

CHAPTER III

FACULTY AND STAFF

SECTION I. RIGHTS, DUTIES AND RESPONSIBILITIES OF THE ACADEMIC STAFF

- A. Academic Freedom. The University of Louisiana System is committed to the principle of academic freedom. This principle acknowledges the right of a teacher to explore fully within the field of his/her subject as he/she believes to represent the truth. The principle also includes the right of a member of the academic staff of the System to exercise in speaking, writing, and action outside the System the ordinary rights of the American citizen, but it does not decrease the responsibility and accountability that the member of the academic staff bears to the system, the state, and the nation.

Among the many implicit responsibilities that must be assumed by those enjoying the privileges of academic freedom shall be that of refraining from insisting upon the adoption by students or others of any particular point of view as authoritative in controversial issues.

- B. Duties of Academic Staff. Each member of the academic staff is expected to be devoted to the accomplishment of the purposes for which the System exists: instruction, research, and public service. Those members of the academic staff who comprise the faculty of the System are charged to determine the educational policy of the System through deliberative action in their respective units and divisions.
- C. Responsibilities of Academic Staff. It is a basic principle that every member of the academic staff, of whatever rank, shall at all times be held responsible for competent and effective performance of his duties.
- D. Faculty Workload. Careful attention must be given to teaching, research, and service assignments so that resources available to each institution are utilized most effectively. Faculty are the System's primary performers of instruction, research/scholarship, and service, and should be encouraged in applying their creativity, ingenuity, knowledge, experience, and professional skills in performing many diverse functions. It is important that each institution ensure that its faculty members are protected from being assigned extra responsibilities which may hinder the quality or quantity of work for which they were employed.

Each institution shall have a policy defining standard workload expectations for its faculty. Generally, standard expectations will cover instruction, research/scholarship, and service, and will be consistent with the mission of the institution. It is understood that there will be exceptions and that those exceptions will be accounted for and justified at the campus.

The institutional policy shall specify that each person employed as a full-time instructional faculty member shall be assigned a minimum of 24 semester credit hours, or its equivalent, of instruction in organized undergraduate classes each academic year. Institutions or specific schools, colleges, or departments may set higher minimums for faculty, especially those not actively involved in non-instructional activities. Reductions from the minimum may be allowed for the following factors: special accreditation requirements, nature of the subject taught, number of different preparations, number of students taught, level of course (undergraduate, graduate, or mix), other special assignments, etc. Faculty members employed to perform duties other than full-time instruction (e.g., administrative, research, etc.) are to receive appropriate adjustments in credit hour loads. (Addition approved 6/23/00)

SECTION II. PERSONNEL ACTIONS

- A. Chief Executive Vacancies. For all appointments to vacancies in the chief executive position at any institution under the jurisdiction of the Board, three months' written notice, or less at the option of the Board, shall be provided to the Board through the System President in order that all applicants who qualify may be given an official application and that the proper committee, after interviewing such applicants, may make recommendations to the Board for final selection.
1. Chief Executive Search Procedure. Upon receipt of notice of an incumbent president's decision to retire or resign, the following process shall be followed:
 - a. Appointment of Search Committee. The Chair of the Board of Supervisors for the University of Louisiana System shall appoint a search committee of at least six members of the Board, and a faculty member of the affected institution, selected by the Faculty Senate of the affected institution. The System President shall serve as the non-voting Chair of the search committee. The student member on the Board shall serve as one of the appointed members. The Chair's selection of the other Board members shall be such that a majority of them shall have the strongest ties with the institution in question. Other members of the Board are encouraged to attend meetings of the search committee. However, only those appointed to that committee may vote as it exercises its function of preparing its recommendations for the Board.

