

From Policy F-III-a (Academic Freedom Responsibility and Tenure)

DUE PROCESS PROCEEDINGS

Due process as set forth in this statement embodies a course of professional proceedings in line with rules and principles generally recognized in the academic community. Proper dismissal procedures, established in anticipation of their being needed, are essential to an effective tenure system.

Any allegation related to discrimination claims shall be administered using the Discrimination Resolution Process (Policy F-V-s).

In this Institution, these procedures include the following components:

- A. These dismissal procedures apply to a faculty member who has tenure, or whose term appointment has not expired, or who alleges a prima facie case of violation of academic freedom in the non-renewal of his or her contract. If the faculty member has tenure or an unexpired appointment extending beyond the period of the proposed dismissal, the burden of proof is upon the College to show good cause why he or she should be dismissed. If the faculty member does not have tenure, but contends that the non-renewal of his or her contract constitutes a violation of his or her academic freedom, the burden of proof is upon the faculty member.
- B. Due process carries with it the right of a tenured faculty member, or a faculty member with an unexpired term contract, or a faculty member who alleges a prima facie case of a violation of academic freedom in the non-renewal of his contract to a fair hearing before an elected committee of his peers. The following procedure shall be observed in this Institution:

Personal Conference: When a reason arises to question the fitness of a faculty member, the appropriate administrative officers should discuss the matter with him or her in a personal conference. The matter may be terminated by mutual consent at this point; but, if an adjustment does not result, the matter should be taken up by the Advisory Committee, if the faculty member makes such a request.

Advisory Committee: The Advisory Committee shall be a standing committee of three members. The members shall be appointed by the President of the College from a panel of six elected by the faculty. Of the three persons initially appointed, one shall serve three years, one shall serve two years, and one shall serve one year.

Thereafter, one member shall be appointed annually by the President of the College from a panel of three elected by the faculty, and shall serve for three years. Should a place on the committee become vacant prior to the expiration of a normal term, a replacement shall be appointed by the President of the

College from a panel of three elected by the faculty and shall serve for the remainder of the unexpired term. The Advisory Committee proceedings may be informal and flexible. The Committee shall make such inquiries as it deems necessary, offer confidential advice to the faculty member and the administration, and the committee may recommend to the President a hearing by the Hearing Committee. If a hearing is to be held, the President shall formulate a reasonably detailed statement of the grounds for dismissal, giving due regard to the Advisory Committee's report.

Hearing Committee: The Hearing Committee shall be an ad hoc committee of five members. These five members shall be chosen by lot from a panel of eight elected by the faculty. The Hearing Committee shall not include members of the Tenure Advisory Committee. In cases involving tenured faculty, the Hearing Committee shall include only faculty members of tenured status. Each member shall be subject to challenge for cause.

If a hearing is recommended, the President of the College shall send a letter to the faculty member informing him/her of the grounds for dismissal proceedings, and informing him/her that, should he/she so request, a hearing to determine whether he/she should be removed from his/her faculty position will be conducted by the Hearing Committee at a specified time and place. The President's letter shall inform the faculty member of the procedural rights which will be accorded to him/her in the hearing. These shall include an advisor of his/her own choosing to act as counsel; a full stenographic record of proceedings; a transcript, which is to be made available to him/her and to the President; the right to question witnesses; the opportunity to be confronted by all witnesses adverse to him/her; and, if a witness cannot appear, the right to the name and statement of the witness.

If the faculty member desires a hearing, he/she must notify the President of the College by registered mail or telegram within two weeks after receiving the President's statement of grounds of dismissal.

Suspension of a faculty member from his/her usual duties during the proceedings involving his/her dismissal is justified only if his/her welfare or that of the Institution or its students is threatened by his/her continuance. Any such suspension should be with pay and with provisions for appropriate duties whenever possible. The President of the College is the official with authority to suspend with pay.

In deliberating, the Committee shall allow oral arguments or written briefs by the President of the College or his/her representative, and by the faculty member or his/her representative. The hearing shall be closed unless the affected faculty member requests it to be open. The Committee shall make explicit findings with respect to each of the grounds for removal presented and shall recommend whether or not there is good cause for dismissal. The Committee's

recommendation shall be conveyed in writing to the President of the College and to the faculty member.

Governing Board: If the faculty member's appointment is proposed to be terminated by the President, he or she should transmit the full report of the Hearing Committee and his or her recommendation to the Board of Trustees. If the recommendation of the President for termination conflicts with the recommendation of the Hearing Committee, at the request of the faculty member, the Board of Trustees should review the case based on the record of the hearing, with opportunity for argument by the principals or their representatives. If the recommendations of the President and the Hearing Committee are in accord, the Board may choose to limit such review as it may make to a review of the record of the hearing. The decision of the Hearing Committee should either be sustained or the proceedings be returned to the President and to the Committee with objection specified. In the latter case, the Committee should promptly reconsider, taking into account the stated objections and receiving new evidence if directed to do so by the Board. It should frame its reconsidered recommendation and communicate it in the same manner as before. After review of the Hearing Committee's reconsideration, the Board of Trustees should render its own final written decision with a copy provided to each of the principals.

Personal Conference

Meeting held on 3/17/2022 with Johnette McKown, Peter Rusek, Casey Hubble, and Doug Becker

Advisory Committee

Standing Committee: Ashley Cruseturner, Becky Parker, and Brad Turner
Recommendation Date: 5/6/2022
Recommendation to the President: Due Process Hearing be held

Due Process Hearing Committee

Hearing Committee: Tamara Culver (chair), Amy Antoninka, Andrew Clayton, Elaine Fagner, Nicholas Webb
Hearing: 6/29/2022 & 6/30/2022
Recommendation to both parties:

Board of Trustees

President to provide recommendation and full Hearing Committee report to the Board.

“Conflicting Recommendations”

At the request of the faculty member, the Board should review the case based on the hearing record with the opportunity for arguments by both parties.

“Recommendations in Accord”

The Board may choose to only review the Hearing Committee record.

The Board either **returns case** or **sustains** the recommendation of the Hearing Committee.

“If returned with objections”

Hearing Committee reconsiders case with Board objections and may consider new evidence, if directed by the Board.

“If sustained”

Board renders final written decision and provides a copy to both parties.

Hearing Committee follows the same process to communicate the reconsidered recommendation. After reviewing the reconsidered recommendation, the Board renders a final written decision and provides a copy to both parties.