

Archives 4.2 D

CNC CHRONICLE

1982-83

#2 of 1983
January 21

MON.

January 24

TUE.

January 25

9:00 - President/VP's

Peer Group Evaluation to Evaluatee

2:00 pm - VP/Deans

WED.

January 26

Men's Basketball - (home) - 8:00 pm - Averett College

THU.

January 27

2:00 - F&P Arts - G143

FRI.

January 28

FACULTY MEETING - 3:00 pm - N125

2:00 - Biology Staff - G133

2:00 - English - N203

Men's Basketball - (away) -
8:00 pm - Mary Washington
College

SAT.

January 29

SUN.

January 30

Signed Evaluation to FEC (FEC Calendar)
Women's Basketball - Va. Wesleyan College - (away) - 5:30 pm
Men's Basketball - (away) - 7:30 pm -
Va. Wesleyan College

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Vice President for
Academic Affairs**

OFFICIAL ANNOUNCEMENTS

Agenda for the Called Meeting of the Faculty--1/28/83

The special January meeting of the Faculty will convene at 3:00 pm, Friday, January 28, 1983, in N125.

- I. Approval of the minutes of the December meeting (attached, pages 2-4)
- II. Consideration of proposals from the Handbook Committee's Task Force on Policies Affecting the Faculty (attached, pages 8-23)
Section V-C-5: Termination of Appointments.
Section V-D: Recourse.
- III. Adjournment.

Members of the Faculty are requested to bring this edition of the Chronicle with them to the 1/28/83 meeting.

-- Vice President for Academic Affairs

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Library Research Carrels

Five of the locking library carrels have been designated by the Library Advisory Committee as research carrels. Faculty and students engaged in research may apply to the committee to reserve a carrel. Application forms and policies are available in the library at the circulation desk and the Readers' Services office. Applications for spring semester must be submitted to me by Wednesday, February 2, for consideration by the Committee.

-- Jennilou Fernsler, Acting Assistant
Library Director for Public
Services

NEWS & GENERAL INFORMATION

Pre-Retirement Seminars

If you are approaching age 55 or older and have begun planning for retirement, you will be interested in attending a pre-retirement seminar conducted by representatives from VSRS, Blue Cross-Blue Shield and Social Security to provide information for potential retirees. Listed below are the nearest locations where the seminars will be held and the dates. The seminars begin at 9:30 am and end at 12:20 pm.

<u>March 9</u>	Williamsburg	<u>March 16</u>	Chesapeake
<u>March 15</u>	Hampton	<u>March 17</u>	Virginia Beach

If you wish to attend any of these seminars, please contact Mary Poindexter, 7145, in the Personnel Office, for more information and a registration form.

-- Personnel Office

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World Population Topic of Program at Hampton Institute on January 25th

Interested CNC Faculty and Students are invited to Hampton Institute at 3:30 pm on Tuesday afternoon, January 25th to hear presentation on The State of World Population. Speakers include Dr. Raphael Salas, Executive Director of the Fund for Population Activities, and Mr. Werner Fornos, Director of the Population Institute of Washington, D.C.

This program is co-sponsored by the Peninsula Chapter, United Nations Association--

U.S.A. and is open to the public without charge. For details and/or transportation to H.I., contact Professor Jim Moore at 7092/7110.

-- Jim Moore

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Menu for the Week of January 24-28

Mon.	Roast Beef		Thurs.	Chopped Sirloin	Lasagna
	Mashed Potatoes			w/Onions & Gravy <u>or</u>	Garlic Bread
	Corn	\$2.15		Mashed Potatoes	Applesauce
Tues.	Meat Loaf			Corn	\$2.15
	Scalloped Potatoes		Fri.	Spaghetti & Meat Sauce	
	Butter Beans	\$2.15		Garlic Bread	
Wed.	Lasagna			Salad	\$2.15
	Garlic Bread				
	Salad	\$2.15		Clam Chowder	.85 per bowl

-- Cafeteria Manager

COMMITTEE INFORMATION & FACULTY BUSINESS

Minutes of the December Meeting of the Faculty

10 December 1982

The regular December meeting of the Faculty was called to order at 3:00 pm. In the absence of Vice President Summerville, Vice Chairman of the Faculty Jean Pugh presided.

