



THE UNIVERSITY of
NEW ORLEANS

**ADMINISTERED BY: Office of Vice
President for Academic Affairs**

Policy No: AP-AA-18.2
TITLE: Dismissal of Tenured Faculty
EFFECTIVE DATE: April 11, 2014*
(*Policy Revised, see below)
CANCELLATION:
REVIEW DATE: Fall 2019

PURPOSE

To provide guidelines for the discharge, demotion in rank, or termination of contract of tenured faculty in accordance with University of Louisiana System rules and regulations.

AUTHORITY

Authority for this document is derived from the University of Louisiana System Bylaws and Rules Part Two, Chapter III, Section XV.

GENERAL POLICY

I. Tenured faculty may be terminated for cause. Cause for discharge, termination of contract, or demotion in rank shall consist of conduct seriously prejudicial to the College or University system such as infraction of law or commonly accepted standards of morality, insubordination, violation of institutional or Board rules and regulations, neglect of duty, incompetence, or other actions that impair the discharge of duties and the efficiency of the institution. The foregoing enumeration of cause shall not be deemed exclusive. However, action to discharge, terminate, or demote shall not be arbitrary or capricious, nor shall it infringe upon academic freedom.

II. With input from the University Provost, the President will form an ad hoc committee of tenured faculty members recommended by the Faculty Senate (the Tenure Revocation Committee or "TRC" or "the committee") who shall hear charges against accused faculty and forward their findings and recommendations to the President who shall make a final determination. The Tenure Revocation Committee shall be comprised of no less than five full-time tenured faculty members and the University Provost ex-officio. It shall be the duty of the President and committee to ensure due process in all matters referred to the committee which could result in the discharge, termination of contract, or demotion in rank of a tenured faculty member. The committee shall initiate action only upon referral by the President.

III. Upon formation by the President and notwithstanding any other section of this policy, it shall be the duty of the committee to conduct a fact-finding hearing and submit a recommendation to the President in accordance with the following:

A. The TRC shall meet with the exclusive charge of determining whether cause exists for discharge, termination of contract, or demotion in rank of a tenured faculty member. Cause for discharge, termination of contract, or demotion in rank shall consist of conduct seriously prejudicial to the College or University system such as infraction of law or commonly accepted standards of morality, insubordination, violation of institutional or Board rules and regulations, neglect of duty, incompetence, or other actions that impair the discharge of duties and the efficiency of the institution. The foregoing enumeration of cause shall not be deemed exclusive.

B. Within fifteen working days of being formed by the President, the committee shall convene with the purpose of reviewing and organizing the evidence against the faculty member, setting a hearing date, and drafting and submitting notice to the charged faculty member.

C. The faculty member will receive notice of the hearing date no less than fifteen working days' notice prior to the date of the hearing by both certified letter and email. The notice shall contain the time, date, and location of the hearing, an explanation of the charges against the faculty member, a copy of all documents or evidence which may be used in the hearing, and a copy of this policy. This notice shall be prepared and sent by the Provost on behalf of the committee. The faculty member is not required to attend the hearing, however, a faculty member choosing not to attend shall indicate such in writing to the committee upon notice of the hearing. The hearing may be postponed, continued, or held in recess as necessary for good cause upon motion by the faculty member or any member of the committee and upon approval by a simple majority of the committee. All reasonable efforts should be made by the committee to accommodate the participation of a charged faculty member wishing to participate in the hearing. However, the absence of a faculty member shall not preclude the committee from conducting the hearing and submitting a recommendation to the President when the faculty member has been provided proper notice of the hearing.

D. The hearing shall be closed unless requested to be open by the faculty member. Both the University and the faculty member will have the right for a representative to be present at the hearings. The committee and faculty member will be given an opportunity to present witnesses or provide additional evidence beyond what was provided in the notice for the hearing provided that doing so does not offend principles of equity, fair-notice, and due process. The TRC will conduct hearings that shall conclude in a recommendation regarding the faculty member's termination or sanction. Absent exigent and/or unusual circumstances, the committee shall conclude the hearing within thirty (30) calendar days of the initial hearing date. The committee's final report will include a narrative explaining the evidence and reasons for its recommendation. At any time during the hearings, the faculty member may terminate the proceedings by negotiating a summary decision by the administration.

E. The committee will submit its final report to the President no more than fifteen working days after the conclusion of the hearing. The faculty member will receive a copy of the recommendation to the President as it is made. The recommendation of the TRC will be the final faculty position on the matter, and as such should be given serious consideration by the President. The President will provide the faculty member notice of a final determination regarding severe sanction or termination within fifteen working days of receiving the committee's recommendation.

IV. The member of the academic staff who has exhausted due process procedures at the institutional level may petition the Board within 30 days when the institution is in session for a review and no official action shall be taken by the institution until a final determination is made by the Board.

V. For any matter or procedure not explicitly addressed by this policy, the committee shall be bound to act in a manner consistent with fairness, equity, and commonly accepted notions of due process.



John W. Nicklow
President
University of New Orleans

*Policy Updates:
Revisions: 3/10/2017