- b. Selection Procedure. The detailed procedure to be employed and the timetable to be followed in carrying out the search shall be designated by the search committee as its first order of business. The committee shall present the procedure and timetable to be used to the Board at its next official meeting. The search committee shall visit the campus early in the process and obtain input from the Student Government Association, Faculty Senate and alumni association regarding desired qualifications for candidates (see “Credentials of Candidates” below). The committee may also request input from other groups or individuals as deemed appropriate. In accordance with L.R.S. 17:3303, the individual to fill the presidential vacancy shall be appointed by the Board, taking into consideration the recommendation(s) of the System President.
 - c. Credentials of Candidates. The search committee shall prepare a statement of minimum qualifications for candidates which is appropriate for the role, scope and mission of the institution. A candidate shall be expected to have an earned doctorate from an accredited institution and successful experience in an institution of higher education. In exceptional cases, however, a candidate having an extraordinary record of leadership and accomplishments, but lacking one or more of the above specified credentials, could be considered and recommended by the search committee.
2. Appointment of Acting or Interim Chief Executive. The Board may choose to appoint an acting or interim president upon the recommendation of the System President.
- B. Appointments for Vice Presidents, (Academic, Non-Academic) Deans and Athletic Directors. These appointments shall be submitted for approval by the Board as individual line items. Employment should not commence prior to official Board action. All terms and conditions of employment shall be submitted to the System office for review. (*See PPMs*)
 - C. Approval of Personnel Actions. All personnel actions shall be brought before the Board for ratification based on recommendations of the System President.
 - D. Unclassified Administrative Personnel. All unclassified administrative staff shall hold their administrative appointment at the pleasure or will of the Board of Supervisors. The annual approval of the budget and personnel documents designating the salary and other personnel benefits for administrative personnel shall not constitute an implied nor expressed agreement for continued employment throughout that fiscal year, but are executed or approved solely for the purpose of budgeting and associated fiscal and administrative matters.

No employment of an administrative position is to begin prior to Board approval. For administrative personnel other than vice presidents, deans, and athletic directors, emergency authorization may be granted on a temporary basis by the System office to proceed, pending Board action.

1. Temporary Appointments. No individual shall be appointed on a temporary (“acting” or “interim”) basis for more than 12 months. After that period, should the position not be filled by someone on a continuing basis, the temporary incumbent can only be reappointed if a truly compelling need exists. The reappointment of the temporary incumbent must be submitted for Board approval. Any request for reappointment must include justification. (Addition approved 3/21/97)
- E. Classified Employees. The Board grants authority to the presidents of the colleges and universities within the University of Louisiana System, or their designees, to hire or dismiss any classified employee in compliance with state law and appropriate Civil Service Commission regulations. All such action shall be deemed approved by the System Head and Board and no further action by either shall be required. (Revision approved 6/25/99)
- F. Qualifications for Academic Administrators. Each academic administrator (department head, director, dean, or vice president) who is to be appointed with rank and in a tenure track position shall have an earned degree in a field appropriate to the position. In addition, each administrator shall have the earned doctorate or appropriate terminal degree for his/her discipline. Exceptions to this requirement may be made for community colleges or other special situations. Such exceptions must be approved by the System President. (Addition approved 8/30/95)
- G. Reemployment of State Retirees. The reemployment of state retirees shall be governed by the rules of the applicable State retirement systems and Board Rule C-III, Section II of the Board Rules. (revised 10-24-08)
- H. Selective Service System Registration for Unclassified Positions. In accordance with L.R.S. 42:33, an individual shall be ineligible for employment or appointment in an unclassified civil service position (faculty or staff) with the Board or institutions within the University of Louisiana System if he:
1. Was born after December 31, 1960, or is or was required to register under Section 3 of the Military Selective Service Act (50 U.S.C. App. 453), and

2. Is not so registered or knowingly and willfully did not so register before the requirement terminated or became inapplicable to the individual. (Addition approved 9/26/97)

SECTION III. SALARY AND BENEFITS

- A. Employment Status Change. Unclassified personnel whose employment is being changed from a nine-month to a twelve-month basis may be offered a salary consistent with similar positions at the institution or at similar Southern Regional Education Board (SREB) institutions. Any employee whose status changes from a twelve-month to a nine-month salary basis shall be offered a salary consistent with similar positions at the institution, at similar SREB institutions, or as approved by the Board. This policy applies to administrative position changes only.
- B. Annuities. The System President and heads of institutions are authorized to make withholdings from the salaries of employees for annuity purposes and to purchase from various vendors, annuities with the funds withheld in accordance with Section 403(b) and other applicable sections of the Internal Revenue Code of the United States.

