



SOUTHEASTERN

L O U I S I A N A U N I V E R S I T Y

Termination and Notification

This policy applies to Faculty only.

Special (temporary) appointments, Instructor appointments, and Tenure-Track appointments carry no assurance of reappointment, promotion, or tenure. All appointments or reappointments of these types are made by the University with the understanding that the employment of the individual shall end unconditionally on the ending date indicated in the appointment letter.

Reappointments are made solely at the discretion of the University. Non-reappointment of a faculty member does not necessarily carry an implication that his/her work or conduct has been unsatisfactory. Other factors are generally taken into consideration in determining whether or not a reappointment should be made. These factors may pertain to matters such as the particular needs of a department or other academic division, changes in the role or scope of the University, or financial constraints. Because of such considerations, the determination by the University to reappoint, or not to reappoint, a particular employee is based upon a review of the specific conditions relating to his/her position.

Special (temporary) appointments and Instructor appointments to the academic staff require no special notice of non-reappointment. In this case, the terminal date of the appointment appearing in the letter of appointment serves as notice that employment with the University will end as of that date.

Non-reappointments of tenure-track personnel generally originate at the departmental level with recommendations passing successively to the dean, the Provost, and the President. The department head is responsible for notifying the faculty member that the recommendation for non-reappointment has been submitted to the dean.

Written notice of the decision not to reappoint will be given to tenure-track faculty members according to the schedule mandated by the University of Louisiana System. In each case, the dean is responsible for sending his/her recommendation to the Provost at least fifteen days prior to the date on which the Provost is to notify a faculty member of his/her non-reappointment.

Faculty members may terminate their appointments effective at the end of an academic year, provided that they give notice in writing at the earliest possible opportunity, but not later than May 15. Employees who are planning to retire should notify the Human Resources Office three

months in advance. This will allow ample time to file the application for retirement and other supporting documentation.

- A. Tenure Track Faculty, An appointment carries no assurance of reappointment, promotion, or tenure. Reappointments are made solely at the discretion of the institution with the approval of the Board. The non-reappointment of a faculty member does not necessarily reflect on the faculty member's work record or behavior. The determination to reappoint, or not to reappoint, should be based upon a review of the specific conditions relating to the position. Notice that a probationary appointment is not to be renewed shall be given to the faculty member in advance of the expiration of the appointment as follows:
1. Not later than March 1 of the first academic year of service if the appointment expires at the end of that year; or if a one-year appointment terminates during an academic year, at least three (3) months in advance of its termination. In the specific case of program discontinuance, the notice requirement shall be at least three (3) months in advance of termination.
 2. Not later than December 15 of the second academic year of service if the appointment expires at the end of that academic year, or at least six (6) months in advance of its termination. However, in the specific case of program discontinuance, the notice requirement shall be at least three (3) months in advance of termination.
 3. At least 12 months before the expiration of an appointment after two or more years of uninterrupted service at the institution. However, in the specific case of program discontinuance, the notice requirement shall be at least three (3) months in advance of termination.
- B. Instructors and Non Tenure Track Faculty, Lecturers and other special appointees are temporarily employed with appointment letters. Their appointments expire at the end of the term. However, in the specific case of program discontinuance, an instructor or other non tenure track faculty may be terminated upon one (1) month's notice.
- C. Cause for Terminating Tenured Faculty. (1) Cause for discharge, termination of contract, or demotion in rank of tenured faculty shall consist of conduct seriously prejudicial to the college or university system such as infraction of law or commonly accepted standards of morality, failure to follow proper orders, violation of institutional or Board rules and regulations, neglect of duty, incompetence, or other conditions that impair 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. (2) Financial Exigency constitutes cause, as does program discontinuance.
- D. Academic Dismissal Policy. Each institution shall have a written policy for due process concerning academic dismissal for tenured faculty. This policy shall provide for hearings before a committee that includes faculty members. Its findings and recommendations shall be forwarded to the chief executive officer of the university who shall make a final determination.
- E. Petition for Review. Except in cases where termination occurs pursuant to financial exigency or program discontinuance, 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.