- I. The minutes of the November meeting as printed in the Chronicle of 3/12/82 were approved as written.
- II. There were the following committee reports.
 - A. Faculty Advisory Committee: Professor Daly reminded everyone of the party immediately following the meeting.
 - B. Curriculum Committee: Since transactions are now being printed in the Chronicle, Professor Hammer had no report.
 - C. Degrees Committee: Professor Paul had no report.
 - D. Academic Status Committee: Professor Buoncristiani reported that the committee had received 18 requests for reinstatement; accepted 15 and denied 3. Two extraordinary petitions for reinstatement were turned down. Ten requests for overloads were approved.
 - E. Admissions Committee: Professor Butchko reported that the Admissions Committee, in conjunction with the Admissions Office Staff, has identified a problem in information flow between faculty and Departments, and the Admissions Office. On occasion, the Admissions Office has found themselves knowing less about new program developments than community people because of the more direct link between faculty and the community that sometimes exists.
 In this regard, the Admissions Committee has requested that faculty help keep the Admissions Office abreast of new information from your various areas. Please inform the Admissions Office of any changes in course offerings, new majors, new programs, scholarship or other award offerings, etc.
 - F. Faculty Evaluation Committee: Professor Coker had no report.
 - G. Nominations Committee: Professor Schell had no report.
 - H. Faculty By-Laws: Professor Morris asked that the survey distributed yesterday please be returned by next Friday so the rewriting process could begin. The committee intends to go in January to the FAC for feedback, to present a complete proposal by February 4th, and to ask the faculty to vote on February 11. Surveys returned after December 17 will have to be ignored.

The Chairman announced that she would now take up Item IV on the agenda.

IV. New Business.

- A. Degrees Committee recommendation: Professor Paul moved that the faculty approve the recommendation as it appears in the December 3 issue of the Chronicle, page 8. Motion was seconded and approved without discussion.
- B. On behalf of the Degrees Committee, Professor Paul moved that the list of students published in the December 3 Chronicle be accepted, with the following additions:

<u>Bachelor of Arts</u>		
<u>Elementary Education</u>	<u>Leisure Studies</u>	<u>Psychology</u>
Sylvia Virginia Adkins	Ronald Wray Garner	Hipolito Dominguez
Esther Shenk Buckwalter		Margaret Arbuckle Hake
Donna Denise Hartless		
Gary Pratt		
<u>Bachelor of Science in Governmental Administration</u>		
David Coston Cobb		
Dale A. Costedbader		
<u>Bachelor of Science in Accounting</u>		
Victoria Nebinger		
<u>Bachelor of Science in Business Administration</u>		
<u>Finance</u>	<u>Management</u>	
William L. Cunningham	Patricia D. Saady	
<u>Bachelor of Science</u>		
<u>Mathematics</u>		
James L. Miller		

Professor Sacks moved and it was seconded that the faculty endorse and recommend to the FAC the material appearing in the December 7th Chronicle concerning termination of appointments.

Professor Mollick moved and it was seconded to table the motion.

Motion to table was defeated and discussion continued.

Professor Hubbard moved and it was seconded that at this session the sense of the faculty with regard to this document is developed but that the faculty not give formal approval until the document has been duly reviewed by proper legal counsel.

A motion offered by Professor Daly on behalf of the FAC was ruled out of order by the Parliamentarian.

Professor Hubbard amended her original motion so that the first and second halves of the motion are to be considered separately.

The first part of Professor Hubbard's motion, to get the sense of the faculty at this meeting, was voted on. It passed.

Professor Butchko moved to amend the second part of Professor Hubbard's amended motion to appoint a three-person ad hoc committee to decide 1: who the lawyer will be and 2: how to pay him.

The amendment to the amended motion was voted on and defeated.

The second part of the amended motion was voted on and defeated.

Professor Daly, on behalf of the FAC, moved to send the proposal back to the committee for incorporation of the guidance given at this faculty meeting and any open meeting

which has been held or will be held, and by the faculty in the form of written input. The revised proposal will be brought back to the Faculty for action in January.

Parliamentarian Morris ruled discussion out of order.

Discussion followed.

Professor Daly's motion was voted on and passed.

V. There were no new announcements.

Meeting adjourned at 4:10 pm.

17 January 1983

Respectfully submitted,
Jane Carter Webb
Assistant Secretary to the Faculty

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Faculty Advisory Report

- I. The following activities took place in the committees of the Board of Visitors at the meeting on December 16:

Academic Affairs

The committee was briefed by Dr. Summerville relative to the action of SCHEV which approved the B.S. in Microelectronics, encouraged the B.S. in Nursing and did not encourage the B.S. in American Studies and the B.A. in Religious Studies; the report of Dr. Ashmore, SACS; the reorganization of the School of Liberal Arts, Science and Education; the search for a Director of the Library; the status upgrade project; academic program review; administrative program review; progress on the College Handbook and the impending study of the distribution requirements.

