for the generators.

We were able to enter the campus on September 25 and make an assessment of the damages. The only place that the interim chancellor, deans, and essential personnel were able to work was in a small building that had a generator, computers, and internet access. The majority of the damage on campus was visible, such as trees and vegetation ripped from the ground by hurricane winds. Most of the rooms in the law school were in good shape, but the library was a disaster. The infiltrations of the ceiling, caused by the rain, accumulated four inches of water in each of the three stories. The lack of energy and air conditioners made it impossible to resume classes. To make matters worse, it was uncertain when the power would be restored.

To maintain faculty morale through these difficult times, I recommend that deans do the following:

1. Make Sure Everyone Is Okay

My priority was to contact each faculty member and employee to find out how they were doing. This was difficult since most communications were down, but I was able to communicate through email and, ironically, a popular messaging app—WhatsApp. It might have taken longer than it normally would, but the messages sent through those systems were delivered and received. Each faculty member responded to my messages, and I had an idea of those who needed more assistance as opposed to those who did not. I requested that each professor contact their students through text, WhatsApp, TWEN, or whatever other platform they could use to contact their students and to notify me about extreme cases of students in need of help. We established an emergency fund that provided immediate assistance to those students who were referred by professors.

Because communications were down, the bank payment systems were also down, which meant that only cash payments were being accepted. This made the lines at the ATM machines extremely long. Also, the lines to get gas would last

seven to eight hours on a good day. We were able to make direct money transfers to students' personal accounts through applications available at that time. I even made transfers to students from my personal account. To increase faculty morale after a natural disaster emergency, it is very important to restore communication as soon as possible in order to find out about the well-being of your community members. This provided security to my faculty, employees, and students. They felt that they were part of a community and that I, as dean, really cared. It may sound trivial, but for them and my students, this was very important. It was also equally important to me.

2. *Be Transparent and Effectively Communicate the Magnitude of the Challenges*

After finding out how they were doing, I sent periodic updates about the campus and school status to my faculty and students. I did not hide anything from them, and I accurately depicted our reality and our needs. I ended up buying generators through the School of Law Trust Fund, which allowed cleaning companies to begin the process of draining the water from our library and cleaning the books and floors. Without power they could not have started working. The engineer in charge of the recovery process at the campus told me that if I had waited three more days, I would have lost the entire collection of my library. We asked for volunteers to clean up the open spaces, patio, and surrounding areas on September 28. Many alumni and students showed up to help.

Once the campus was safe on October 3, I summoned the employees and faculty members to come and inspect their office spaces, see the condition of the school, and participate in a meeting to discuss the damages to our library and some of the offices. Afterwards, I held three town hall meetings to describe the work in progress and mitigation efforts. Also, we received our students in our lobby and front yard and did a survey of needs on October 11, 13, and 18. We advertised by radio, Facebook, and email, and established a relief center with donations of bottled water, canned food, clothes, and basic need supplies. The survey of needs was confidential. We put together 13 stations in the main gate of the school and the lobby. The stations were aimed at student support, including: academic support, financial aid, counseling, volunteering, survey, Trust Fund assistance, donations, FEMA, and SBA assistance. There was also one station solely for faculty members. I communicated to my students my plan to resume the semester and the help available to them for immediate relief.

3. *Provide Different Scenarios When You Do Not Have All the Answers*

Since no one knew when power would be restored to the campus, I worked with my associate dean, assistant dean of students and administrative affairs dean, to brainstorm different scenarios for our calendar. In the first scenario, if the power was restored by October 15, classes would resume 10 days after, so long as the central air conditioning started working, the temperatures were optimal for fumigation, and the mold control liquids were sprayed. In the second scenario, if the power was restored by October 30, open spaces would be identified in order to

resume classes while the cleaning process was in progress. Also, our night classes had to be rescheduled for Saturdays and Sundays during the daytime. I summoned the night students and night faculty for a special meeting on October 28 and everyone attended. We answered all the questions and provided support for their needs. It is important to note that I did not open up any of these decisions or scenarios for a vote. Instead, I thoroughly discussed and explained the available options. When you are dealing with an emergency, you need to act fast.

4. *Show Leadership and Follow Your Instinct and Common Sense*

This gave my faculty a sense of direction. Someone was in charge and we were going to be okay. In hindsight, I was not 100% sure that my plan would work at that moment, but I had to project security, calmness, and a commitment to my school. That made the process easier for everybody. My office was located in the lobby for three weeks with folding chairs and tables. Without air conditioning, we were not able to go back to our offices, and the cleaning process would take longer than expected. I was accessible to all of my students, employees, and faculty as everyone was able to reach me at any time in the lobby. In that improvised lobby-turned-office-space, I received all of my students, employees, and faculty. I listened to their needs and assisted them in whatever way I could. I feel this made a big difference to them. Also, we provided free lunches for students, employees, and faculty during the first week we resumed classes. Some students told me that the provided lunch was their only hot meal of the day.

