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DISMISSAL FOR CAUSE FOR FACULTY

General Policy

The University recognizes that membership in the academic profession carries special responsibilities and that faculty must be afforded academic freedom in teaching and research. Further, the University endorses the idea promulgated by the American Association of University Professors (AAUP) that “a close positive relationship exists between the excellence of colleges, the strength of their faculty and the extent of faculty responsibility in determining faculty membership.” However, the University also recognizes that a question may arise as to the fitness of a tenured faculty member or a faculty member whose term appointment has not expired. In such cases, the University has a responsibility to establish procedures to determine the validity of such questions and, if appropriate, take necessary and reasonable steps to resolve the matter. It is the intent of this policy to establish procedures that preserve the integrity of the institution and the rights of the faculty member.

This policy applies to individuals who meet the Board of Supervisors definition of faculty (i.e., full-time members of the academic staff having the rank of instructor or higher or equivalent ranks). This policy has no application to the decision not to reappoint a faculty member upon expiration of a term appointment.

Reasons

Every member of the faculty of whatever rank shall at all times be held responsible for competent and effective performance of appropriate duties. No principle of tenure shall be permitted to protect any person from removal from a position after full and careful investigation according to the procedures of due process has revealed that the person has not met and does not give promise of meeting the responsibilities of the position as defined by the job assignment.

Dismissal for cause may result from any conduct seriously prejudicial to the University. Dismissal for cause procedures will be initiated because:

(1) The faculty member has been found responsible for specific misconduct or has evidenced serious deficiencies in his/her performance as covered in other University policies (e.g., the policies on misconduct in research and sexual harassment). Such findings may lead the appropriate administrator to initiate dismissal for cause procedures.

(2) The faculty member may be responsible for an act or acts of commission or omission, including serious nonperformance of duties, deemed sufficient reason to initiate dismissal for cause procedures.

Exercise of academic freedom, including intellectual dissent, advocacy of controversial ideas or pursuit by an individual of his/her legal rights, shall not be grounds for dismissal or disciplinary action.

Procedures

The following steps shall be followed in requesting review for dismissal for cause. No policy is suspended during a dismissal for cause process and no policy operates to protect a faculty member from dismissal for cause. The process shall be carried out in an expeditious manner allowing adequate time for thorough review and consideration at each step. Every effort should be taken to ensure confidentiality at all stages of the process. Time frames provided in parentheses are recommendations.

A. Personal Conference

The process for requesting review for dismissal for cause may be initiated when any administrator with authority over the faculty member's unit recognizes or is made aware of the concern as described above. If the concern was raised at a level beyond chair/head, the administrator who receives the report will notify the chair/head and/or dean/director as appropriate. In all cases where it is feasible and appropriate, the chair/head should inform the faculty member of the concern in a personal conference, as well as in writing. Administrators shall consult with the Office of Human Resource Management regarding the scope and substance of such a conference.

After the conference (within 1 week), the chair/head should give the faculty member a written summary of his/her findings and recommendations. The faculty member has an opportunity to respond in writing (within 2 weeks after receiving the written summary and recommendations).

If the concern was raised by the dean/director or above, the chair/head will advise the administrators previously involved of the outcome of the conference and consult with them regarding the appropriate action. When the concern was raised by a group or individual other than an administrator with authority over the faculty member's unit, the initiator of the complaint will be kept informed, to the extent judged appropriate by the administrator, of actions related to the complaint.

B. Review for Formal Proceedings

If an administrator concludes that dismissal proceedings are necessary, he/she shall request to meet (within 2 weeks of receiving the faculty member's written response or within 4 weeks of the chair/head's written summary and recommendations in the absence of a faculty response) with the dean/director, and, where applicable, the Vice Chancellor with administrative authority over the faculty member's unit and the Executive

Vice Chancellor and Provost. The administrator shall be prepared to provide the Executive Vice Chancellor and Provost with all written documentation regarding the issue. This should include:

- (1) Documentation detailing the grounds for the removal;
- (2) Any response provided by the faculty member;
- (3) Documentation detailing any attempts made to correct the situation; and
- (4) Justification for the request to dismiss for cause.

The Executive Vice Chancellor and Provost shall make all of the foregoing documents available to the faculty member.

