



POLICY STATEMENT

NO. 2 19.02

COORDINATED BY: Office of Academic Affairs

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PAGE: 1 of 4

SUBJECT: Faculty Due Process

I PURPOSE

To define the policies and procedures under which the University may discipline a faculty member for cause.

II DEFINITIONS

Insubordination is defined, generally, as disobedience to constituted authority and as refusal to obey some instruction which a university administrator or other authorized person is entitled to give and have obeyed. The term imports a willful or intentional disregard of the lawful and reasonable instructions of the university.

Cause is generally defined as “an impairment of the efficiency of the public service in which the conduct in question bears a real and substantial relation to the efficient and orderly operation of the public service.” Examples include, but are not limited to:

1. Failure to work efficiently or effectively;
2. Insubordination;
3. If the faculty member has been found responsible for professional or personal misconduct such conduct may lead to dismissal for cause. Examples of such conduct include:
 - (a) Commission of a misdemeanor involving moral turpitude, or a felony;
 - (b) Willful destruction of university property or violent disruption of the orderly operation of the campus;
 - (c) Stealing and publishing as one's own the intellectual property of another;
 - (d) Misuse or misappropriation of State property, resources, funds, including funds held by a faculty member as part of official duties;
 - (e) Sexual harassment;
 - (f) Profane, sexual, or vulgar classroom speech.
4. Professional incompetence and/or neglect of professional duties;
5. Illegal use of drugs, narcotics, or controlled substance;
6. Intentionally or knowingly violating any published University policy, procedure, or regulation when the employee is presumed to have knowledge of such University policy, procedure, or regulation.

III DISCIPLINARY POLICIES AND PROCEDURES

LSUS strives to exercise great care in selecting its faculty appointees and to confer tenure only upon those members who have demonstrated their merit in a convincing way. It is also recognized, however, that a few faculty members may be guilty of offenses that require discipline up to and including dismissal. While any disciplinary action would be required infrequently, the University must be prepared for such an eventuality so that both the integrity of the University and the rights of the faculty member may be preserved.

Article VII Section 4.d. of the Bylaws and Regulations of the Board of Supervisors of the Louisiana State University provides that “The Chancellor, after consultation with the appropriate academic and/or administrative staff, shall make recommendation to the President for . . . appointments, promotions, transfers, suspensions, and dismissals of all academic . . . employees subject to the approval of the President and confirmation of the Board.” The procedures described below clarify the “consultation with appropriate academic and/or administrative staff” the Chancellor will utilize before formulating a recommendation to the President for disciplinary action.

IV PROCEDURES

The following steps shall be taken in requesting review for dismissal for cause or other discipline. The process shall be carried out in an expeditious manner allowing adequate time for thorough review and consideration at each step. If the Chancellor determines it is unreasonable for the faculty member to continue in his or her capacity, the Chancellor may suspend the faculty member or assign other duties for the duration of the proceedings.

In cases in which it is feasible and appropriate, an administrative officer may inform the faculty member of the concern in a personal conference. If a resolution does not result from that conference, or if a personal conference is not held, proceedings shall be initiated as follows:

The faculty member will be notified of the charges against him/her, in writing, by the Chancellor. Such notice will also state that, upon the faculty member’s request, a Committee will be appointed to conduct a hearing at a specified time and place, and he/she shall be advised of his/her right to respond to the charge(s), in writing. Such notice must include the charges 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 the 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. In addition to having an advisor, the faculty member has the right to be represented by legal counsel at the hearing. (Legal counsel may not cross-examine witnesses or address the Hearing Committee but rather may only advise the faculty member.)

If a hearing on the charges is requested by the faculty member, a Hearing Committee composed of between five and seven members will be appointed. The Faculty Senate

Executive Committee shall serve an advisory role by submitting to the Chancellor the names of ten faculty as possible committee members. The Chancellor, with full discretionary authority, shall appoint the committee and the members will be selected from faculty whose academic rank is equal to or higher than that of the accused faculty member. The Chair of the Hearing Committee will be selected by the Committee from one of its members.

The Hearing Committee shall not include any accuser of the faculty member. The faculty member may challenge the alleged lack of fairness or objectivity of any Committee member, provided such challenge is made at least (7) calendar days prior to the submission of any evidence to the Committee. The Chancellor will review the faculty member's objection(s) and determine whether a proposed appointee can serve with fairness and objectivity in the matter. In the event the challenged member is disqualified, the Chancellor shall appoint a substitute.

The faculty member shall have a right to attend the hearing; confront and cross-examine the adverse witnesses; present relevant evidence on his or her own behalf; and, testify or choose not to testify. The hearing shall be closed although the faculty member may request that it be open to the public. Notwithstanding a faculty member's request, the Committee or the University may close all or a portion of a hearing if it appears likely that privacy or other interests are relevant and could be affected by an open hearing. All Committee deliberations will be in closed sessions.

The University, through a representative, shall have the right to attend proceedings; present witnesses and evidence against the faculty member; and, cross-examine the faculty member, if the faculty member testifies, and his/her witnesses. University counsel may attend the hearing and advise the faculty presenter, but not examine witnesses or address the Committee.

The Hearing Committee, by a majority of the total membership, shall make written findings on the material facts and a recommendation for appropriate action to the Chancellor. Such findings, the recommendations, any supplementary suggestions, and the record of the hearing shall be delivered to the Chancellor and a copy thereof sent to the faculty member. Any minority findings, recommendations, or suggestions shall be distributed in the same manner.

An electronic (audio, video, etc) record of the proceedings (but not the deliberations) will be taken and filed with the Chancellor, and such record shall be made available to the faculty member.

The Chancellor shall review the record, plus any additional written briefs the parties wish to submit, and render a decision, stating his/her reasons therefore in writing and communicating the same to the faculty member. The Chancellor may recommit the matter to the same Hearing Committee to hear additional evidence and/or to reconsider its findings, recommendations, or suggestions, if any. The original report, recommendations, and suggestions of the Hearing Committee, a transcript of the hearing, any briefs submitted, and the decisions, recommendations, findings, and suggestions of the Chancellor shall be preserved for a reasonable period of time. The Chancellor shall make his/her recommendation to the President subject to approval of the President and the confirmation of the Board of Supervisors of Louisiana State University.

AUTHORIZED

Stuart E. Mills
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Provost and Vice Chancellor
for Academic Affairs

9/10/01
Date

APPROVED

Vincent J. Marsala
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Date