Faculty liaison representatives contributed comments relative to the need for cost/benefit analysis prior to the academic reorganization, the influence of accrediting agencies, the need for any student survey relative to the academic programs to be conducted within the generally accepted guidelines for research, the purchase of a home for the President; and the need for a central clearinghouse for press releases. The text of the informational item, "Faculty Governance in the 1980's" was printed in the Board Agenda as published in the CNC Chronicle of December 10.

E. Daly & J. Pugh

Buildings & Grounds

The status of current capital outlay projects was discussed and the following main points made: The roof repair project will be started as soon as the issue of warranty length is resolved; the contract for the Computer Center renovation has been approved with the completion date stipulated by February; new security lighting is planned in the wooded area between the addition to the North Parking Lot and the new science building; and some work on the new science building is on hold until the panel safety issue is resolved.

P. Killam

Student Affairs

The office of Vice President for Student Affairs reported on the campus lighting program, on the scheduling of noon classes (only multiple sections will be scheduled for the noon hour, starting in Fall, '83), on the activities of the office of the Director of Student Life, on the progress being made in the United Campus Ministries program, and on Spring, '83 enrollment projections. Enrollments are at the level predicted.

B. Winter

Financial Affairs

The Vice President for Financial Affairs presented pie charts showing current fund revenues, expenditures and student revenues and expenditures; a capitalization policy for fixed assets; and current statements applicable to college financial standards.

The Comptroller reported on material non-compliance with the financial standards of the College. A resolution was presented concerning the waiver of tuition and fees for members of the College community.

It was stated that an attempt will be made to carry over \$300,000 from this fiscal year to 1983-84 fiscal year since a reversion appears likely.

A. Papageorge

Audit

The internal auditor gave a report and introduced the Auditor of Public Accounts, Mr. R. F. Niemeyer, Jr.

Development & College Relations

Oral reports were given by the Public Relations Officer, Paula Delo and the Director of Intercollegiate Athletics, Bev Vaughan. The Director of Development, Barry Wood, reported that as of December 1, the total for the 1982 annual fund drive was \$145,468.57. The total number of donors was 597.

An accounting of the categories of expenditures for these funds will be forthcoming from the Development Office.

T. Bostick

The Rector of the Board, Mrs. Mary L. Passage, extended to the Faculty her best wishes for a pleasant holiday season and a happy New Year.

The Chairman and Vice Chairman of the FAC attended one full meeting of the Board of Visitors in the afternoon at which time the Mace Award was bestowed on former board members, Mr. Aubrey Fitzgerald, Mr. Samuel B. Jacobs, Mr. John S. Pugh and Dr. Stephen J. Wright.

II. Faculty Development Grant Policy Procedures.

Please review the modified Faculty Development policy and procedures shown below and forward your input at your earliest opportunity to E. Daly. This text modified by your input will be presented as a motion to the Faculty from FAC at the February Faculty meeting.

5. College Support of Faculty Development

The objectives of the faculty development program are to improve instructional effectiveness and promote the professional development of faculty members.

a. Development Categories

1) Professional Development

Activities to be supported in this category are those designed to expand the academic expertise of faculty members. This category includes such activities as research, writing, delivering academic papers, additional training, supplemental travel funds for academic activities, and support of course reductions from the College to allow for research time.

2) Instructional Development

Activities to be supported in this category are those designed to increase teaching effectiveness and improve course content. This category includes such activities as innovations in pedagogy, application of EDP to course content, and activities directed at improving course content.

3) Dissertation Grants

Grants may be awarded to help offset the expenses incurred in preparing doctoral dissertations.

b. Grant Priorities

- 1) Awards will be considered first, taking into account the amount and recency of previous grants received by applicants.
- 2) Within the restrictions of 1) above, grants will be considered on the basis of the following priorities:
 - a. Professional Development
 - b. Instructional Development
 - c. Dissertation Grants

c. Guidelines for Levels of Support

- 1) Normally, dissertation grants will be made up to \$500.00.
- 2) Normally, professional and instructional development grants will be made in an amount of up to \$1,000.