TERMINATION DUE TO FINANCIAL EXIGENCY

The *Rules* of the University of Louisiana System, Part Two, Chapter III, Section XVI Financial Exigency state:

- A. Staff Reduction. The Board recognizes circumstances that may indicate a need for staff reduction such as financial exigency. Financial exigency may exist at the institution, program or budget unit level and shall be verified by the System staff.
- B. Board Policy on Financial Exigency. Anything in the RULES of the Board of Supervisors for the University of Louisiana System to the contrary notwithstanding, if the Board determines that a condition of financial exigency exists at the institution, program, or budget unit within an institution, or the University of Louisiana System generally, then the furlough, layoff, and/or termination of tenured faculty, non-tenured faculty, or other contract employees before the end of their contract term will be handled in accordance with the financial exigency policy set forth below.
 1. Definition of Financial Exigency. A condition of financial exigency shall exist whenever the financial resources of an institution, program or budget unit are not sufficient to support the existing programs and personnel without substantial impairment of the ability of the entity to maintain the appropriate level of programs and services. Financial exigency may result from a substantial reduction in financial resources or from the failure to receive increases in financial resources sufficient to maintain the appropriate level of service. Evidence of financial exigency may include, among other factors, reduction of state appropriations, faculty and staff salary levels substantially below national and regional averages, significant loss of personnel, or inability to attract new personnel apparently due to inadequate salary and other support, and substantial threat of deterioration of facilities due to lack of resources for maintenance.
 2. Board of Supervisors for the University of Louisiana System Action. The Board, in the exercise of fiscal responsibility, may decide to declare financial exigency with respect to the System as a whole, to one or more institutions of the System, or to one or more programs and/or budget units within institutions. Reasonable efforts shall be made to ensure that students affected will be allowed to complete their programs, within the limits of budgetary restraints, at the institution or by transfer to another institution.

A declaration of financial exigency shall represent a determination by the Board, upon recommendation of the institution president and System President, that the financial condition of the System, an institution, program, or budget unit has reached a crisis in which the entity must carefully reexamine its priorities and reduce programs or personnel or both to effect a cost savings sufficient to alleviate the financial exigency.

The determination of financial exigency affecting the System, institution, program or budget unit shall be the sole responsibility of the Board. However, the president of an institution, after consultation with representative faculty members and approval by the System President, may request such a determination by the Board through the System President. When such determinations are made, this policy, along with any implementing procedures, will take precedence over those applicable Board policies that govern normal operating procedures. Implementation of a declaration of financial exigency by the board shall be

developed with the understanding that action taken will be consistent with the basic mission of the System to provide the best possible education, research, and public service.

3. Implementation of Declaration of Financial Exigency. Upon a declaration of financial exigency by the Board, the president of each institution, after consultation with representative faculty and staff, and approval by the System President, shall determine whether furloughs, layoffs, and/or terminations are required and which employees will be affected. This determination shall be made in accordance with procedures established by the System President, and approved by the Board, which will give primary consideration to the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution. The procedures should also give priority to tenured faculty over non-tenured faculty in retention.

Faculty and other employees under contract or who are furloughed, laid off, and/or terminated before the end of their contract terms for reasons of financial exigency shall, whenever possible, be notified at least 90 days in advance of the date of the furlough, layoff, and/or termination. Notice shall be in writing and shall be delivered personally or by certified mail, with return receipt requested. Notice shall be complete upon delivery or mailing and shall include:

- a) a statement of the conditions requiring furlough, layoff, and/or termination;
- b) a general description of procedures followed in making the decision;
- c) a statement of the employee's right to respond orally and in writing to a designated official or committee of the institution;
- d) the employee's right to a review by the institution president within the time specified in the notice as to the reasons for the furlough, layoff, and/or termination; and
- e) the employee(s) shall also have the right, upon written request within 20 days from the date of notification of the final decision of the institution president, to apply in writing to the System office for a review of the decision.

The term "furlough," as used in this policy, is defined as temporary leave without pay for any employee, including tenured faculty members, non-tenured faculty, or other contracted employees, before the end of their contract term. The term "layoff," as used in this policy, is defined as the temporary dismissal of any employee, including tenured faculty members, non-tenured faculty, or other contracted employees, before the end of their contract term. Layoffs may lead to eventual termination. Layoffs and/or terminations may occur within a program or budgeted unit of an institution without a net loss of faculty members or other personnel at the institution. Specifically, layoffs and/or terminations in some programs or budget units may occur with simultaneous authorization of new positions for different duties in other units, depending upon the needs of such units.

