



POLICY STATEMENT 104

DISMISSAL FOR CAUSE FOR FACULTY

POLICY DIGEST

Monitoring Unit: Office of Academic Affairs

Initially Issued: February 1, 2000

Last Revised: June 15, 2021

I. PURPOSE

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.

II. GENERAL POLICY

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.

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:

- A. The faculty member ***has evidenced serious deficiencies in his/her performance*** as identified through processes in other University policies [e.g., the policies on misconduct in research (PS 69) and/or unsatisfactory job performance (PS 109)]. Such findings may lead the appropriate academic administrator to initiate dismissal for cause procedures.
- B. 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.

- C. The faculty member has been found to have engaged in ***specific misconduct*** deemed egregious enough to bring significant risk to the campus community (e.g. workplace violence, Title IX violation). Such findings may lead HRM or legal counsel to initiate dismissal for cause procedures.

Exercise of academic freedom, the right of university stakeholders to explore fully within the fields of knowledge encompassed by LSU and to exercise the rights as citizens within the laws and the conduct that is expected of educated individuals, shall not be grounds for dismissal or disciplinary action.

III. PROCEDURES

A. Determination of the Nature of the Matter

A complaint based on reasons within the provisions listed above (Sec. II. A., B., and C.) will be made in writing to the Office of Academic Affairs. If the complaint includes a request for a faculty member to be considered for dismissal, the recipient of the complaint (i.e. Academic Affairs or Human Resource Management), will forward the complaint and any evidence to a Confirmation Review Committee for an initial decision on whether the matter is academic in nature or administrative in nature.

Examples of academic matters include but are not limited to: unsatisfactory completion of the faculty remediation process per PS 109 and findings of research misconduct per PS 69. Examples of administrative matters include but are not limited to: workplace violence, harassment, Title IX violations, and job abandonment.

1. Confirmation Review Committee (CRC)

- a. This committee serves as a mechanism for an initial review of complaints and making timely decisions regarding the nature of the complaint. The CRC will not review the detailed merits of the case to render any decision on culpability. Determination of the nature of a complaint will be based on consensus of the CRC. Complaints determined to be academic in nature will be referred to the Faculty Review Board (see below). Complaints determined to be administrative in nature will be referred to the Administrative Review Board (see below). Should the CRC fail to reach consensus, the matter at hand will default to being classified as academic in nature and will be forwarded to the Faculty Review Board through the Office of Human Resource Management.
- b. Confirmation Review Committee Membership
 - i. Faculty Senate President or designee
 - ii. Designee of the Executive Vice President and Provost; holds tenured faculty status
 - iii. Vice President for Legal Affairs & General Counsel or designee
 - iv. Associate Vice President for Human Resource Management or designee

- c. Upon reaching consensus (or in the case of no consensus resulting in default to the Faculty Review Board), the CRC will forward the matter to the Office of Human Resource Management (HRM), identifying in writing the appropriate committee, within ten business days of receipt of the complaint for processing.

B. Preparation of the Case

1. Upon receipt of the file, HRM will notify the faculty member of the existence and nature of the complaint and will provide a copy of the case file within 10 business days of receipt of the ruling by the CRC. The case file will be assembled by HRM and will include at minimum an explanation of the complaint, evidence of conduct and/or performance foundational to the complaint, and any related material for consideration. It is expected that the complainant will provide most if not all of the material for the case file.
2. The faculty member will have the opportunity to review the case file and to provide a written rebuttal with supporting documentation.
3. The faculty member will submit the written rebuttal and any additional documentation within 10 business days of receiving the case file from HRM. HRM will forward this information to the appropriate committee within two business days.
4. After the case file has been forwarded to the appropriate committee, evidence may appear or events may occur that are substantial and pertinent to the decision being made. Either the faculty member or complainant may send such information through HRM to the committee reviewing the case and it will then be added to the file. The faculty member and the committee members will be advised of such an addition to the file, but additions will not halt the process.

C. Review Boards

Concomitant with the assembly of the case file (10 business days) and review by the faculty member (10 business days) the appropriate Review Board will be named. The appropriate Review Board will consider the case file, interact with the faculty member, and make official recommendations to the Executive Vice President & Provost regarding dismissal for cause.

1. Faculty Review Board

- a. The Faculty Review Board (FRB) will consider cases involving academic matters as determined by the CRC as well as any cases where the CRC is unable to reach consensus regarding the nature of the case. The FRB will designate a chair for each case under consideration. The committee, via the chair, may request additional information from HRM, which will gather and provide all possible information requested. The faculty member may also request additional information from HRM, which will gather and provide all possible information requested.
- b. Faculty Review Board Membership
 - i. A minimum of five but maximum of seven tenured faculty at the rank of Professor. (See PM 23).