d. Procedures

- 1) The Faculty Advisory Committee (FAC) is responsible for initial College-wide review of faculty development and dissertation grants. Applications for grant support are made on the appropriate form available from the VPAA's office. The completed application form is submitted to the FAC, the Department, and to the VPAA. The Department's recommendation--positive, negative, or mixed--is an important part of the screening process. The entire Department should participate in the recommendation. The Department's recommendation is forwarded directly to the FAC by the Department Chairman. The FAC will consider only those applications accompanied by departmental recommendations.
- 2) Normally, the FAC will schedule Fall and Spring application periods. Applications for Summer grants will be considered during the Spring application period.
- 3) Applications are reviewed by the FAC and recommendations for approval or rejection will be forwarded to the VPAA. If recommendations are negative, reasons for rejection will accompany the recommendation.
- 4) Faculty members who receive dissertation grant awards are required to execute a promissory note at 5% interest compounded annually for the amount of the expenses paid by the State. The note and interest are cancelled in their entirety if the employee continues in the employment of the College for a period equal to at least twice that of the period covered by the grant. If the employee serves for a lesser period, he must repay on a pro rata basis the proportion of the note and interest which has not been fulfilled by employment. The note is to be executed at the date of the initial payment, with interest to accrue at the date study is terminated; the principal is to be listed at the amount of the approved award.
- 5) Each recipient of a Faculty Development Grant is required to submit a written report on the progress of the project or research at the end of the grant period to the Vice President for Academic Affairs with copies to the academic department, the Faculty Advisory Committee, and the Dean of the appropriate School. Future grant applications will not be considered from faculty members who fail to file a report regarding a previous grant.

-- E. Daly, Chairman, FAC

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Report of Task Force on Faculty Policy: Proposed Changes in College Handbook

Following are revisions of the proposals of the two major sections of the College Handbook distributed within the past week. These include corrections and clarifications of the earlier versions and will be brought before the Faculty on January 28. Because these proposals represent some significant changes from the policies and procedures appearing in the 7/1/82 Handbook, we urge you to bring both documents to the meeting. Members intending to offer amendments to the documents are invited to contact the Chair-

man of the Task Force to determine whether such amendments would necessitate other changes which should be made at the same time. The Task Force will recommend to the Handbook Committee such changes in other sections necessitated by the final version of these documents (such as changes in committee descriptions).

We call to your particular attention the question of whether the RIF Committee should be a standing ad hoc committee. This is the only item on which the Task Force is not in uniform agreement; the judgment of the Faculty will, therefore, be particularly important in this matter.

With a little luck, much good will and the thoughtful consideration of all we will hopefully complete our work on this section of the Handbook next Friday.

Larry J. Sacks
Professor of Chemistry and
Chairman, Task Force on Policies
Affecting the Faculty

V.C.5. Termination of Appointments

a. Introduction

Terminations of appointments by actions initiated by either the faculty member or the College differ according to whether the termination is to occur at the end of a contract period or during the time the contract is in effect; therefore, responsibilities of the faculty member and the College for initiating termination are described separately for each situation. All appointments other than probationary and tenured appointments terminate automatically at the end of the term specified in the contract; consideration of such other appointments in this section is, therefore, restricted to terminations during the contract period.

b. Termination at the Initiative of the Faculty Member

1) Termination at the End of the Contract Period

A faculty member who decides to terminate his or her employment with the College notifies the Department Chairman, the Dean and the Vice President for Academic Affairs of his planned departure as early as possible. Notification prior to the date signed contracts are due is the latest acceptable notification, unless an extension is agreed upon by both parties.

2) Termination During a Contract Period

A faculty member who wishes to terminate an appointment before the end of the contract period does so only by agreement with the VPAA and approval of President that the termination date of the contract then in effect be advanced. A tenured member is expected to give at least one semester's notice.

c. Termination at the Initiative of the College

1) Termination at the End of a Probationary Contract

Termination at the end of a probationary contract results from a determination that the faculty member's services will not be needed past the conclusion of the current contract period. Continuing failure to meet the general criteria stated in Section (00-00) is sufficient

reason, per se, for non-renewal of a probationary appointment. Notification of non-renewal is in accordance with the provisions of Section B.2.d.

2) Termination During the Term of the Appointment

a) Introduction

An appointment is terminated during its term only for adequate cause. Adequate causes fall into four categories:

- (1) programmatic considerations;
- (2) financial exigency;
- (3) medical incapacity; and
- (4) dismissal.

Terminations induced solely by programmatic considerations or financial exigency are due to conditions beyond the faculty member's direct control and involve considerations other than the faculty member's competence or ability to carry out responsibilities. Where these factors occur as the result of long-term trends, adequate time is available in many cases for gradual adjustments through retirement, attrition, or retraining. Where such remedies are not available, terminations are made according to the standards and procedures set forth below. Each cause for termination is described below; then, procedures common to terminations for programmatic considerations and financial exigency are given. Termination for medical reasons and dismissal require procedures peculiar to each, which are listed following the procedures for the first two causes.

b) Description of Causes for Termination

(1) Terminations Due to Programmatic Considerations

- (a) Changing enrollment patterns for at least the past three years and projections for the next two years may produce conditions requiring termination of tenured or probationary appointments:

at the departmental level; or
in a specialty within a department.

