

LSU's Responsibility to its Students Regarding Recent Faculty Dismissal Sept. 1, 2015

LSU made the decision in June to dismiss a tenured faculty member. This action was taken to protect our students, faculty and institution from potential violations of federal and state law and university policy, which is one of our foremost responsibilities.

LSU fully supports both tenure and academic freedom as essential aspects of a nationally respected research and teaching institution. The dismissal was not an encroachment on either. The allegation made by some that the faculty member's use of "salty" language was the reason for termination is simply wrong. An LSU faculty committee concluded that the professor had created a "hostile learning environment," including recurring sexual harassment. The university could not allow that to continue and took the necessary action.

Coverage of the dismissal has primarily centered on the characterization by the individual in question of her termination as due to "salty" language, and framed as issues of academic freedom and tenure. This is irresponsible and grossly misinterprets the facts. The evidence, as ascertained by a faculty hearing committee and university administrators, students and other faculty, is that over the course of several years, the faculty member had berated, embarrassed, disparaged, maligned and denigrated young, primarily female students who aspired to become elementary school teachers. The investigation further revealed that at least one K-12 school principal forbade this faculty member from being in contact on school grounds with that school's teachers and children, which significantly damaged her ability as a supervisor of student teachers to perform her duties.

The number of student complaints about this faculty member's abuse likely would have been even higher had there not been fear by students that reporting the faculty member would lead to retribution. As the National Council of Teachers of English (NCTE) recently observed, "Student teachers are the most vulnerable members of the teaching authority chain" and "many student teachers fear never getting a teaching job if they speak out against sexual harassment." The students are captives to the process and must be protected. As the U.S. Court of Appeals for the Fifth Circuit has said, students are a "captive audience" and they pay to be taught, "not vilified in indecent terms" by a university faculty member and supervisor.

The faculty member's dismissal came only after an extensive investigation by university administration and a due process hearing by university faculty, at which the faculty member was advised by legal counsel. Further due process was extended to the faculty member when she was provided the opportunity to present her case to the LSU Board of Supervisors at its June 2015 regular meeting. The dismissal action was taken, upon the recommendation of the LSU President, only after she was heard by the Board.

As the faculty advisory committee stated, the faculty member's actions created a hostile learning environment, including sexual harassment, which violates university policy, as well as potentially state and federal law and the U.S. Department of Education's Office of Civil Rights' advisements.

University policy clearly states: "LSU is committed to providing a learning, working and living environment that promotes integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex and sexual misconduct, which includes sexual discrimination, and sexual harassment." Moreover, university regulations prescribe that "employees are responsible for their conduct during work hours, on campus, at LSU-sponsored activities, and or when the employee is representing LSU, or when the conduct would adversely affect LSU's image." Importantly, this regulation prohibits students or employees from creating a "hostile environment" of a "sexual nature that is sufficiently severe, persistent or pervasive" as to limit a student's ability to participate in or benefit from the education program or "to create a hostile or abusive educational or work environment." The LSU policy further provides that a person violating the "sexual harassment" prohibition may be subject to disciplinary action "including dismissal."

The Office of Civil Rights of the U.S. Department of Education has advised universities that "harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents" in order to violate federal law. The faculty member was dismissed by LSU for both targeting and general verbal abuse toward students, and for creating a recurring "hostile environment."

The behavior of the faculty member places the university at substantial risk. A university that tolerates, inadequately addresses or is **deliberately indifferent** toward sexual harassment may be subject to loss of federal funds and/or may be liable for money damages under Title IX or The Civil Rights Act.

The faculty member was warned by university administrators to desist in her behavior and use of tactics that created the hostile environment, yet she refused to take any measures to correct said conduct. In fact, the faculty member made it clear that she would not change her offensive classroom behavior. The faculty member's classroom behavior even drew the attention of her departmental peers who attempted to intervene, but their efforts were immediately rejected. The university's decision to dismiss the faculty member was well-considered, coming after extending to the faculty member a grace period of almost two years, during which time the faculty member still received full salary despite being removed from the classroom due to concerns for current and future students.

Beyond violations of university policy and issues of state and federal law, it is also important to remember that when a faculty member engages in uncivil behavior in the performance of his/her professional duties and is not reprovved by colleagues and is not

called to account by the university, not only are students harmed, but the profession is demeaned and the university is degraded as an institution.

Due to pending litigation, this is all LSU is going to say about the matter at this time. The facts of the case will be revealed through the legal process.