The Executive Vice Chancellor and Provost may wish to schedule a personal conference with the faculty member to discuss the charges (within 1 week of the meeting with the administrator). The Executive Vice Chancellor and Provost may also institute one (or more) of the following measures:

1. Reassignment of the Faculty Member During the Proceedings

If the Executive Vice Chancellor and Provost determines it is unreasonable for the faculty member to continue in his/her capacity, the Executive Vice Chancellor and Provost may assign other duties for the duration of the proceedings. The Executive Vice Chancellor and Provost will consult with the Faculty Senate President and notify the Chancellor prior to taking the action. The faculty member will be afforded the opportunity to meet with the Executive Vice Chancellor and Provost before the reassignment and provided the reasons for the reassignment in writing (within 3 working days of the meeting, or of the reassignment if the opportunity to meet is declined).

2. Suspension of the Faculty Member During the Proceedings

If the Executive Vice Chancellor and Provost determines that the faculty member poses a threat to himself/herself or others, a suspension with pay may be necessary. The Executive Vice Chancellor and Provost will consult with the Faculty Senate President and notify the Chancellor prior to taking the action. The faculty member will be afforded the opportunity to meet with the Executive Vice Chancellor and Provost before the suspension and be provided the reasons for the suspension in writing (within 3 working days of the meeting, or of the suspension if the opportunity to meet is declined).

3. Deny the Request for Dismissal for Cause

If, in the judgment of the Executive Vice Chancellor and Provost, the reasons given by the appropriate administrator(s) do not justify dismissal for cause, the Executive Vice Chancellor and Provost may decline to proceed with dismissal. This decision shall be communicated to the Chancellor and other appropriate administrator(s) in writing (within 1 week of receipt of documentation and recommendation for dismissal or after conference with faculty member). The faculty member shall also receive written notification as to the disposition of the case at the same time.

4. Committee Hearing

The Executive Vice Chancellor and Provost may forward a statement of the charges and ask the Chancellor (within 1 week of receipt of documentation or the conference with the faculty member, whichever occurs later) to appoint a committee of objective faculty members to hear the evidence for dismissal for cause (hereafter referred to as the Committee of the Faculty). At the same time, the Executive Vice Chancellor and Provost shall appoint a senior faculty member with some experience with the process to act as the University's presenter at the hearing. The faculty member under review, also known as the respondent, may invite a faculty member from this campus to serve as his/her advisor at the hearing. The faculty member shall be provided with a comprehensive list of faculty who have served as presenters and/or advisors.

The Committee of the Faculty will hear the case, take appropriate testimony, review all evidence and make a recommendation to the Chancellor as to the appropriate action to be taken (within 60 calendar days of being appointed).

There should be a period of at least 20 calendar days between the faculty member receiving written charges and the committee hearing. However, if the faculty member agrees, preliminary hearings may be held during this time to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

C. Procedures for the Committee Hearing

Appointing the Committee of the Faculty

a. The faculty member will be notified, in writing, by the Chancellor that a Committee of the Faculty is being appointed. Such notice must include the reason(s) for the recommendation to dismiss in sufficient detail to enable the faculty member to prepare a defense. It is the faculty member's responsibility to arrange for his/her own advisor if he/she wishes to have someone present his/her case at the hearing. The role of advisor is voluntary and the advisor may not be held responsible for the outcome of the hearing. The respondent may act as his/her own advisor, if desired.

b. The Chancellor shall solicit names of at least eight possible committee members from the Faculty Senate Executive Committee (FSEC) and at least eight from the AAUP campus representative.

c. Appointment to the Committee of the Faculty will be made from tenured faculty equivalent or senior in academic rank to the respondent and who are impartial toward the faculty member and the charges. Faculty members who are serving in an administrative capacity at the level of chair or equivalent and above at the time of the hearing may not serve on the Committee of the Faculty.

d. The Committee of the Faculty will be comprised of no fewer than five (5) members and no more than seven (7) members. The Chancellor will select all of the committee members from the lists of individuals provided by the FSEC and AAUP. The committee

must have at least five (5) members to render a final decision, except with the consent of both parties (the University and the respondent).

e. Before the hearing, the faculty member shall be afforded a reasonable opportunity to challenge, to the Chancellor, the appointment of any committee member for cause. Cause sufficient to sustain a challenge may include, but is not limited to, a demonstrated lack of objectivity due to potential or demonstrated conflict of interest. The faculty member also may challenge the appointment of up to two committee members without stating cause.

f. The Committee of the Faculty will elect a chairperson.

Purpose of the Committee of the Faculty

The Committee of the Faculty is established to provide meaningful due process to the faculty member and is charged with the responsibility of conducting a hearing to evaluate the evidence. The committee is to make a recommendation to the Chancellor with respect to (1) whether the charges are supported by clear and convincing evidence, and (2) if so, what action is recommended as appropriate.