(b) Reductions in positions might be caused by curriculum changes determined within the College or by external agencies.

(2) Terminations due to Financial Exigency

Reduction in faculty positions might be necessitated by an emergency situation due to financial exigency, declared by the Board of Visitors of such severity that sufficient funding is not available for existing faculty positions.

(3) Termination for Reason of Medical Incapacity

Termination for medical reasons is based on clear and convincing medical evidence that the faculty member will be unable to meet his or her responsibilities for a period exceeding that covered by existing policy on leave of absence for illness or other disability (Section CO-00).

(4) Dismissal

Dismissal is based upon findings of incompetence, or gross neglect of duty, or misconduct of such a nature as to render the faculty member unfit to continue as a member of the faculty. Examples of such misconduct are: conviction for a felony after initial employment; submitting false information in official documents of the college; willful violation of terms of the employment contract. Dismissal is the most serious college action against a faculty member. Dismissal, or threat thereof, is not used to restrain faculty members in their exercise of academic freedom or other rights.

c) Procedures for Causes (1) and (2), above

(1) Committee

(a) The Faculty Hearing Committee (FHC) advises the VPAA concerning

1 matters relating to initiation of procedures for termination
2 of faculty appointments for cause(s) (1) or (2), above.

3 (b) The F.H.C. is advised through its Chairman (or Vice Chairman,
4 in the absence of the Chairman) by the VPAA that one or more
5 terminations is being considered in accordance with the pro-
6 visions of this Section.

7 (2) Statement of Reasons for Possible Termination(s)

8 The VPAA presents to and discusses with the F.H.C., all
9 pertinent information relating to the possible termination(s).

10 (3) Committee Consideration and Recommendations

11 (a) The Committee considers all pertinent data and other informa-
12 tion relating to the possible termination(s). In the per-
13 formance of this responsibility the Committee has access to
14 all relevant information and may call upon any member(s) of
15 the College for advice or further information.

16 (b) The Committee formulates and forwards to the VPAA its written
17 recommendation concerning the proposed termination(s).

18 (4) Decision by the VPAA

19 Should the VPAA decide to continue the termination process, the
20 VPAA so notifies, in writing, those immediately affected specify-
21 ing the reason for the termination. A copy of the Committee's
22 recommendation accompanies this notification. Should the VPAA
23 decide not to continue the termination process, those involved in the
24 decision are so notified and the procedure terminates at this
25 point.

26 Continuation of the procedure follows different routes accord-
27 ing to the reason for the termination; each is considered
28 separately.

29 (5) Notification to the Faculty

1 The VPAA informs the faculty that a decision has been reached
2 to proceed with the termination of one or more faculty appointments
3 under the provisions of this section. The recommendation of the
4 Hearing Committee to the VPAA is also communicated to the Faculty at
5 this time.

6 (6) Participation by the Faculty

7 At a meeting of the Faculty held no later than one week follow-
8 ing notification to the Faculty of the decision by the VPAA to in-
9 voke the provisions of this section, the Faculty decides whether to
10 go on record as endorsing or expressing disagreement with the deci-
11 sion to terminate one or more appointments under the provisions of
12 this Section. An affirmative vote for a resolution for approval or
13 disagreement by a majority of the voting Faculty of the College
14 (see IV.A.) eligible to vote is required for such sense of the
15 Faculty resolution.

16 (7) Committee on Reduction in Faculty Positions

17 There shall be an ad hoc faculty committee on reduction in
18 faculty positions (RIF Committee) elected at a meeting of the
19 Faculty. The RIF Committee consists of five tenured members of
20 the faculty from departments not involved in the RIF if the af-
21 fected departments have been determined. No more than two members
22 from the same School of the College and no more than one member
23 from the same Department may serve on the Committee.

24 The Committee advises the VPAA concerning the department(s)
25 in which the reduction(s) should occur; on the application of the
26 criteria for identifying the member(s) who may be affected; and
27 in assuring full consideration of alternate service for affected
28 members.

29 (8) Decision and Implementation

30 Following receipt of the recommendation of the VPAA, the

31 President decides whether the termination is necessary. If the
32 decision is not to recommend termination to the Board of Visitors,
33 the termination procedure ends. If the decision is to proceed,
34 the President prepares a resolution of termination for presentation
35 to the Board of Visitors. Termination results from passage by
36 the Board of Visitors of the resolution to that effect and becomes
37 operative on the date specified in the resolution. Notification
38 to the faculty member is by certified mail to the last known address.