SECTION IV. ROLE, CONTRACTUAL ARRANGEMENTS, BENEFITS, EXPENSES, AND EVALUATIONS OF PRESIDENTS

- A. The President's Role. The president of an institution, in serving as chief executive officer and leader of a state institution of higher education, is expected to assume a public and official role with responsibilities and duties related to both campus and community life. It is recognized that the demands of this role and position impact upon the president's entire daily life and that of the president's family.

Specific responsibilities of the president shall include, but not necessarily be limited to:

1. Administering the institution over which he/she is appointed and exercising complete executive authority therein, subject to the direction and control of the System President and the Board;
2. Carrying out all duties expressly assigned by statute and those duties delegated by the Board and System President consistent with policies approved by the Board;
3. Being responsible to the Board and the System President for the effective execution of all Board and System policies, resolutions, rules, and regulations adopted by the Board as well as plans, memoranda, and directives issued by the System President. The institution president's discretionary powers shall be broad enough to enable him/her to meet his/her extensive responsibilities;

4. Providing effective performance as reviewed by the Board's evaluation process, i.e., ensuring excellence in the institution, its faculty and students, in instruction, and research quality;
5. Assuming and retaining control at all times over the budget of the institution, including functions of review and recommendation concerning the budgets of all divisions of the campus and the preparation of a consolidated budget, as well as execution of the budget as approved by the Board; and development and administration of the campus operational, auxiliary enterprise, and restricted funds budgets as approved by the Board, including establishment of priorities for expenditures and achievement of revenue projections as set forth in the approved budgets;
6. Being the official medium of communication between the System President and all constituencies at the campus level: faculty, students, administrators, classified employees, alumni and the local community;
7. Providing academic leadership for the campus through established planning processes and prioritization of goals and objectives; promotion of academic excellence through execution of strategic initiatives outlined by the System President and the Board; development and motivation of personnel to accomplish the campus mission; and promotion of innovative and efficient uses of campus resources;
8. Administration of all aspects of campus affairs affecting student life and otherwise promoting the learning environment for the welfare of the student body;
9. Development of an effective public service program for both the campus and the community to ensure the university is meeting the needs of its constituents;
10. Making recommendations to the System Office for all personnel actions (appointments, promotions, transfers, suspensions, dismissals, retirements, etc.) for Board approval;
11. Recommending those persons to be granted tenure by the Board;
12. Development, maintenance, and operation of the campus physical plant as well as the development of long-range capital construction priorities;
13. Designating an officer who will be second in line of authority at the institution and who will perform such duties as may be assigned by the president, and notifying the System President in writing of this designation; and
14. Development of an effective community relations program including, but not limited to, developing ongoing relationships with alumni and building the university's endowment. (Addition approved 8/27/99)

15. Providing effective leadership in efforts to secure various sources of funding for the university.

- B. Terms of Appointment. The president of an institution shall be employed at the pleasure or will of the Board of Supervisors, at a salary fixed by the Board.

Upon recommendation of the System President, the university president may be appointed to a tenured academic rank position within a discipline. (Revision approved 1/5/00)

The annual approval of the budget and personnel documents designating the salary and other personnel benefits for an institution head shall not constitute an implied nor expressed agreement for continued employment throughout that fiscal year but are executed or approved solely for the purpose of budgeting and associated fiscal and administrative matters.

1. Compensation. The president of an institution shall be entitled to an overall compensation package which shall be competitive with positions of comparable requirements, responsibilities, and authority as approved by the Board. (*See PPM*)
2. Presidential Housing and Related Services. For the expedience of the institution, housing is provided on the campus premises where available. Other related services including such items as utilities, furnishings, maintenance, custodial, and domestic services shall be provided to the institution president, the president's spouse, and dependents who are residing with the president. The institution president must reside in such housing, where available, as a condition of employment. This requirement is in recognition of the need for the institution president to be readily available to the institutional community and facilities, to provide for the hosting of official functions, meetings, and activities, and for the overall performance of official duties. Where suitable housing is not available on campus, the president shall be provided additional compensation as specified through the terms of employment.