4. Approval Required. Anything in the regulations of the Board notwithstanding, if the Board declares financial exigency, either at an institution, program or budget unit, or in the System, as provided in (3) above, program modifications or discontinuances recommended by the institution and approved by the System President must be approved by the Board. With respect to the implementation of such program and/or budget unit modifications or discontinuances upon a declaration of financial exigency, decisions with respect to furlough, layoff, and/or termination of any tenured faculty, non-tenured faculty, or other contract employee before the end of their contract term must be approved by the institution president

and the System President, and the decisions are final upon approval of the System President. Review of such decisions by the Board is at its sole discretion.

5. Termination of Financial Exigency. Financial exigency shall terminate either at the end of the fiscal year, or after one calendar year, depending upon the financial state of the institution, program or budget unit at the end of the fiscal year.
- C. Published Policy. The institution shall make provisions to publish a reference to and summary of this Rule in their faculty handbook.
- D. Emergency Procedures. The System President may allow the institution to implement emergency procedures to be reviewed at the next full Board meeting.
- E. Furloughs outside of Financial Exigency. In addition to furloughs implemented under a declaration of financial exigency, the Board may initiate separate measures which authorize the campuses to take specific employee actions, including furloughs, in the event of severe budgetary constraints. Such actions may only take place with the recommendation of the System President and approval of the Board

TERMINATION DUE TO ACADEMIC PROGRAM DISCONTINUANCE

Termination of Faculty

Timing for phasing out programs and displacing faculty members will be based on institutional needs, including analysis of reasonable time for enrolled students to complete their degree program and budget constraints.

A. Non Tenured Faculty

A faculty member without tenure who is terminated for reasons of program discontinuance will be given notification consistent with Board RULES.

B. Tenured Faculty

1. Termination of appointments of tenured faculty may occur as the result of program discontinuance. Unless there is a compelling reason to do otherwise, termination order shall be based on faculty rank and seniority.
2. Recommendations on termination of appointments of individual faculty members will be made by the university president in consultation with appropriate faculty and administrators.
3. All plans for termination of individual appointments will be reviewed and approved by the System President and the Board of Supervisors prior to implementation.
4. Unless there is a compelling academic reason to do otherwise, no appointment of a faculty member with tenure will be considered for termination until the appointments of faculty members without tenure in the program have been considered for termination.
5. Tenured faculty whose appointments are to be terminated shall receive not less than two full academic semesters/three full quarters notice prior to termination. Notice shall be provided no later than the first scheduled day of classes of the semester/quarter of such notice.
6. However, in the event that any of the following budgetary conditions occur:

- a. an institution receives notification from the UL System Office of a 15% or more pending reduction in state appropriations¹ to the institution effective the next budget year,

OR

- b. an institution receives notification(s) from the UL System Office of reductions in state appropriations to the institution in the existing budget year that, in the aggregate, are 7.5% or greater.

the following abbreviated or shortened notification periods will apply:

- i. for actions that are to be effective the spring semester/quarter, or winter quarter, notice shall be provided no later than August 15;
- ii. for actions that are to be effective the fall semester/quarter, notice shall be provided no later than January 15.

This paragraph (III(B)(6)) shall expire on June 30, 2013. Any notice(s) given prior to this date in conjunction with this paragraph shall remain in effect.

7. In all cases, the notification letter may be sent before actual Board of Supervisors' approval is granted. However, the termination from employment may not occur until the Board of Supervisors has approved on its minutes, such termination of programs, as well as the termination of the specific employee(s).

Obligations to Tenured Faculty

- A. Before terminating the appointment of a faculty member with tenure because of program discontinuance, reasonable efforts will be made to find another position within the university for which the faculty member is academically qualified, where a position is available.
- B. Assistance will also be provided by the System office for possible relocation to another campus within the System or to another institution within the state. Inter-campus transfers will be made if mutually acceptable.

Other Rights of Tenured Faculty

If a program is reinstated within three years from the effective date of discontinuance, tenured faculty members who were terminated as a result of this action will be considered for reinstatement.

Other Rights of All Faculty

- A. To the extent possible, faculty members will be provided counseling regarding employment opportunities outside of the university.
- B. A faculty member whose appointment is terminated for reasons of program discontinuance has the right to appeal claims of denial of due process rights to a university-wide committee established for this purpose.
- C. No appeal will be considered by the Board of Supervisors.