CONCLUSION

I am pleased to share with you that on October 30, 2017 we resumed classes. At that moment, we still did not have power and were forced to establish classrooms in open spaces like in the patio and front yard using tents and folding chairs. Also, we held our big classes in four jury rooms provided to us by the Chief Judge of the Federal District Court in Puerto Rico and in rooms we rented at the Engineers Bar Association of Puerto Rico. Later on that same day, power was restored to the campus and to the law school. It took a while before we could use all of the classrooms, but we were back on track. The first semester ended on February 9, and the second semester began on March 5 and ended on July 5. Out of 700 students, only 3% of them postponed their studies. Out of the 29 students that left to attend five other law schools as visitors in the States, only two decided to transfer permanently and the rest returned to my school to finish the semester. Despite this, we were very close to losing everything including the library, which is the biggest and most complete library of the Caribbean and of a great part of Latin America.

However, the island is still suffering. No federal aid has been received. While a federal loan was approved, it has not been disbursed. Only 57% of the population has power. Imagine your whole campus, your whole city, and your whole state without electricity. That was our reality for some weeks and still remains to be the reality in some areas of the island. Generators are common and needed in every household. Volunteers are welcome to join us in the recovery efforts started by my

clinics, students, and faculty members. Now that we are back to business, students are happy to be receiving their education, and have a safe place to study, we are giving back to the community. We are giving back by providing essential goods to them and legal advice for the FEMA claims, land titling, environmental, and immigration issues facing many communities.

I want to thank AALS, LSAC and all the deans that reached out to me and all my students during this difficult time. It was very moving and overwhelming to receive that kind of support. Every email and every text sent showing support made a difference. Fortunately, we are back in business, our students excelled on the bar exam that they took after Irma but before María, and in November 2017 I received a letter from AALS stating that our law school remains on the list of their member schools. We had an open house on December 17 with a full house—more than 200 participants, and also provided free CLEs to alumni and 400 enrolled students. We had the school packed and filled with energy. Despite all the challenges and against all odds, our faculty morale is at its highest point at this moment.

In a nutshell: when facing an emergency, human or nature caused, be transparent, establish communication as soon as possible with your constituents, provide different scenarios when you do not have all the answers, and show leadership. I hope my story and my advice can be helpful to you all.

EPILOGUE (SEPTEMBER 2018)

The greatest losses in the aftermath of María were the human casualties, which now total an estimated 2,975 lives lost.¹ The death toll of Hurricane Katrina was 1,833.² Until August 2018, the government claimed that there were only 64 María-related deaths; however, after months of challenge by public opinion, the government released the official death toll. Many members of the University of Puerto Rico School of Law community lost relatives. Recently, we lost a dear secretary. While we may not attribute her death to María, the reality is that the exodus of physicians to the States has affected medical services here on the island after the hurricane. We have mourned those that lost their lives due to complications caused by lack of electricity, basic medical attention, and assistance. Almost one year after María, the painful truth emerged: María was the deadliest hurricane in United States history.

Despite this harsh reality, at the law school, we were able to begin our 2018-2019 academic year with excellent applications and admissions numbers, employment outcomes, and bar passage rate. My students are warriors. They have overcome so much. My employees are extraordinary. They have selflessly shared even the last things they have in order to help others. My faculty is now focused on helping those with the greatest needs, including the many people without land titles that have not received assistance from FEMA or other governmental

1. *Puerto Rico Increases Hurricane Maria Death Toll to 2,975*, BBC NEWS (Aug. 29, 2018), <https://www.bbc.com/news/world-us-canada-45338080>.

2. Emma Schwartz, *Hurricane Maria's New Death Toll Estimate Is Higher Than Katrina's*, PBS (Aug. 28, 2018), <https://www.pbs.org/wgbh/frontline/article/hurricane-marias-new-death-toll-estimate-is-higher-than-katrinass/>.

agencies. In that sense, we have shifted our curriculum and priorities to respond to those in greater need.

Hurricane María unmasked the poverty and inequality that exists in Puerto Rico. It is our duty as deans to address the most important issues affecting our communities. It is my duty as dean to continue to be present and connected to the reality of this new Puerto Rico. My students, faculty, and employees will continue to serve those that most need it in the recovery process that is just beginning on our island.

APPENDIX (PHOTOS)



Cleaning process with volunteers, October 25, 2017



Students and faculty meeting, October 28, 2018



Students



Faculty



Classes in open spaces



Temporary deanship



Visit to communities: Valle Hill (Legal assistance, FEMA application, land titling issues)



Villa Sin Miedo