- C. Presidential Expenses. In accordance with applicable state policies and procedures, an institution shall make adequate provisions within an appropriate expenditure category of its operating budget for funding of campus-related activities and functions that the institution president is expected to host and furnish. Expenditures for these activities may encompass items such as food, beverages, flowers, decorations, and other entertainment-related expenses.
1. Adequate financial and accounting records shall be maintained by the administrative offices of the institution relative to these expenditures so that their specific nature can be identified and verified. The amount of operating funds to be budgeted for these expenses shall be reviewed and approved by the Board annually through the normal budget process.
 2. As the head of a state university, an institution/system president is entitled to choose between the use of a personally owned vehicle or to utilize a vehicle provided by an affiliated, non-profit organization of the university (foundation, alumni association, or dealership through an affiliated entity). If the president chooses to utilize his/her personal vehicle, a monthly allowance established by the board or the current State mileage reimbursement rate shall be paid by the university. If the President chooses to utilize a vehicle provided by an affiliated entity (foundation, alumni association, or dealership through an affiliated entity) and that entity does not provide any financial support for the operating expenses of the vehicle, the president shall be paid a monthly allowance established by the board from the university. The cost to own and operate the president's vehicle is as noted above and shall constitute the totality of the vehicle related payments to the president from all sources. (revised 10-24-08).
- D. Evaluations of Presidents. The performance of the institution presidents shall be individually evaluated on a regular basis according to a process approved by the Board. The evaluations are intended to (1) fulfill Board responsibility for making certain that each institution is well managed, (2) help the presidents improve their performance, (3) make certain that sound institutional goals are being pursued, and (4) identify opportunities for improving the management and planning functions of the University of Louisiana System and its constituent universities. (Addition approved 8/27/99)

SECTION V. LEAVES OF ABSENCE

- A. Application Procedure. An individual requesting a leave of absence shall make application at the institution and, with the recommendation of the institution president, it shall be forwarded to the System President for Board consideration.

- B. Exclusion. An employee of an institution who is not a member of the faculty or administration is not governed under the Board's policy on leaves of absence for faculty members.
- C. Length of Leaves. Leaves of absence, other than for military leave, shall not exceed one year at a time. Faculty personnel on military leave (or special leave for war-connected service) from the institution shall be reemployed by the institution at the beginning of the next semester (or quarter) after the date on which the institution head shall receive written notification that such person wishes to return to his position, provided that such notification shall be given within 40 days after honorable discharge or termination of assignment from the armed forces.
- D. Sabbatical Leave. Provision for leave with pay for the purpose of professional or cultural improvement, or for the purpose of renewal, is a well-established administrative device intended to improve the quality of higher education professional service. The Board recognizes that such a policy is justifiable and desirable and therefore provides for leaves of absence for full-time members of the faculty under specified conditions. (*See PPM*)
- E. Leave Without Pay. Leave without pay may be granted for a maximum of one year at a time upon recommendation of the institution to the System President and with the approval of the Board.
- F. Forfeiture of Tenure or Employment. Refusal by a faculty member or administrator to comply with the provisions of this leave and sabbatical leave policy shall result in the forfeiture of tenure and/or employment.

SECTION VI. INTELLECTUAL PROPERTY AND SHARED ROYALTIES

The University of Louisiana System recognizes the need for and desirability of encouraging the broad utilization of the results of academic research by bringing innovative findings to practical application. The primary purpose of this Intellectual Property Policy is to provide the necessary protections and incentives to encourage both the discovery and development of new knowledge and its transfer for the public benefit; a secondary purpose is to enhance the generation of revenue for the home institutions and the creators. (*See PPM*)

SECTION VII. OUTSIDE EMPLOYMENT OF COLLEGE AND UNIVERSITY EMPLOYEES

This policy relates to employment directly undertaken by employees of System institutions with outside employers or to self-employment (including consulting) and does not relate to employment in which arrangements are made officially through the institution by contract with

or grants to the institution. The policy outlined below relating to outside employment should be brought to the attention of all employees. (*See PPM*)

