

## Tenured Professor Loses Court Appeal of Dismissal

Dr. Joy Laskar was a tenured professor in Georgia Tech's Department of Electrical and Computer Engineering. He was also director of Tech's Georgia Electronic Design Center. Dr. Laskar had reportedly perfected a microchip that could have been worth millions of dollars. A Georgia Tech internal audit showed unusual transfers of money from the Georgia Electronic Design Center to Sayana Wireless, LLC., a start-up company owned by Dr. Laskar and another Georgia Tech professor. The Georgia Bureau of Investigation arrested Dr. Laskar and two other Georgia Tech employees on September 24, 2010. Search warrants were also executed by the GBI on the same day. The allegation was that nearly two million dollars had been improperly transferred from the Georgia Electronic Design Center to Sayana, the faculty start-up.

Following the internal audit, the President of Georgia Tech sent Dr. Laskar a letter dated May 17, 2010 stating that the audit had revealed substantial evidence of malfeasance. The letter informed Dr. Laskar that he was suspended without pay. Georgia Tech began termination proceedings on June 15, 2010. A formal hearing was held by the Faculty Hearing Committee in March of 2011. The Hearing Committee found that two of the charges against Dr. Laskar were sustained in full and were sufficiently egregious to warrant dismissal. On May 14, 2011, Georgia Tech's President wrote to Dr. Laskar and told him that he agreed with the Faculty Hearing Committee, that Dr. Laskar's tenure was revoked, and that he was being dismissed immediately. During these proceedings, Dr. Laskar filed a civil suit claiming that his suspension without pay violated Georgia Tech policy. This claim was settled by Georgia Tech.

Dr. Laskar filed a separate civil suit claiming that his dismissal was wrongful. He asked for the remedy of mandamus directing the Georgia Tech President to lawfully and properly perform his duties by reinstating him. The trial court dismissed this suit on the grounds that it lacked jurisdiction over the claim. The Appeals Court of Georgia agreed with the trial court. It first noted that the report of the Faculty Appeals Committee was only a recommendation to the President. Therefore, the Court found that the President's action dismissing Dr. Laskar was administrative, rather than judicial. Mandamus is a remedy that is available to correct judicial actions, but not administrative actions. Accordingly, Dr. Laskar's claim was dismissed. *Laskar v. Board of Regents of Univ. System of Ga.*, No. A12A1831, 2013 WL 1019435 (Ga.App., Mar. 15, 2013).

The case is a cautionary tale about the dangers that can arise when a faculty member pursues academic grants and contacts at the same time he/she is pursuing a faculty start-up business. Almost everyone agrees that starting businesses and providing jobs for the area is a major function of a modern research university. However, those engaged in these activities need to be constantly aware of the potential ethical and compliance pitfalls that might be present.