Committee Proceedings

Prior to the hearing, the chair of the Committee of the Faculty shall establish a pre-hearing schedule for disclosure of names of witnesses and exhibits on the part of the faculty member as well as the presenter. The chair may hold pre-hearing conferences with the faculty member and the presenter and/or their representatives.

Proceedings of the hearing are not open to the public unless otherwise requested in writing by the respondent. In that case, the Committee of the Faculty decides whether the proceedings should be kept closed due to the nature and circumstances of the case. The respondent has the right to appeal this decision to the Chancellor. The respondent's right to a hearing may be waived by failure to appear. Should the respondent fail to appear, the Committee of the Faculty shall make its recommendation based on the available evidence.

In addition to having an advisor, the faculty member has the right to be advised by his/her legal counsel at the hearing. If the respondent so requests, a representative of the AAUP will be invited to attend the hearings. A court reporter will be present during the evidentiary hearing and will make available to the Committee of the Faculty, the presenter, and the faculty member a transcription of the proceedings, at no charge to the faculty member.

Legal counsel may not cross-examine witnesses or address the Committee of the Faculty, but rather are allowed only to advise their clients. The committee, the presenter, the faculty member and his/her advisor have the right to question witnesses. Further, the committee, at the request of either party or its own initiative, has the obligation to secure

or request relevant evidence concerning the charges, and to request that the Chancellor compel the attendance of witnesses at the hearing to the extent of his/her authority.

The presenter's responsibility is to present the evidence supporting the charges. When the faculty member is advised by his/her legal counsel, the University shall provide legal counsel to the presenter, and separate legal counsel to the Committee of the Faculty, subject to the same restrictions.

D. Committee of the Faculty Recommendation

The Committee of the Faculty, in closed session, will reach its recommendation based only on the evidence presented in the hearing. The recommendation of the committee shall be communicated, in writing, to the Chancellor and must contain explicit findings with respect to each charge, a clear recommendation of appropriate action, and minority opinions. The Committee of the Faculty may recommend no action, dismissal, or an alternative action that may involve, but is not limited to, reduction in rank, reduction in salary, suspension without pay or a combination of these actions. The committee recommendation will be based on a majority vote. The recommendation should contain a full statement of the dissenting opinions. The Executive Vice Chancellor and Provost, the faculty member, the advisor and the presenter shall be furnished copies of the recommendation, at no charge to the faculty member.

E. Consideration by the Chancellor

The final recommendation for dismissal for cause or alternative action rests with the Chancellor. The Chancellor will make such a recommendation based on the recommendation of the Committee of the Faculty and the evidence presented in the hearing (within 2 weeks of receiving the committee's recommendation). The Chancellor must accept written argument, which constitutes an appeal, from either side (written arguments must be submitted to the Chancellor within one week of receiving the committee's recommendation). However, the Chancellor need not respond to such arguments if he/she finds them unconvincing. The Chancellor also has the option to return the case to the Committee of the Faculty for further review or to take an alternate action.

A recommendation to dismiss the faculty member requires approval of the President of the LSU System and confirmation by the Board of Supervisors. The Chancellor shall provide the President of the LSU System and the Board of Supervisors with all documentation regarding the issue including the report of the Committee of the Faculty and dissenting opinions, evidence presented at the hearing, and written responses by the faculty member. The faculty member may appeal the Chancellor's recommendation to the President of the LSU System and to the Board of Supervisors.

F. Final Notification to the Faculty Member

The faculty member shall be notified by the Chancellor, in writing, of the final decision of the Board of Supervisors.

G. Restoration of Reputation

If the review proceedings do not result in dismissal or other disciplinary action, appropriate action will be taken to ensure that the faculty member is enabled to continue his/her career. In this case, steps will be taken by the Executive Vice Chancellor and Provost, after consultation with the respondent, to restore the reputation of the faculty member. Depending on the particular circumstances, the Executive Vice Chancellor and Provost will consider notifying those individuals aware of or involved in the investigation of the final outcome and publicizing the final outcome in forums in which the consideration of dismissal was previously publicized. Any institutional actions to restore the respondent's reputation must first be approved by the Chancellor and the respondent. In addition, appropriate action will be taken by the University administration against any parties whose involvement in bringing the unfounded concerns was demonstrated to have been malicious or intentionally dishonest.

H. Due Process

This policy establishes procedures to afford the faculty member with due process in consideration of dismissal for cause. If the faculty member believes that the appropriate procedures are not being followed, the faculty member shall immediately notify, in writing, the Executive Vice Chancellor and Provost and, if elected, the chair of the Committee of the Faculty. A deviation from the procedure shall be grounds for challenging a decision only if such notice was given and the procedures followed deprived the faculty member of the due process required by law.