A. Statement of Policy on Outside Employment.

1. A member of the faculty or staff may engage in outside activities, paid or unpaid, which do not conflict, delay or in any manner interfere with instructional, scholarly, and/or other services he must render in the nature of his college or university employment.
2. A full-time member of the faculty or staff who is presently engaged, or who plans to engage, in such activities outside of his broad institutional responsibilities, during any period of full-time employment by the institution, shall report to the chairman or head of his department in writing the nature and extent of such activities, and the amount of time the work will require. In all such instances, the department head or chairman shall forward the report to the employee's administrative superior who will make a complete disclosure of these facts to the campus head or his designee. A similar procedure shall be followed by deans in reporting to their vice-presidents in reporting to their president.
3. No full-time member of the faculty or staff shall engage in such outside employment (or continue such employment if already so engaged) without the written approval of the department head and dean. In the event that either the department head or the dean believes that such outside employment involves, or may involve a matter of public interest or interfere with duties to the institution, the matter shall be referred through the appropriate channels to the president of the college or university or his designee for approval.
4. It is the responsibility of the employee to make clear to any outside employer that in accepting such employment he does so as an individual independent of his capacity as a member of the staff of the college or university. This might best be accomplished by providing with oral testimony or written reports a statement to the effect that the views expressed are those of the employee and do not necessarily reflect the views of the institution. In no case should the individual concerned use the name of the institution or his college or university title officially, or in any way, in support of any position he may take.
5. The institution recognizes the fact that a person qualifies as an expert because of his training and experience. Therefore, biographical data, including a statement of employment by the college or university, may be included as introductory material to written reports (but not incorporated in the body of the written report) by the outside employer, or orally in the case of expert witness, by way of establishing the writer as a qualified expert.

6. Institutional resources shall not be used for personal gain. No college or university personnel, laboratories, services or equipment are to be used without administrative authorization in connection with outside employment of college or university employees.
- B. Reporting Procedures. Each year the appropriate vice president(s) shall submit a report of employee activities to the campus president.

SECTION VIII. SEEKING AND HOLDING PUBLIC OFFICE

Conditions. Every employee has the constitutional right to seek and hold public office. In so doing, the employee must meet the following conditions: (a) notify the institutional president of the employee's intention prior to the date of qualification; (b) continue normal workload, including teaching and all other duties and office hours required by the institution. If the employee is unable to meet condition (b) above, annual leave or leave without pay may be requested for the appropriate period of time, in accordance with the leave rules of the Board. Additionally, such an employee should be accurate in his statements and make every effort to indicate that he is not a spokesperson for the institution.

SECTION IX. NEPOTISM

The University of Louisiana System and its member universities shall be in full compliance with the Code of Governmental Ethics regulation on nepotism found in Louisiana Revised Statutes 42:1119. The Board may authorize employment of persons from the same economic unit or the same immediate family when allowed by law. The Board defines economic unit, immediate family and any other relevant terms pursuant to the definitions found in the Code of Governmental Ethics in Louisiana Revised Statutes 42:1102, or as interpreted by the Louisiana Board of Ethics. No interpretation of this section shall at any time conflict with the Governmental Code of Ethics or any other related statute. (Revision approved 12/3/99)

SECTION X. FACULTY RANK

- A. Levels of Rank. Levels of academic rank recognize progressive levels of achievement and stature within the profession.
- B. Rank Distribution. Special care shall be exercised in assigning faculty ranks to new appointees and in making promotions in rank from year to year. The following table provides guidelines on assignments of rank within each institution:

<u>Academic Rank</u>	<u>Typical Range</u>	<u>Maximum Range</u>
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Professor	20-30%	35%
Associate Professor	25-35%	35%

- C. Promotion. Each institution shall establish a policy setting criteria for faculty promotion. The policy statement should state that very few persons who do not hold the doctorate will be promoted to the rank of full professor.
- D. Evaluation. Each institution shall evaluate each faculty member and administrator on an annual basis, and the evaluation shall be filed in appropriate files. The institution's policy for faculty evaluations shall include definite and stated criteria, consistent with policies and procedures of the Board and the institution, for evaluating the performance of each faculty member. As part of its evaluative procedures, each institution will utilize a system of periodic faculty evaluations by students, with the improvement of teaching effectiveness as a major focus of such evaluations. Institutions are encouraged to utilize multiple sources of information (e.g., student ratings of instruction, peer evaluations, etc.) in their review processes. Evaluations are to assess performance in an appropriate mix of teaching, research, and service.