39 (9) Order of Consideration of Positions

40 The order in which positions are considered for termination is:

- Part-time appointments
- Temporary appointments
- Restricted appointments
- Terminal appointments
- Probationary appointments
- Tenured appointments

but in all cases consistent with the academic needs of the department(s) in which reduction is made.

If a decision involves more faculty members holding like appointments than must be considered, discrimination among such members is based, in part, upon the results of the faculty evaluations (peer group summary statements and recommendations) of these members for the past five years.

(10) Considerations to Affected Members

Faculty members whose positions are terminated for any of the reasons described in Sections 2)b)(1) through (3) are entitled to the following considerations by the College:

- (a) An arrangement to provide another position at the College is made unless it would result in a significant decrease in the quality of the academic offering or in the service provided by a non-teaching position.
- (b) Where alternate service cannot be provided, the member is assisted, to the extent possible, in relocating, retraining or through direct compensation.
- (c) Notice of termination to tenured members is at least one year.
- (d) Recourse through the grievance procedures is provided.
- (e) Should the conditions causing the termination be relieved within two years following termination, so that the position again becomes available, a member previously on a tenured appointment is offered reappointment to the position first,

with privileges previously held; former probationary members are offered reappointment next. Members who held other appointments do not retain preferential consideration.

d) Procedure for Termination Due to Medical Incapacity

(1) Termination of non-tenured Appointments

By the end of the stipulated leave period [Section C.2.b) (3)], the Dean, following consultation with the faculty member or the member's representative and with the member's department chairman, determines whether a non-tenured member's appointment is to be extended, and recommends accordingly to the VPAA. The VPAA, in turn, recommends to the President, who notifies the faculty member or the member's representative of the decision.

(2) Termination of Tenured Appointments

A tenured member whose leave period has expired may request an extension with or without pay if the incapacity is likely to be temporary. Members should consult prevailing disability provisions of both the VSRS and Social Security programs (or such other plan under which they may have disability benefits) for benefits for long-term disability.

A tenured appointment is terminated for reason of medical incapacity only following completion of a procedure that provides peer consideration and recommendation. This procedure consists of following steps (1) through (4) of the Procedure for Causes (1) and (2) (see Section c), above), with the understanding that all references to cause for termination refer to medical incapacity.

3) Recourse

Recourse is provided in accordance with Section (00-00).

e) Procedure for Termination due to Dismissal

(1) General Considerations

1 The process of termination through dismissal includes pre-
2 liminary attempts to resolve the situation informally whenever
3 possible. That failing, the VPAA consults with the Faculty
4 Advisory Committee concerning the institution of formal dismissal
5 procedures. These procedures include a formal hearing before the
6 Faculty Dismissal Hearing Panel (DHP) and that committee's recom-
7 mendation to the President. Further steps consist of considera-
8 tion of the matter by the President and consideration of a resolu-
9 tion for dismissal by the Board of Visitors. Dismissal is effec-
10 tive upon passage by the Board of Visitors of the resolution for
11 dismissal.

12 (2) Formal Dismissal Procedures

13 (a) Status of the Faculty Member During Dismissal Procedure

14 During a dismissal procedure a faculty member may be suspended
15 or assigned to other duties in lieu of suspension, at the
16 discretion of the President. Salary continues during the
17 period of suspension. In case of convincing evidence of
18 threat to property or of bodily harm to a member of the
19 College, the President may bar a suspended faculty member from
20 all or part of the College buildings and grounds.

21 (b) Advisory Committee

22 The Faculty Advisory Committee (FAC) is the committee
23 advisory to the VPAA on dismissal recommendations. The FAC
24 is notified through its Chairman (or Vice Chairman, in ab-
25 sence of the Chairman) by the VPAA that a dismissal is being
26 considered.

27 (c) Statement of Reasons

28 The VPAA presents to and discusses with the FAC all pertinent
29 information relating to the possible dismissal.

1 (d) Committee Consideration and Recommendation

2 The FAC considers all pertinent data and other information
3 relating to the possible dismissal. In the performance of
4 this responsibility the Committee has access to all relevant
5 information and may call upon any member(s) of the college
6 for advice or further information. The faculty member under
7 consideration for dismissal or his agent shall have the op-
8 portunity to provide information. During this step, confiden-
9 tial, informal discussions are held among those involved in
10 the situation toward finding an acceptable resolution of the
11 situation, if such discussions are feasible under the circum-
12 stances. Possible solutions include resignation by the faculty
13 member, agreement to a mutually acceptable course of corrective
14 action, punitive actions short of dismissal, and reduction or
15 withdrawal of the charges. The Committee formulates and
16 forwards to the VPAA its written recommendation concerning the
17 proposed dismissal. This step should normally be completed
18 within four weeks.

