

Title: Grievance for Faculty Terminations	Number: 6.26	Page 1 of 4
	Related Procedure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Legal Citation (if Applicable)	Board Approval/Revision: 9 March 2015	

Policy Statement

It is the purpose of this policy to:

Promote faculty excellence within the College;

1. Protect academic freedom and intellectual inquiry;
2. Recognize the responsibility of the College President to provide leadership and sound fiscal management of the College; and
3. Provide a fair and orderly process for the involuntary termination of employment of faculty members at the College.

Scope

This policy applies to all full-time regular faculty members (“Faculty Member”) and does not apply to adjunct faculty, provisional faculty or grant funded faculty.

Definitions

“Academic Freedom” is the absence of constraint or coercion of choosing what one will teach (within the constraints of official course descriptions and official course syllabi), investigate, study or present in all fields of learning.

“Competence” is the proven ability to sufficiently perform all duties as identified in College policy and/or job description. Competence shall include but not be limited to the following evidence:

- a. Teaching quality as indicated by a preponderance of formal and documented evidence regarding the faculty member’s ability to perform professional teaching responsibilities. Such evidence may include student evaluations over the most recent 24 months and also all Performance Evaluations directed by the college and performed in the last 48 months.
- b. Evidence of scholarly or other professional activity as appropriate to the Faculty Member’s program area; and
- c. Service to the College beyond assigned teaching duties.

“Dismissal” is the involuntary termination of employment during the term or upon the expiration of the contract for reasons other than reduction in force.

“Insubordination” is the failure to comply with reasonable instructions relevant to one’s professional position, which have been provided by a supervisor acting within the scope of his/her authority.

“Non-renewal” is the failure or refusal to offer to an employee a new contract of employment for the subsequent year.

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“Performance Evaluation” is the regular formal process used to review and record a faculty member’s performance of his/her assigned duties.

Reassignment

The President may, at her or his discretion, reassign any Faculty Member by changing the job title, job description and/or assignment. If the reassignment occurs during the term of an employment contract, there will be no reduction in compensation during such contract term as a result of the reassignment. The President’s decision is final and is not subject to review.

Provisional Faculty

Provisional Period: Provisional Faculty Members are those employees holding a full time faculty contract during a provisional period from the date of employment until the completion of employment under two consecutive full year regular contracts. In general, the provisional period is twenty-four months after the date of hire. Provisional faculty shall not receive regular status until after completing not less than 24-months of continuous service to the college and successfully completing two regular contracts. The President may determine that additional time beyond the standard 24-month period is required for certain faculty and the President may extend the provisional period for no more than 12 additional months.

Non-renewal

Grounds

A provisional faculty member’s contract may be allowed to expire and not renewed for any reason at the end of any contract term during the provisional period. A regular Faculty Member’s contract may be allowed to expire and may not be renewed for failing to demonstrate Competence at any time during the preceding two years, justifiable lack of work related to the discontinuance of a program area, or for other justifiable academic reason as determined by the college President. The college President shall make reasonable efforts to reassign Faculty Members facing non-renewal as a result of grounds other than Competence.

Notice

Notice of Non-renewal shall be given by the President or his or her designee no later than sixty days preceding the end of the contract term. The effective date shall be no sooner than the end of the then current contract date. The notice of Non-renewal must state the reasons and inform the Faculty Member of appeal rights.

Appeal

Within ten (10) calendar days of service of the notice of nonrenewal, a Faculty Member who has received a notice of Non-renewal may request consideration by a Peer Review Committee as provided by College procedure. There shall be no review of nonrenewal of a provisional faculty member’s contract.

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Dismissal, Suspension without Pay or Other Disciplinary Action for Cause
Grounds

The following shall constitute grounds for dismissal, suspension, and other disciplinary action:

1. Insubordination;
2. Neglect of duty;
3. Conviction of a felony or acceptance of a guilty plea or a plea of nolo contendere to a felony;
4. Immorality that relates to one’s role as a faculty member;
5. Incompetence after notice and opportunity to improve;
6. Mental or physical disability which, even with reasonable accommodation, substantially interferes with the person’s ability to perform the essential functions of the job in question. Termination under this ground shall be in compliance with Federal law which prohibits discrimination against persons with disabilities;
7. Failure to fulfill provisions of employment contract; or
8. Other good and just cause as determined by failure to meet reasonable written and published standards.

Notice

Notice of dismissal, suspension, or other disciplinary action may be given by the President or his or her designee at any time and shall state the grounds and effective date. The notice must state the reasons and inform the Faculty Member of appeal rights.

Review

A Faculty Member who is given notice of dismissal or suspension without pay in excess of fifteen business days shall, within ten (10) calendar days of service of notice review, have the right to request peer review as provided by College procedures established in connection with this Policy. A Faculty Member who is suspended without pay for more than fifteen work days shall have the opportunity to petition such actions pursuant to the college’s grievance policy and procedure. All documentation concerning disciplinary actions shall be placed in the Faculty Member’s personnel file.

Suspension with Pay

The President or his or her designee may suspend a regular or provisional Faculty Member without cessation of salary and benefits for such term as the President or his or her designee determines to be in the best interest of the College upon a finding that there is good cause to believe, that:

1. The continued presence on the grounds of the College would endanger the safety or well-being of the Faculty Member or other members of the College; or
2. The continued functioning of the Faculty Member in his/her position would substantially disrupt the normal functions of the College.

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Revisions

No revisions of this policy shall be adopted except after consultation with the Faculty Senate and approval by the Board of Trustees.

Procedures

In consultation with the Faculty Senate, the College President shall promulgate procedures as necessary to implement this policy. The Faculty Senate must affirm such procedures prior to their implementation.