

SOUTHERN

Board of Supervisors

UNIVERSITY



Meetings

9:00 a.m.

September 6, 2013

Jesse N. Stone Science Lecture Hall
Southern University - Shreveport
3050 Martin Luther King, Jr. Drive
Shreveport, LA

ACADEMIC AFFAIRS COMMITTEE

Friday, September 6, 2013

9:00AM

Southern University Shreveport
3050 Martin Luther King, Jr. Drive
Shreveport, Louisiana

AGENDA

1. Call to Order and Invocation
2. Roll Call
3. Adoption of the Agenda
4. Public Comments
5. Action Item:
 - A. Request approval of Appeal of Termination of Dr. Dong Sheng Guo, SUBR
6. Other Business
7. Adjournment

MEMBERS

Dr. Leon R. Tarver II – Chair; Mrs. Ann A. Smith - Vice Chair;
Atty. Tony M. Clayton, Rev. Joe R. Gant, Jr., Mr. Willie E. Hendricks
Dr. Eamon M. Kelly, Mr. Mike A. Small, Rev. Samuel C. Tolbert, Jr.
Atty. Bridget A. Dinuvat - Ex Officio



SOUTHERN UNIVERSITY AND A&M COLLEGE SYSTEM

BATON ROUGE, LOUISIANA 70813

Baton Rouge, New Orleans,
Shreveport/Bossier City
LOUISIANA

Fax Number:
(225) 771-5522

Office of the President
(225) 771-4680

TO: Dr. Leon Tarver
Chairperson
Academic Affairs Committee

FROM: Tracie Woods
General Counsel

DATE: September 4, 2013

RE: Follow-up on Dr. Guo's Appeal Recommendation

This memo serves as a follow-up to the August meeting of the Academic Affairs Committee of the Southern University Board of Supervisors (SUBOS). The Academic Affairs Committee requested a review of the circumstances surrounding Dr. Guo's termination and appeal. The Committee asked for a report of the findings at the September SUBOS meeting.

A review of the events regarding Dr. Guo's termination is listed below in chronological order:

- **Spring 2012** – SUBR's Office of Academic Affairs evaluated all faculty during financial emergency. Each academic unit was required to evaluate faculty and submit recommendations for possible termination to the Interim Provost.
- **May 30, 2012** – Dr. Guo received a termination letter. The letter was delivered by regular and certified mail.
- **August 17, 2012** – Dr. Guo appealed the May 30, 2012 termination to the Chancellor's office.
- **September 3, 2012** – Dr. Guo provided additional documentation to support his appeal to the Chancellor's office.
- **December 17, 2012** – Dr. Guo filed a petition for injunctive relief and judicial review. The court did not enjoin Dr. Guo's termination, but allowed Dr. Guo to appeal his termination within twenty (20) days of the hearing.

- **January 4, 2013** – Dr. Guo appealed to the Chancellor's office.
- **January 16, 2013** – The Chancellor's office denied the appeal.
- **January 22, 2013** – Dr. Guo appealed the Chancellor's decision to the President's office.
- **March 8, 2013** – the President's office recommended Dr. Guo's appeal be denied to the Southern University Board of Supervisors.
- **August 2013** – Dr. Guo's appeal hearing.

Based upon this information, we know the following:

1. Dean Miller evaluated the Physics department faculty and recommended Dr. Guo for possible termination. The evaluation and recommendation were done during financial emergency.
2. Dr. Guo received proper notice and was aware of his termination based upon his August 17, 2012 and September 3, 2012 letters to the Chancellor's office.
3. Dr. Guo and the Physics department knew Dr. Guo was terminated but the Physics department allowed Dr. Guo to work in fall 2012.
4. Dr. Guo was paid for his work in fall 2012 and terminated in the payroll system in February 2013; however, he was not terminated in the faculty banner system. He was allowed to teach in spring 2013 even though the Physics department knew he was legally terminated.

