

LOUISIANA STATE UNIVERSITY AGRICULTURAL CENTER

Office of the Chancellor
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Version 0

PROCEDURES FOR DISMISSAL OF TENURED FACULTY MEMBERS

Purpose

To establish a policy which governs the procedures to be used, when a recommendation for dismissal of a tenured faculty member has been made to the Chancellor and to provide due process to the faculty member including peer review and input from that review to be considered by the Chancellor in making his/her decision.

General Policy

Every member of the faculty 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 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. This policy statement is applicable to tenured faculty members only and covers specific misconduct, serious deficiencies in performance, and acts of commission or omission, including serious

nonperformance of duties deemed sufficient reason to initiate dismissal for cause procedures.

When a recommendation for dismissal has been made to the Chancellor, the Chancellor may initiate a review process which includes the components described below. Exercise of academic freedom, including intellectual dissent, advocacy of controversial ideas or pursuit by an individual of his/her legal rights are not grounds for dismissal or disciplinary action.

A. Dismissal Recommendation and Notification to Faculty Member

A recommendation for dismissal must be submitted to the chancellor by the appropriate Vice Chancellor, usually the Vice Chancellor for Research, and must include full documentation of the issues on which the recommendation is based. After review of the recommendation, the Chancellor may decide to initiate formal dismissal review procedures or take other appropriate action. Prior to appointment of the dismissal review committee, the faculty member must be

provided with a list of the causes for dismissal with sufficient detail for him/her to present a defense. The faculty member must also be give a copy of the full dismissal review procedures.

B. Appointment of the Faculty Review Committee

The Chancellor will appoint a committee of 5 or 7 members to hold a hearing for the purpose of making a recommendation to the Chancellor. The committee must be comprised of individuals at or above the faculty member's academic rank. A majority of the committee may not come from the faculty member's unit of appointment or of individual's with administrative rank. The Chancellor will make reasonable efforts to include on the committee faculty members who have reasonable knowledge of the faculty member's field. Once appointed, the committee will elect a chair. The faculty member will have an opportunity to challenge the appointment of any faculty member and the Chancellor will consider the reasons for the challenge and decide the appropriateness of the appointment.

The charge of the committee will be to conduct the hearing, take appropriate testimony, review all evidence, evaluate whether the cause for dismissal is supported by clear and convincing evidence, and recommend appropriate action.

C. The Dismissal Review Hearing Participants

The dismissal review committee will hold a dismissal review hearing no sooner than 21 calendar days from the date the faculty member receives the statement of cause for dismissal or seven calendar days from the date the final committee is appointed, whichever is

later. The dismissal review committee will coordinate scheduling, procedural, and related matters through the AgCenter Human Resource Management Office.

The Chancellor will appoint an individual to present the issues and supporting evidence which are the basis for dismissal. This will be the *presenter*. The faculty member under review may have a faculty member present to serve as his/her advisor. The faculty member and the presenter have the right to be advised by legal counsel at the hearing. However, legal counsel may not cross-examine witnesses or address the committee, but rather are allowed only to advise their clients. The AgCenter will arrange to have an attorney present to address procedural matters only.

Proceedings of the hearing are not open to the public.

D. Dismissal Hearing Proceedings

The chair may hold pre-hearing conferences with the faculty member and the presenter and/or their representatives. The committee, the presenter, the faculty member and his/her faculty advisor have the right to question witnesses. The committee, at the request of either party or on 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.

E. The Committee Recommendation

In closed session, the committee will reach a recommendation based only on the evidence presented in the hearing and based on a majority vote. The recommendation of the committee will be communicated, in writing,

to the Chancellor within a reasonable period of time and must contain explicit findings with respect to each cause, a clear recommendation of appropriate action, and a full statement of dissenting opinions. The committee 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. Copies of the recommendation will be furnished (at no charge to the faculty member) to the faculty member, his/her advisor, the presenter and the Chancellor. The Chancellor may also make copies available to others he deems appropriate.

The Chancellor will accept written arguments, which constitutes an appeal, from either side.

F. Consideration by the Chancellor

The final recommendation for dismissal for cause or alternative action rests with the Chancellor. The Chancellor's recommendation requires approval of the President of the LSU System and confirmation by the Board of Supervisors. In formulating his/her recommendation, the chancellor will base his recommendation on an evaluation of the committee's recommendation and the evidence presented in the hearing. The Chancellor may secure input from other appropriate personnel based on the evidence presented at the hearing. The Chancellor will issue a final decision within a reasonable period of time. The faculty member under review will be notified by the Chancellor, in writing, of the final decision of the Board of Supervisors.

G. Miscellaneous Matters

If the proceedings result in a finding that there was no inappropriate conduct by the faculty member under review, appropriate action, if any, will be taken to ensure that the faculty member is enabled to continue his/her career. The AgCenter may take action against parties whose involvement in bringing forward the unfounded concerns was demonstrated to have been malicious or intentionally dishonest. No person may seek to interfere with the dismissal review process and especially with the charge of the committee. If the faculty member under review fails to report for the hearing, the faculty member shall be assumed to have forfeited his/her right to a hearing.

This policy establishes procedures to afford a faculty member under review with due process in consideration of dismissal for cause. If the faculty member feels appropriate procedures are not being followed, he/she shall immediately notify, in writing, the Chancellor and the committee chair.

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.

During the period of this hearing, the faculty member may not use the grievance procedure to address these same charges.

The Chancellor may make exceptions to the timeframes and procedures specified herein in order to further the objectives of this policy.