Each university president will ensure that merit, i.e., adequacy of performance as determined by the evaluation system of the institution, shall be a primary factor in decisions of faculty retention, compensation, promotions, and other advancements. (Addition approved 8/25/00)

- E. Special Ranks. The following ranks may be assigned to academic personnel in certain employment situations within the university.
1. The titles "Visiting Professor," "Visiting Associate Professor," and "Visiting Assistant Professor" are courtesy titles given to holders of visiting full-time appointments at those respective ranks. Faculty are assigned to such ranks for temporary, short-term (non-tenure track) appointments.
 2. Full-time faculty whose primary responsibility is conducting research and who are normally paid from grant or contract funds are to be appointed as Assistant Professor-Research, Associate Professor-Research, or Professor-Research. The faculty members in these ranks do not acquire tenure. As an alternative, and upon the individual recommendation of the institution president and approval by the Board, such persons at the rank of Associate Professor-Research and Professor-Research may be appointed for rolling terms of up to five years (to be specified). The contract for such rolling terms may provide for conditions related to continued funding of the grant supporting the position. Faculty members on such appointments are reviewed annually. At such annual review, a recommendation not to reappoint the associate professor or professor is with a terminal appointment of up to five years. The faculty member is notified of a

decision not to renew the appointment up to five years (specified for each individual) before the end of the appointment. Faculty members on such appointments may be terminated for cause at any time with due process.

3. Professional-in-Residence is a category of professionals appointed to instructional positions, with working titles such as Architect-in-Residence, Artist-in-Residence, Journalist-in-Residence, Writer-in-Residence, etc. The professional may be in residence at irregular intervals. Tenure is not awarded to individuals holding this title. Appointment to this title may be annual, or limited, and may be full-time or part-time. (Addition approved 1/5/00)

SECTION XI. TENURE

- A. Definition. Indeterminate tenure, hereafter referred to as tenure, is intended to ensure and enhance faculty members' academic freedom and job effectiveness. Tenure assures the faculty member that employment in the academic discipline at the institution will be renewed annually until the faculty member resigns, retires, or is terminated for cause or financial exigency.
 1. Faculty members shall not be eligible for tenure at the instructor level.
 2. Each recommendation by an institution to grant tenure to a faculty member shall be submitted to the Board of Supervisors at a time designated by the System President, which shall be no later than the date to submit annual budgets for approval.
- B. Eligibility for Tenure. The probationary period for tenure consideration in the University of Louisiana System is six years. A tenure-track faculty member may apply for tenure during the sixth year. Full-time academic personnel at least at the level of assistant professor or equivalent shall be eligible for tenure after serving this probationary period.
- C. Recommendation for Tenure. Recommendation for tenure of those who have completed the probationary period shall originate in the various structural units, with tenured faculty and unit heads initiating the recommendations. The recommendation shall be submitted to the institution president for his consideration. His/her action shall be submitted to the System President. Final authority for granting or denying tenure shall rest with the Board of Supervisors. Under no circumstances shall tenure status be achieved without specific action of the Board of Supervisors.
- D. Notification of Tenure Decision. At the end of the probationary period, the result of each individual's evaluation shall be provided to that individual. In the event tenure is to be denied, 12-month advance written notice of termination shall be given. If tenure is to be

awarded, the affected faculty member shall be informed in writing and tenure will be effective with the next letter of appointment.

- E. Early Awarding of Tenure. In certain unusual cases, the institution may award tenure to faculty members of extraordinarily high merit prior to the end of the sixth probationary year. Any academic unit's recommendation, with faculty input whenever possible, to award tenure before the end of the usual probationary period should be accompanied by an accounting of compelling reasons for this action.