The investigation also found that in spring 2012, Dr. Guo's termination was legal and executed according to the financial emergency procedures. Dr. Guo also received notice of his termination. This is evident by Dr. Guo's own admission in his August and September 2012 letters. Even though SUBR made some administrative mistakes and allowed Dr. Guo to work in fall 2012 and spring 2013, Dr. Guo was legally terminated and received proper notice. It is my recommendation that the President's recommendation to deny Dr. Guo's appeal stand. However, I recommend SUBR pay Dr. Guo as an adjunct professor for his work in spring 2013. Based upon the investigation, the Chancellor will also impose disciplinary actions at a later date.

Please let me know if you have any questions.

Thanks.



Office of the Chancellor
P. O. Box 9374
[225] 771-5020
FAX [225] 771-2018

May 30, 2012

DongSheng Guo
351 Donovan Court
Baton Rouge, Louisiana 70815

Dear Mr. Guo:

Due to the current declaration of financial emergency state of Southern University, and pursuant to the authority contained in the Southern University System Policy Procedure on Financial Emergencies, you are hereby notified that your Faculty appointment as Assistant Professor with Southern University in the College of Sciences, Physics Department terminates at the close of business, effective June 30, 2012.

The recent declaration of Financial Emergency is resulting largely from decreased state funding and in spite of our efforts to implement avoidance measures, we are faced with a need to retrench and restructure our academic programs. Regretfully, your position is one that is impacted. This does not reflect negatively on your job performance.

Pursuant to the Southern University System's Policies and Procedures on Financial Emergencies, Section VI. B states:

1. You may appeal the decision if such appeal is filed at the Chancellor's office within seven (7) days of the date of this notice. The appeal must be in writing and shall describe, with reasonable specificity, the basis for the appeal.

The complete policy and procedure is posted on the Southern University System website in the Board policies section.

The Chancellor's office shall offer to provide letters of reference upon request and letters of explanation to prospective employers to assist in suitable placement. Your written request should be submitted to:

Office of the Chancellor
Southern University
J. S. Clark Administration Building, 3rd Floor
Baton Rouge Campus, Louisiana 70813

Page 2
Don-Sheng Guo
May 30, 2012

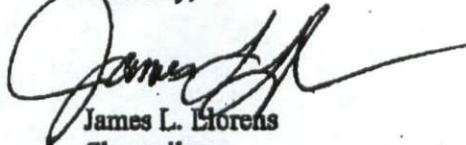
You will need to officially check-out from the University by:

1. Reporting to the Human Resources Department and picking up a check-out form to complete, or
2. Obtaining a copy of the check-out form by visiting the Human Resources webpage at hr.subr.edu. The check-out form must be completed by you in order to prevent any delays in the processing of any terminal pay and/or monies that is due to you.

The Human Resources Staff is available to discuss personnel matters, benefits and to provide you with any assistance you may need in making this transition. The Human Resources Department is located on campus in the J. S. Clark Administrative ANNEX Building, 1st Floor or you can contact by telephone at (225) 771-2680.

Thank you for the service you have provided to Southern University A&M College at Baton Rouge. We extend best wishes to you in all your future endeavors.

Sincerely,



James L. Eboens
Chancellor
Southern University, Baton Rouge Campus

JLL/LAP/ss

- xc: Janet Rami, Interim Provost, Academic Affairs
 Flandus McClinton, Vice Chancellor for Administration & Finance
 Lester Pourciau, Director, Human Resources
 Frank J. Woods, General Counsel, Office of the President
 Robert Miller, Dean, College of Sciences/Physics

Certified Mail # 7000 1530 0003 5446 8701
 Certificate of Mailing & Regular 1st Class Regular Mail

DONG SHENG GUO
PROFESSOR OF PHYSICS
SOUTHERN UNIVERSITY AND A&M COLLEGE
BATON ROUGE, LOUISIANA 70813

August 17, 2012

Dr. James Llorens
Chancellor
Southern University and A&M College
Baton Rouge, Louisiana 70813

Subject: Appeals of the proposed termination of my employment

Dear Chancellor:

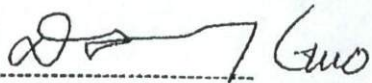
This communication comes to appeal the proposed termination of my employment as a tenured professor of Physics at Southern University and A&M College in Baton Rouge (SUBR), Louisiana. This appeal is pursuant to the termination letter dated May 30, 2012 that was sent to my home address in Baton Rouge and that stated that I had 7 days, from the date of the letter, to appeal your decision.