19 (e) Decision by the VPAA

20 Should the VPAA decide not to continue the dismissal process,
21 those involved in the decision are so notified and the pro-
22 cedure terminates at this point. Should the VPAA decide that
23 dismissal is appropriate, the VPAA so recommends to the President.
24 The President, without passing judgment on its merit, notifies
25 those immediately affected in writing, of the VPAA's recom-
26 mendation, thereby activating the procedures following. A
27 copy of the recommendation of the FAC accompanies this notifica-
28 tion.

29 (f) Faculty Dismissal Hearing Panel (DHP)

30 The DHP is the peer review committee advisory to the President
31 in dismissal procedures. It consists of five members of the

1 FHC selected by lot. The faculty member is allowed one pre-
2 emptory challenge to membership on the panel and additional
3 challenges for cause up to a total of three challenges. The
4 determination of exemption from service on the DHP because of
5 challenge for cause is decided by the unchallenged members of
6 the FHC. Replacement of any member of the DHP excluded from
7 service is by lot from the remaining members of the FHC. The DHP
8 elects one of the empaneled members as chairman.

9 (g) Pre-hearing Meetings

10 The DHP chairman may initiate pre-hearing meetings of the
11 DHP, faculty member and VPAA in order to: (i) effect
12 stipulations of facts; (ii) provide for exchange of docu-
13 mentary or other information; (iii) clarify the issues;
14 and (iv) achieve such other appropriate pre-hearing objectives
15 as will make the hearing fair, effective and expeditious.

16 (h) Notice of Hearing and Member's Options

17 Written notification by certified mail of notice of the DHP
18 hearing is sent to the faculty member at least twenty
19 calendar days prior to the hearing. The faculty member has
20 the right to be present at the hearing to present arguments
21 and evidence against the charges and/or may submit written
22 documentation to this effect.

23 (j) Hearing

24 (i) During the hearing proceedings, the faculty member and
25 the VPAA will be permitted to have an academic
26 adviser and/or a counsel present.

27 (ii) At the request of either party or the DHP, one repre-
28 sentative of each of one or more educational/
29 professional associations shall be permitted to attend

1 the proceedings as observers.

2 (iii) A verbatim record of the hearing or hearings will be
3 taken and a copy will be made available to the faculty
4 member without cost.

5 (iv) The burden of proof that adequate cause for dismissal
6 exists rests with the College and shall be satisfied
7 only by clear and convincing evidence in the record con-
8 sidered as a whole.

9 (v) The DHP may grant brief and reasonable adjournments not
10 to exceed 5 working days each to enable either party to
11 investigate evidence as to which a valid claim of
12 surprise is made or upon a showing that good cause for
13 an adjournment or continuance exists.

14 (vi) The faculty member will be afforded an opportunity to
15 obtain necessary witnesses and documentary or other
16 evidence. The administration will cooperate with the
17 DHP in securing witnesses and making available docu-
18 mentary and other evidence. It is incumbent upon both
19 parties to submit such evidence promptly so that DHP
20 may act within stated time limitations. The DHP may
21 set reasonable time limits for the completion of these
22 actions by the faculty member and VPAA.

23 (vii) The faculty member and the VPAA will have the
24 right to confront and cross-examine all witnesses. Where
25 the witnesses cannot or will not appear, but the DHP
26 determines that the interests of equity require admission
27 of their written statements, the DHP will identify wit-
28 nesses, disclose their statements, and if feasible pro-
29 vide for interrogatories.

(viii) In the hearing on charges of incompetence, the testimony shall include that of qualified faculty members from this or other institutions of higher education.

(ix) The DHP will not be bound by strict rules of legal evidence, discovery or procedure, and may admit any evidence which is of probative value in determining the issues involved. Reasonable efforts will be made to obtain the most reliable evidence available.

(x) The findings of fact and the decision will be based solely on the hearing record and all documentation considered during the hearing.

(k) Notification of Findings

The DHP will submit its recommendation to the President within 90 calendar days from the date of the President's notice of intended dismissal [see (e), above], unless an extension is authorized by the President. For the recommendation of the DHP to be considered by the President, it must be submitted within the authorized time. The DHP is dissolved at end of the authorized time or at time of submission of its recommendation to the President, whichever comes first. The hearing record and all documentation are forwarded to the President.

