

Policy Procedure: Non-Reappointment, Suspension and Dismissal of Faculty

Procedure Number: 418P

Contact Information: employeerelations@nvcc.edu

Forms:

Last Reviewed Date: 04/21/2020

1. Non-Reappointment

- a. The immediate supervisor shall schedule a conference with the faculty member. During the conference, the faculty member shall be informed of the immediate supervisor's intention to recommend non-reappointment and provided a written copy of the reasons for the recommendation.
- b. The faculty member shall have up to five (5) business days to discuss and/or respond to the recommendation in writing.
- c. If the supervisor recommends non-reappointment after consideration of any response from the faculty member, a copy of the recommendation, response and any other pertinent materials shall be forwarded to the vice president/provost.
 - i. In circumstances involving a direct report of a vice president/provost, the vice president/provost's recommendation or decision is binding.
 - ii. In cases involving a vice president, provost, or direct report to the president, the president's decision is binding. The faculty member shall be notified in writing of the final decision regarding non-reappointment.
- d. Nothing in this procedure shall prevent the president or the president's designee from taking appropriate action to not reappoint a faculty member.
- e. Time Frames: The notification of non-reappointment shall be sent to the faculty member not later than the following dates:
 - i. March 15 during the probationary, second year of employment, and third year of employment as teaching faculty in the VCCS.
 - ii. January 15 for teaching faculty in the last year of a multi-year appointment; and other teaching faculty who are on one year appointments, but who are not in their probationary, second, or third year of employment.
 - iii. January 15 for administrative and professional faculty.

2. Dismissal

- a. The immediate supervisor of a faculty member may initiate dismissal proceedings whenever sufficient justification exists to consider dismissal for just cause. In all cases, the supervisor must demonstrate that credible evidence is present to justify dismissal.
- b. The immediate supervisor shall schedule a conference with the faculty member. During the conference, the faculty member shall be informed both orally and in writing of the justification for considering dismissal and shall have the opportunity to discuss and

respond to the issue. The immediate supervisor shall identify the required corrective action unless immediate dismissal is recommended.

- c. Following the conference, a faculty member may have up to five (5) business days to submit a written response and/or additional information to the immediate supervisor for consideration. If the supervisor recommends dismissal after consideration of any response from the faculty member, a copy of the recommendation, response and any other pertinent materials shall be forwarded to the vice president/ provost.
 - i. In circumstances involving a direct report of a vice president/ provost, the vice president/provost's recommendation or decision is binding.
 - ii. In cases involving a vice president, provost, or direct report to the president, the president's decision is binding.
- d. The vice president/provost or president shall notify the faculty member in writing of the decision. If the decision is to dismiss, the letter will include the effective date.
- e. Nothing in the procedure described herein shall prevent the president or the president's designee from taking appropriate action to dismiss a faculty member.
- f. Exceptional Cases: The initial recommendation of dismissal may be issued from the vice president/provost or the president instead of the immediate supervisor. In all such cases, the faculty member shall be notified of the identity of the person making the initial recommendation.

3. Suspension

- a. Use in Dismissal Cases: Suspension of faculty is not to be used routinely in possible dismissal cases. Such use is justified only if a substantial threat to the welfare of the institution can reasonably be interpreted as meaning that the faculty member's continuance at the institution will cause immediate harm to the faculty member or others or materially affects or interferes with the performance of one's responsibilities, or the operations of the institution. The president shall determine whether suspensions are with or without pay, within legal guidelines.
- b. Nothing in the procedure described herein shall prevent the president or the president's designee from suspending a faculty member. Prior to taking such action, vice president/ provost shall inform the affected faculty member of the reason for the suspension and provide the faculty member an informal opportunity to respond to the allegations.
- c. Investigations: The vice president/provost shall ensure that an investigation be conducted and completed within thirty (30) calendar days of the date of the start of the suspension. Upon conclusion of the investigation, court action, or official investigation, the faculty member may be disciplined, dismissed, suspended, or reinstated from suspension as the vice president/provost determines to be appropriate under the circumstances.
- d. Though suspensions are generally with pay, a suspension without pay for up to thirty (30) work days may be utilized as a disciplinary action in lieu of dismissal.

4. Appeals

- a. Decisions made under the provisions of this policy may be appealed through the Faculty Grievance Procedure. (Step Three of Alternative Dispute Resolution and Grievance Procedures)

- b. Appeals of non-reappointments, dismissals, and suspensions must be filed within twenty (20) work days after receipt of notification of non-reappointment, dismissal or suspension.
- c. Extension of Time -- Every effort shall be made by all parties to expedite the process. The time limitations specified for either party may be extended by mutual written agreement.

Definitions

Dismissal: the involuntary termination of employment of faculty during the terms of their appointment.

Non-reappointment: the decision not to renew the appointment of a faculty member at the end of the current appointment period.

Suspension: The required absence from work with or without pay that is imposed as part of a disciplinary action or to remove the faculty member from the workplace pending an investigation related to conduct or a court action.