The deadline for appealing, for me, is seven (7) days from this past Monday. That is the day of my scheduled return to Baton Rouge and to SUBR, from a University sanctioned summer research at Oak Ridge National Laboratory (ORNL) in connection with the Mentor/protégé program between ORNL and SUBR. My participation in this program is at the Department chair's behest. My compensation and other related costs were paid by ORNL in connection with this Laboratory/University collaboration, a collaboration that benefits both institutions.

In order to avoid misunderstanding, let me add the following facts: (1) the Chair of the Department, Dr. Diola Bagayoko, knew where I was and has my cell phone number; if someone were interested in having me get the termination letter on May 30, the person only needed to provide a copy to him on that date; (2) a termination letter, I submit, needs to be sent with a verification of receipt, without this type of mechanism, the dead line for appeal is meaningless.

Early next week, I will provide you with additional documents related to this appeal. However, due to the seven (7) day deadline, I am providing this letter in today, August 17, 2012, in a verifiable manner.

Thank you very much for your attention.



Dong Sheng Guo, Ph.D.
Professor of Physics
Southern University and A&M College
Baton Rouge, Louisiana
xc: Dr. Diola Bagayoko; Chairman, Department of Physics

RECEIVED

Office of the Chancellor

SEP 04 2012

Dear Chancellor:

OFFICE OF THE CHANCELLOR

Sep 3, 2012

I am sending you some supplemental materials for my appeals. These materials include the appointment letter from Oak Ridge National Laboratory (ORNL), the appointment letter from Southern University to me as a full professor in 2005, and my CV. At the end of the spring semester, I went to Shanghai, China, for research collaboration. I flew back late in the evening of June 11. Since I had to report to ORNL on the morning of June 13, I had to drive to ORNL early in the morning of June 12. So I did not go home on June 11 and just stayed at a friend's home one night. The airplane tickets from Shanghai can be provided upon your request. I did not and could not see the proposed termination letter reportedly sent by SUBR around the end of May. I am entitled to due process. The clauses of the financial exigency do not absolve SUBR of the responsibility of ensuring the timely receipt of the referenced letter.

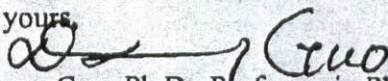
Hence, as explained in my timely submitted appeal letters, the date of faculty convocation was the start for counting the seven days I had within which to appeal. I appealed within the referenced seven days.

This communication comes to express my total disagreement, based on my track record, with the proposed termination. A few salient points that support my position and render my termination totally unwarranted include the following,

- (1) I am a full tenure professor with 20 year experience in Southern University. The termination of employment should be according to a natural order of less seniority. In your letter, you mentioned to terminate my "Faculty appointment as Assistant Professor".
- (2) I am a very good teacher, according to the many students who enjoy and benefit from my lectures. Because of my substantial understanding in physics, I am capable of explaining physics in great detail to the students. Students understand my lectures: therefore, they like my lectures and enjoy attending my classes. My students are also prepared to speak and write on my behalf.
- (3) I am also an accomplished quantum and classical physics research theoretician. After 20 years of effort, my important and verified theory about the interaction between atomic electrons and light made by photons is finally being published and recognized. As an outstanding physics theoretician, my department Chairman knows my situation well. I started the collaboration between Southern University students, faculty members, and physicists in Lawrence Livermore National Laboratory (LLNL) during 1993 to 2002. In the recent two years, I have also started collaborations with ORNL.

