

Dismissal of a faculty member for adequate cause

1. General

a. The Board of Trustees may dismiss a Faculty member on tenure or before the end of any contractual appointment only for one or more of the following causes: incompetence, professional or scholarly misconduct (including serious and sustained disruptive behavior), serious neglect of duty, or conviction or admission of a crime involving moral turpitude as defined by AAUP.⁴

b. In a case where immediate harm to the faculty member or to others is threatened by continuance in the position, the person may be suspended at the discretion of the president of the College for the duration of the dismissal procedure while continuing to receive normal salary.

2. Procedures for Dismissal for Adequate Cause

a. To dismiss a faculty member, the procedures described below apply. All steps are to be taken as expeditiously as possible.

1.) Preliminary Proceedings

Before formal steps are taken, the department chair and the provost shall attempt to hold a special conference with the faculty member concerned and try to resolve the matter by mutual consent. If this is not possible, formal proceedings may be initiated.

2.) Formal Proceedings

a. The president of the College shall inform the faculty member in writing of the intention of the College to dismiss, and of the reasons for this step. The notification must be delivered personally, or by registered or certified mail, to the last known address of the faculty member. A copy of the president's letter shall be transmitted to the College Evaluation Committee. If the faculty member so requests, the College Evaluation Committee shall conduct an investigation of the reasons and/or hold a hearing (see below). The request of the faculty member to the committee must be made, in writing, no later than ten working days after the receipt of the dismissal notice. After consideration of the report and the recommendation of the College Evaluation Committee, the president shall make a report and a recommendation to the Board of Trustees. The faculty member shall receive copies of all reports and recommendations by the College Evaluation Committee and the president at the time they are issued.

b. The faculty member may appeal the president's decision to the Board of Trustees which will determine the form of the appeal. At this appeal, the faculty member shall be entitled to address the Board of Trustees and to be represented by any person or persons of his or her choice, including an attorney.

c. The final action of the Board of Trustees shall be taken at a regular or especially convened meeting. To dismiss a faculty member, an affirmative vote of a majority of all members of the Board of Trustees is required.

3. Investigation and Hearing by the College Evaluation Committee

a. If the faculty member requests an investigation and/or a hearing by the College Evaluation Committee, the following standards and procedures shall be observed:

1.) While the dismissal procedures take place, the faculty member may be suspended, or assigned to other duties in lieu of suspension, at the discretion of the president of the College only if immediate harm to the faculty member or to others is threatened by continuance or if the faculty member engages in seriously disruptive behavior. The president will inform the College

⁴ Moral turpitude is defined by AAUP as follows: "The concept of 'moral turpitude' identifies the exceptional case in which a professor may be denied a year's teaching or pay in whole or in part. The statement applies to that kind of behavior which goes beyond simple warranting discharge and is utterly blameworthy as to make it inappropriate to require the offering of a year's teaching or pay. The standard is not that the moral sensibilities of persons in the particular community have been affronted. The standard is behavior that would evoke condemnation by the academic community generally." (p.7, AAUP Policy documents and Reports, 1990 Edition)

Evaluation Committee of the suspension, and the committee may make a recommendation concerning the propriety, the length, and the other conditions of the suspension. During the period of suspension the faculty member will continue to receive the normal salary.

- 2.) The College Evaluation Committee may, with the consent of the parties concerned, hold joint prehearing meetings with the parties in order to (i) simplify the issues, (ii) effect stipulation of facts, (iii) provide for the exchange of documentary or other information, and (iv) achieve other appropriate prehearing objectives as will make the hearing fair, effective, and expeditious.
- 3.) The hearing will be closed unless the parties agree to open it to the College community.
- 4.) During the proceedings the faculty member will be permitted to have counsel present, and an academic adviser who may serve as a spokesperson.
- 5.) At the request of either party or the committee, a representative of a responsible educational organization will be permitted to attend the proceedings as an observer.
- 6.) A verbatim record of the hearing will be taken, and a copy will be made available to the faculty member without cost, at the faculty member's request.
- 7.) The burden of proof that adequate cause exists rests with the institution and will be satisfied only by clear and convincing evidence in the record considered as a whole.
- 8.) At its discretion, the committee will grant adjournments to enable either party to investigate evidence about which, in its judgment, a valid claim of surprise is made.
- 9.) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the committee in securing witnesses and making available documentary and other evidence that the committee deems pertinent. Confidential information from the personnel files of other faculty members may be released only with the consent of these persons.
- 10.) The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories. Persons who have completed anonymous student evaluations on the faculty member are not considered to be witnesses.
- 11.) In the hearing of charges of incompetence, the testimony will, at the request of the faculty member or the College, include that of qualified faculty members from this or other institutions of higher education.
- 12.) The committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved.
- 13.) The findings of fact and the decision will be based solely on the hearing record.
- 14.) Except for such simple announcements as may be required, covering the time of the hearing(s) and similar matters, and except as otherwise provided by law, public statements and publicity about the case by either the faculty member or administrative officers will be avoided as far as possible until the proceedings have been completed, including consideration by the Board of Trustees. The president of the College and the faculty member will be notified in writing of the recommendation of the committee and will be given a copy of the record of the hearing.
- 15.) If the committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the president.
- 16.) If the president rejects the report, the president will state the reasons for doing so, in writing, to the committee and to the faculty member, and provide an opportunity for response within ten days before transmitting the case to the Board of Trustees.

17.) If the committee concludes that adequate cause for dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so report, with supporting reasons.