- F. Decision Not to Grant Tenure. If the decision is made not to grant tenure in the sixth year, it shall result in a terminal appointment for the seventh year. The notice of terminal appointment shall be made in writing to the faculty member prior to concluding the sixth year.
- G. Credit for Prior Service. For the purpose of the probationary period, credit may be given for prior service at other institutions with the mutual consent of the individual institution and the Board of Supervisors.
- H. Faculty Initially Appointed as Professor or Associate Professor. Faculty members initially employed at the rank of professor may be granted tenure upon appointment or, at the discretion of the institution, may be required to serve a probationary period not to exceed four years. Faculty members initially employed at the rank of associate professor shall serve a probationary period of at least one year, but no more than four years. (Addition approved 6/25/99)
- I. Limitation of Tenure. Tenure shall be limited to persons in the faculty ranks of assistant professor, associate professor, and professor. Administrators shall not earn tenure except as members of an academic discipline.
- J. Duration of Tenure. Tenured faculty shall retain their status until they retire, resign, or are terminated for cause or as a result of financial exigency. Tenure shall be granted and held only within an academic discipline that is offered at the institution and assures renewed appointments only within that discipline.
- K. Termination for Financial Exigency. Termination is at the institutional level, as determined by procedures which include faculty participation.
- L. Policy. This tenure policy shall supersede all existing policies with the following exceptions:
 - 1. All persons holding tenure on the effective date of this policy shall retain their tenure.
 - 2. Any person in the employment of an affected institution on the effective date of this policy shall be eligible to earn tenure under the terms and conditions of the policy in force and in effect at the time of that person's employment at that institution.
 - 3. This policy shall in no way affect any rights acquired by any person employed by an institution prior to the effective date of this policy.

- M. Tenure and Rank for Administrative Appointees. Academic administrators at the level of dean or higher are frequently appointed with academic rank (typically associate professor or professor) and tenure in a specific discipline. A request to offer tenure with appointment must have prior approval by the System President. In the employment of certain academic administrators such as department heads, directors, or deans where the offer of employment does not include immediate tenure, it should be stipulated that a tenure review shall be performed within one to three years by the administrator's immediate supervisor. This evaluation should include, among other factors, a review of specific provisions stipulated at time of employment. The review of a dean shall be made by the vice president for academic affairs with possible input from department heads in his/her college or school, while the review of a department head shall be made by his/her dean with input from faculty within the department.

Administrators (vice presidents, deans, directors) in *non-academic areas* (finance, student affairs, institutional advancement, and others) shall not be appointed with academic rank or tenure. Exceptions to this rule may include individuals appointed to such a position after having acquired rank and tenure in an academic discipline within the same institution, or in other exceptional cases specifically approved by the Board. (Addition approved 8/30/95)

SECTION XII. SUMMER SESSION

- A. List of Employees for Summer Employment. The president of each institution under the jurisdiction of the Board shall submit to the Board by the April Board meeting each year a list of employees who will participate in the summer school session.
- B. Summer Salaries. Each institution shall develop a pay plan for summer employment consistent with the mission and activities of the institution to be submitted for Board approval. (Revision approved 8/20/93)

SECTION XIII. EMERITUS TITLES

Granting of Emeritus Titles. The awarding of emeritus title is an administrative responsibility, with the exception of President emeritus (University or System). The university president may approve such titles based upon established university criteria and procedures. Emeritus titles should be reserved to honor, in retirement, faculty and administrators who have made distinguished professional contributions and have served significant portions of their careers at the institution: e.g., emeritus professor of chemistry, emeritus dean of education, emeritus president. The System President may recommend to the Board of Supervisors the title of president emeritus when deemed appropriate.

To be eligible for consideration for academic emeritus status, the individual is expected to have achieved the rank of professor. In exceptional cases, an associate professor with an outstanding record of achievement and contribution to the university may be recommended for this status.

Criteria for Emeritus Status. The following are the minimum criteria for consideration for the granting of emeritus status. However, meeting the minimum criteria should not be considered adequate justification for recommending emeritus status.

1. A minimum of ten consecutive years of full-time employment with the university immediately prior to retirement at the institution;
2. Clear evidence of outstanding teaching, scholarly activity, and/or administrative services;
3. Recognized record of meritorious professional achievement, growth, and development; and
4. Clear evidence of university service beyond the normal or ordinary expectations. (Revision approved 10/29/99)

SECTION XIV. GRIEVANCE PROCEDURES

- A. Institutional Grievance Procedures. Each institution shall develop and promulgate an internal grievance procedure for employees (classified and unclassified). This procedure shall be approved by the Board. An employee must exhaust all administrative procedures at the institutional level before an appeal can be made to the Board.
- B. Board Review. If an employee makes an appeal to the Board, the administrative proceedings from the institution will be reviewed. The purpose of this review is to determine if an appropriate process has been provided to the grievant, not to review the particular outcomes. Following this review, the grievant will be notified of the Board's decision. (Revision approved 1/5/00)
- C. Granting of Hearing. The Board may grant the grievant a hearing and provide a fixed time for each party to present his/her case and all arguments shall be confined to the record of the administrative proceedings from the institution. However, after the review of the administrative proceedings from the institution, the Board may allow additional evidence to be presented. The Board will notify both parties of the type of additional evidence it seeks and the procedure to be used in its presentation.
- D. Board Policy on Grievance. The Board recognizes the necessity and desirability of providing employees a method and forum in which to resolve, in an orderly fashion, problems in the work place. However, by the adoption of this policy, it is not the intention of the Board to confer upon college and university employees any additional rights of substantive or procedural due process not mandated by law.