Dear Mr.Chancellor, my counsel and I are eagerly waiting to hear from you relative to the tenure hearings that will be necessary to terminate my tenured professorship as the financial exigency ended in June 2012. Thank you very much for your attention.

Sincerely yours,



Dong -Sheng Guo, Ph.D., Professor in Physics

xc: Dr. Robert Miller, Dean, College of Sciences
Dr. Diola Bagayoko, Chairman, Department of Physics
Dr. Thomas Miller, president, the Faculty Senate

DONG SHENG GUO
PROFESSOR OF PHYSICS
SOUTHERN UNIVERSITY AND A&M COLLEGE
BATON ROUGE, LOUISIANA 70813

RECEIVED

JAN 04 2013

OFFICE OF THE CHANCELLOR

January 4, 2013

Dr. James Llorens
Chancellor
Southern University and A&M College
Baton Rouge, Louisiana 70813

Subject: Appeals of the proposed termination of my employment

Dear Chancellor:

Pursuant to the December 17, 2012 Court proceedings relative to my appeal of my proposed termination, I have 20 days to submit to you any additional information pertinent to it. The deadline for this submission is January 5, 2013.

In light of the foregoing, this communication comes to submit to you the above referenced, additional information. The additional information pertains not only to the appeal of my proposed termination, but also to the compensation I did not received for my work throughout the fall semester of 2012.

I timely submitted my appeal to you on August 17, 2012, following receipt of the proposed termination letter on Monday August 13, 2012. As explained in the August 17 letter to you, I spent the summer of 2012 at Oak Ridge National Laboratory (ORNL) conducting research, as a participant in a University sanctioned Mentor/Protégé between ORNL and SUBR. As of today, I have not received any response to my appeal dated August 17, 2012. **Hence, in August, I had to teach the classes that were assigned to me by in BANNER.** From the beginning of classes in the fall to the end of the semester, I taught a full load. Further, I volunteered to teach Phys 345 (Thermodynamics) for which the Chairman could not find any instructor. This course was an overload I taught without requesting any overload payment. At the end of the semester, I successfully submitted all the grades for all the students I taught. From August to December (five months), I have not received any compensation for my teaching, despite the fact that the Department submitted all the appropriate time sheets in a timely fashion. **Hence, the first additional information hereby submitted to you is the request that I receive the compensation I earned by teaching throughout the fall semester of 1022.** I hope that I do not have to underscore the urgency of this matter, given that I have bills that keep on piling up.

The second, additional information hereby submitted to relates to the process to be followed for my appeal. As you know, the Financial Exigency ended on June 30, 2012. Even though your letter of proposed termination was dated May 30, 2012, I only received it on August 13, 2012. This situation was due to the fact that I was not mailed with return-receipt. So, even though I did not have it, the Office of Personnel may not have known that fact – through no fault of mine. My receipt of the letter in August, after the end of the Financial Exigency, automatically leads to a requirement of Tenure Hearings before I can be dismissed. While the dismissal without cause was possible during the Financial Exigency during

which the tenure provisions in the Faculty Handbook were suspended, these provisions have been in force as of July 1, 2012. **So, if my appeal is not automatically granted by you, as it should, then Tenure Hearings have to be held before my employment as a tenured, full professor can be terminated.**

The third, additional information hereby submitted to you pursuant to my appeal consists of a series of facts (accomplishments) and corroborating documents that attest to my performance as a consummate teacher, a research mentor for students, a highly published research scholar in Atomic, Molecular, and Optical Physics, and a highly respected scholar serving of the editorial board of a prestigious, refereed journal, to name a few. **Their list and the attachments follow this letter.**