(l) Decision by the President

The President decides whether dismissal is appropriate. If the decision is not to recommend dismissal to the Board of Visitors, the dismissal procedure ends. If the decision is to proceed, the President prepares a resolution of dismissal for presentation to the Board of Visitors.

(m) Action by the Board of Visitors

Dismissal is effective upon passage by the Board of Visitors

1 of the resolution to that effect. Notification to the
2 faculty member or his representative in the proceedings is
3 by certified mail to the last known address.

4 (n) Confidentiality

5 The dismissal proceedings are considered confidential, and
6 publicity or public statements are avoided unless authorized
7 by the DHP to gather information before or during the hearing.

1 V.D. Recourse

2 1. Introduction

3 A sequence of possible steps is available to a faculty member to seek
4 recourse concerning a decision, action or recommendation which is consider-
5 ed by the faculty member to be unfair or inequitable. These are normally
6 taken in the order given below. The opportunities provided for perceived
7 problems depend, in major part, on the seriousness of the situation; the
8 time frame in which a response is required depends, in major part, on the
9 urgency of the situation.

10 2. Types of Recourse

- 11 a. Presenting a request, to the party making a recommendation or decision
- 12 or taking an action, for reconsideration and redress; this failing,
- 13 b. Registering, with the next higher administrative level:
 - 14 (1) an appeal to reverse or modify a prior decision or action; or
 - 15 (2) dissatisfaction with a recommendation, accompanied by a related re-
 - 16 quest that new perspectives or additional information be considered.
- 17 c. Filing, with the Faculty Grievance Committee (FGC), through its Chair-
- 18 man, a petition for redress concerning a decision or action considered
- 19 unfair or inequitable.

20 3. Acknowledgment and Response

21 Each request, appeal or grievance petition is handled as expeditiously
22 as possible, consistent with adequate consideration. Acknowledgment of such
23 request, appeal or petition is to be made within three working days; a re-
24 sponse is to be provided at the earliest possible time, so that the oppor-
25 tunity for further steps by the petitioner is not unnecessarily or unjusti-
26 fiably delayed.

27 4. Faculty Grievance Panel (FGP)

28 A faculty member may request that a grievance be heard by a panel of
29 faculty members, the Faculty Grievance Panel (FGP), by filing with the
30 Chairman of the FGC a grievance petition, stating with reasonable particu-
31 lars the nature of the grievance and the redress sought. The Chairman

of the FGC, within three working days, acknowledges the receipt of the grievance petition and takes one of these actions:

- a. advises the faculty member to attempt resolution of the grievance by following one or both of the prior steps if not already done;
- b. offers the good offices of the FGC to seek informal resolution of the matter; or
- c. agrees to establish a grievance panel to consider the petition. If the matter is resolved through step a. or b. above, that is the end of the grievance. If step c. is followed, the Chairman of the FGC selects, by lot, a FGP from the members of the FGC. The panel consists of five members for grievances involving critical personnel decisions (those involving retention, promotion, tenure or termination) and three members for all other grievances. The faculty member is allowed one preemptory challenge to membership on the panel and additional challenges for cause up to a total of three challenges. The determination of exemption from service on the FGP because of challenge for cause is decided by the unchallenged members of the FHC. Replacement of any member of the FGP excluded from service is by lot from the remaining members of the FGC. The FGP elects one of the empaneled members as chairman.

The purpose of the grievance process is to seek resolution of the matter with the minimum of formal procedures consistent with the complete, scrupulously fair hearing of the dispute. Should this be possible with informal discussions, that is the entirety of the matter. If necessary, more formal procedures are instituted. These include, but are not necessarily limited to, a written statement by the aggrieved of the specific and full nature of the appeal, a written reply from the party against whom the grievance is addressed, examination of relevant data and documents submitted by both parties, and discussion with the principals in the matter as well as with persons making preliminary recommendations.

1 At the completion of its deliberations, the Chairman of the FGP
2 transmits the signed report of the Panel to the faculty member submit-
3 ting the petition, to the party against whom the grievance was filed,
4 and to the next higher administrative officer. That officer takes
5 final action in the matter and notifies all concerned of the action.

6 It is further the responsibility of the FGP to report, through the FGC,
7 any situations or policies deemed, as the result of its activities, to
8 warrant change. This report may be to the Faculty Advisory Committee,
9 to the Faculty or to the administrative level at which the change can
10 be made.