SECTION XV. TERMINATION

- A. Non-Tenured Faculty With The Rank Of Instructor (On Continuing Appointment) Or Above. 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. Unless an appointment is of a temporary nature for a fixed term, 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 months in advance of its 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 months in advance of its termination.
 3. At least 12 months before the expiration of an appointment after two or more years of uninterrupted service at the institution.
 4. Instructors on fixed-term appointments (specifying beginning and ending dates), lecturers, and other special appointees are employed on term contracts and are not covered by A.1, A.2, and A.3 above.
- B. Cause for Terminating Tenured Faculty. 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. Financial exigency also constitutes cause. 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.
- C. 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.

- D. Petition for Review. 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.

SECTION XVI. FINANCIAL EXIGENCY

- 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 an institution, program, or budget unit within an institution, or in 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 procedure should also give priority to tenured faculty over non-tenured faculty in retention.

Faculty and other employees under contract 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 budget 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 Procedure. 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. (*See PPM*)

(REVISED 12/04/09)

SECTION XVII. INVESTIGATIONS

- A. Authorization For Investigations. All persons appointed and/or employed by the Board are subject to investigation as the Board deems appropriate should there be allegations of misconduct or impropriety against said individuals.
- B. Procedure for Conduct Of Investigations. Investigations shall commence only upon adoption of a resolution or motion by the Board directing that such an investigation be conducted. Such investigations shall be conducted by an impartial outside agency.
- C. Institutional Notification. The president of any affected institution shall be given written notice of the investigation, and a list of the allegations subject to investigation.
- D. Reporting of Findings. At the conclusion of the investigation, the System President shall see that a written report of the findings of the investigation is given to the Board and to the president of the institution involved.
- E. Confidentiality. Investigations involving the character or competence of any person shall be conducted in as confidential a manner as applicable law permits.

SECTION XVIII. HUMAN IMMUNODEFICIENCY VIRUS (AIDS)

Employees with AIDS. An employee who has tested positive for the AIDS virus, but is medically certified as able to function as an employee, is to be considered as any other employee.

SECTION XIX. HUMAN RELATIONS

Each institution shall have policies to promote harmonious relations among students, staff, and faculty. Those policies shall:

1. Address potential discrimination, bias or harassment on the basis of gender, race, ethnicity, physical disability or other characteristics.
2. Provide for a learning and living atmosphere conducive to harmonious human relations at all sites where institutional activities occur.
3. Provide academic and other experiences to ensure that all employees and students are sensitive to persons of other races, ethnic groups, and gender as well as to those with disabilities. Employees and students must be aware that diversity is an asset to Louisiana and American society.
4. Provide due process for employees and students to seek redress of alleged wrongs.
5. Be published, aggressively disseminated to employees and students, and be available on campus and in the System office for the public.
6. Seek to affect human relations between the academic community and the larger surrounding community.
7. Be submitted to the System President and Board for review and approval.

SECTION XX. LEAVE RECORD ESTABLISHMENT AND REGULATIONS FOR ALL UNCLASSIFIED, NON-CIVIL SERVICE EMPLOYEES

Rules and policies regarding leave have been established that shall be applicable to all unclassified, non-civil service employees under the jurisdiction of the Board. It is the policy of the Board that unclassified employees shall enjoy benefits comparable to other classes of state employees, and these rules and policies are promulgated under that concept. (*See PPM*)

SECTION XXI. SHARED SICK LEAVE PROGRAM

System institutions and System staff may participate in a program of Shared Sick Leave that complies with System management policies and procedures. The campus policy shall be provided to the System office for staff approval prior to implementation. (*See PPM*) (Addition approved 9/24/99)