- (1) I am a tenured full professor with 20 years of experience at Southern University. This information is to replace the reference in your letter to my "Faculty appointment as Assistant Professor."
- (2) I am a very good teacher who can teach undergraduate and graduate physics courses at all levels. Many students enjoy and benefit from my lectures. Because of my substantial understanding of physics, I explain physics in great detail to the students.
- (3) I am an accomplished physicist, well known in the physics community around the world. I am currently an editorial board member for an international atomic physics journal. I am a registered referee for many physics journals, such as "Physical Review Letters" and "Physical Review A". *I have published more than 30 refereed research articles that bear the name of Southern University.* One of my research papers was recently accepted by Physical Review Letters (the top journal of Physics). This paper ushers in the invention of two new technologies which allow one to reconstruct the atomic quantum structure in tomography. It is expected that significant research grants will follow in order to translate the discovery in this paper into practical devices of great potential applications in research and in industry.
- (4) I have brought about \$400,000.00 in research grant from NSF, DOE, and NASA to the University.
- (5) In the 1990's and 2000's, I engaged in extensive research collaborations between Southern University and Lawrence Livermore National Laboratory (LLNL). I brought about 20 Southern students to LLNL for summer research. In the last two years, I worked with Oak Ridge National Laboratory as partly noted above. One aim of this work is secure funding from the US Department of Energy.

Dear Mr. Chancellor, my counsel and I are counting on you to grant this appeal. In the unfortunately case where you not agree with this view, then we go through the Tenure Hearing process to settle the matter. I am certainly hoping to have these matters resolved as soon as possible so that I can devote myself to the teaching, research, mentoring, and professional service for which I have been trained.

Sincerely yours,



Dong-Sheng Guo, Ph.D.
Professor in Physics

xc: Dr. Robert Miller, Dean, College of Sciences
Dr. Diola Bagayoko, Chairman, Department of Physics
Dr. Thomas Miller, President, the Faculty Senate

Office of the Chancellor
P. O. Box 9374
[225] 771-5020
FAX [225] 771-2018

January 16, 2013

Dr. Dong-Sheng Guo
351 Donovan Court
Baton Rouge, LA 70815

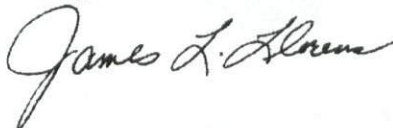
Dear Dr. Guo:

I have reviewed the documents submitted on, January 4, 2013 wherein you provided additional information pertinent to reasons for appealing your layoff related to the declaration of Financial Emergency by *Southern University and A&M College*. My findings are:

1. The decisions related to layoffs were the result of program reviews conducted in accordance with the Southern University System Board Policies. The document ***"Policies and Procedures for Responding to Financial Emergencies within the Southern University System"*** is published on the SUS web site under Board Policies, and section IV, D (pages 3 & 4) provides criteria used for this review of programs.
2. The recommendation for elimination of positions within the College of Sciences, Physics Department, was made by Dr. Robert Miller, Dean of the College of Sciences, as a result of program review. The decision resulted from an objective process based upon the number of faculty required to meet the current SUBR students' needs for Physics courses.

As a result of findings from our review of your appeal, the decision is to deny your appeal.

Sincerely,



James L. Llorens
Chancellor
Southern University at Baton Rouge

DONG SHENG GUO
PROFESSOR OF PHYSICS
SOUTHERN UNIVERSITY AND A&M COLLEGE
BATON ROUGE, LOUISIANA 70813

2013 JAN 23 10:33

January 22, 2013

Dr. Ronald Mason
President
Southern University System
Baton Rouge, Louisiana 70813

Subject: Appeals of the planned termination of my employment

Dear President:

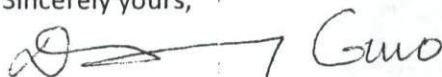
This communication comes to submit to you and to the Southern University System Board of Supervisors my appeal of the proposed termination of my employment as explained below.

Pursuant to December 17, 2012 Court proceedings relative to my appeal of my proposed termination, I had 20 days to submit to the Chancellor any additional information pertinent to it. I resubmitted my appeal with supplementary materials (see attachments) to the Chancellor's office on January 4, 2013. On January 18th, I received the Chancellor's letter (see attachment) which states his decision to deny my appeal.