- The names of 15 faculty members, identified in consultation with the Faculty Senate Executive Committee, will be submitted by the Executive Vice President & Provost to the President for final consideration.
 - The President of the University will select five, six, or seven faculty members representing diverse fields of study and academic units.
 - The faculty member shall be afforded a reasonable opportunity to challenge, to the President, the appointment of any committee member for cause.
- ii. In an ex-officio capacity with voice but no vote, a Vice Provost or Associate Vice President representing the Office of Academic Affairs and as designated by the Executive Vice President & Provost. This representative must hold tenured faculty status
 - iii. In an ex-officio capacity with voice but no vote, the Associate Vice President for Human Resource Management or designee

2. Administrative Review Board

- a. The Administrative Review Board (ARB) will consider cases involving non-academic disciplinary actions or omissions as determined by the CRC. The ARB will designate a chair for each case under consideration. The committee, via the chair, may request additional information from HRM, which will gather and provide all possible information requested. The faculty member may also request additional information from HRM, which will gather and provide all possible information requested.
- b. Administrative Review Board Membership
 - i. Executive Vice President for Finance & Administration or designee
 - ii. Vice President for Legal Affairs & General Counsel or designee
 - iii. Associate Vice President for Human Resource Management or designee
 - iv. A Vice Provost or Associate Vice President representing the Office of Academic Affairs and as designated by the Executive Vice President & Provost. This representative must hold tenured faculty status
 - v. Representative designated by the Faculty Senate Executive Committee

D. Hearing

1. For all cases considered by either the FRB or the ARB, a hearing will occur with the members of the review board, the faculty member, and an optional noncontributing advisor to the faculty member. The hearing will be held within 10 business days after receipt of the case file by the review board. Request for up to five business days additional time related to scheduling conflicts by either the faculty member or the review board may be made in writing to HRM. Hearings will be recorded.
2. The format of the hearing shall consist of the presentation of the case by the review board chair followed by the presentation of a rebuttal by the faculty member. After the chair and the faculty member have presented, a period of questions and answers may take place between the review board and the faculty member. All members of the review board may ask questions.

3. At the conclusion of the hearing, the faculty member will leave the setting of the hearing and the review board will deliberate based on the merits of the case and all information presented before and during the hearing. The review board may reach a decision through informal consensus or formal vote, recorded by the chair.
4. The chair, acting on behalf of the review board, will provide written recommendation to HRM within five business days of the hearing. HRM will forward the recommendation to the faculty member within two business days of receipt from the committee. The faculty member will then have ten business days to provide a written rebuttal to the Executive Vice President & Provost through HRM. HRM will pass all materials on to the Executive Vice President & Provost within two business days.

E. Final Considerations

1. The Executive Vice President & Provost will consider the case file, the review board recommendation, the faculty member's rebuttal, and any additional information requested and will make a recommendation to the President within 10 business days of receiving the recommendation from the review board or the faculty rebuttal, whichever is submitted last. The Executive Vice President & Provost will inform the faculty member and notify HRM through written communication of the recommendation to the President.
2. The faculty member, upon receipt of notification of the Provost's recommendation to the President, will have 10 business days to provide a rebuttal to the Provost's recommendation. This rebuttal will be submitted to the President through HRM. Rebuttals of the Provost's recommendation can only be made on the basis of procedural error.
3. The President will review the case file, the recommendations of the Executive Vice President & Provost and the review committee, any additional information, and the rebuttal (if submitted), and render a final decision. The final decision, which may include termination of the faculty member, will be issued by the President in writing to the faculty member within 10 business days of receiving the recommendation of the Executive Vice President & Provost and will be forwarded to the Chair of the Board of Supervisors for informational purposes. Copies will be sent to the Executive Vice President & Provost, dean of the academic college, and HRM to be placed in the personnel file.

F. 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. At the written request of the faculty member and within reason and the context of damage created by accusations of the case, steps will be taken by the Executive Vice President & Provost to restore the reputation of the faculty member. Depending on the particular circumstances, the Executive Vice President & 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 President and the respondent. In addition, appropriate action will be taken by the University administration against any parties whose involvement was demonstrated to have been malicious or intentionally dishonest.

IV. SOURCES

PS 69: *Research Misconduct*

PS 109: *Unsatisfactory Job Performance and Performance Improvement of Tenured Faculty*

PM 23: *Ranks, Provisions, and Policies Governing Appointments and Promotions of the Academic Staff*

PM 73: *Title IX and Sexual Misconduct Policy*