In addition to this letter, this appeal package includes my first and second appeal letters and related attachments. The Chancellor's letter of denial does not seem to address the explicitly stated issues in my appeal letters. In particular, I shall not be held responsible for a blatant failure of SUBR to ensure that due process is afforded to me. The failure of the campus to ensure that I receive the initial termination letter in time (before the end of the financial exigency) cannot be ignored, nor can the fact that my first appeal letter, submitted within seven days of my receipt of the termination notice, never received a reply. Please see my appeal letter of January 4, 2013, as it contains clear statements on my case in unambiguous terms. Other documents in the package add other dimensions.

Thank you very much for your attention.

Sincerely yours,



Dong-Sheng Guo, Ph.D.
Professor in Physics

xc: Dr. James Llorens, Chancellor
Dr. Robert Miller, Dean, College of Sciences
Dr. Diola Bagayoko, Chairman, Department of Physics
Dr. Thomas Miller, President, the Faculty Senate



SOUTHERN UNIVERSITY AND A&M COLLEGE SYSTEM

J.S. CLARK ADMINISTRATION BUILDING
BATON ROUGE, LOUISIANA 70813

Office of the President
(225) 771-4680

Fax Number
(225) 771-5522

MEMORANDUM

TO: Chairwoman Bridget Dinvaut
FROM: Tracie J. Woods
RE: SUBR Professor's Appeal SUBOS
DATE: March 8, 2013

Dr. Guo filed a lawsuit alleging he was not given due process during his termination process. Dr. Guo was terminated during financial emergency but he did not receive the letter until August 2012, which was after SUBR transitioned out of financial emergency. He filed an appeal in August but SUBR did not respond. At Dr. Guo's hearing, the court deemed his due process claim moot and granted Dr. Guo the right to an appeal on the merits.

Based upon the court's ruling, the only information reviewable at this time is the information contained in the third paragraph of his January 4, 2013 letter to Dr. Llorens. Dr. Guo list several accomplishments that he wants SUS to consider in his appeal. Please see the facts Dr. Guo presented for appeal. (Dr. Guo's completed package is attached)

1. "Dr. Guo is a tenured full professor with twenty years' experience at SU."
 - 1a) This is not an appealable item.
2. "I am a very good teacher who can teach (graduate and undergraduate courses)."
 - 2a) This is not an appealable item.
3. "I am an accomplished Physics professor."
 - 3a) This is not an appealable item.
4. "I have brought \$400,000.00 in research funds from NSF, DOE and NASA to SU."
 - 4a) This is not an appealable item.
5. "In the 1990's and 2000's, I engaged in extensive research collaboration."
 - 5a) This is not an appealable item.

Based upon the courts' ruling and the additional information provided by Dr. Guo, the Office of the President recommends to the Southern University Board of Supervisors (SUBOS) that we deny Dr. Guo's appeal.

Also please find a copy of the appeal procedures the SUBOS used during financial emergency. The procedure allows the employee to file an appeal with the Chancellor. If the appeal is denied, the employee can appeal to the President. The President makes his recommendations to the Chairwoman of the SUBOS. During Financial Emergency, the Academic Affairs Committee reviewed all of the President's recommendations.

The Academic Affairs Committee can do the following:

1. Ask to investigate further or hold hearings as appropriate;
2. Review the President's recommendation and/or conduct an investigation. After the Academic Affairs Committee reviews the President's recommendation and/or conducts an investigation, they can make a recommendation to the Board.

The SUBOS may:

1. Review the Academic Affairs Committee's recommendation to accept or reject their recommendation; or
2. Take no action on the matter.

It is my recommendation that we submit the President's recommendation to the Chairman of the Academic Affairs Committee. The Chairman should schedule an Academic Affairs Committee meeting to hear Dr. Gou's appeal. This procedure is consistent with our procedures during financial emergency. I would be happy to discuss the procedure in more detail with you at your earliest convenience.

Thanks for your prompt response to this matter.

cc: File