

SEPARATION FROM THE COLLEGE

I. Resignation

- A. In order to give the College adequate time in which to find replacements, faculty members expecting to resign should so inform their Department Chair and the Dean of the College as early as they can, usually not later than March 1.
- B. Concerning the ethics of recruitment and resignation, the faculty and administration of Augustana College endorsed the following statement approved by the Association of American Colleges and the AAUP and published in "Liberal Education," March, 1961: The standards set forth below are commended to administration and faculties in the belief that they are sound and should be generally followed. They are predicated on the assumption that proper provision has been made by employing institutions for timely notice to probationary faculty members and those on term appointments with respect to their subsequent status. In addition to observing applicable requirements for notice of termination to probationary faculty members (part-time instructors not included) not later than March 15 of each year of their status the following fall, including rank and (unless unavoidable budget procedures beyond the institution forbid) prospective salary.
 1. Negotiations looking to the possible appointment for the following fall of persons who are already faculty members of other institutions, in active service or on leave of absence and not on terminal appointment, should be begun and completed as early as possible in the academic year. It is desirable that, when feasible, the faculty member who has been approached with regard to another position inform the appropriate officers of his or her institution when such negotiations are in progress. The conclusion of a binding agreement for the faculty member to accept an appointment elsewhere should always be followed by prompt notice to his or her institution.
 2. A faculty member should not resign in order to accept other employment as of the end of the academic year later than May 15, or 30 days after receiving notification of terms of continued employment the following year, whichever date occurs later. It is recognized, however, that this obligation will be in effect only if institutions generally observe the time factor set forth in the following paragraph for new offers. It is also recognized that emergencies will occur. In such an emergency the faculty member may ask the appropriate officials of

his or her institution to waive this requirement, but he or she should conform to their decision.

3. To permit a faculty member to give due consideration and timely notice to his or her institution in the circumstances defined in paragraph 1 of these standards, an offer of appointment for the following fall at another institution should not be made after May 1. The offer should be a "firm" one, not subject to contingencies.
4. Institutions deprived of the services of faculty members too late in the academic year to permit their replacement, by securing the members of other faculties in conformity to these standards and institutions otherwise prevented from taking timely action to recruit from other faculties, should accept the necessity of making temporary arrangements or obtaining personnel from other sources, including new entrants to the academic profession and faculty personnel who have retired.
5. Except by agreement with his or her institution, a faculty member should not leave or be solicited to leave a position during an academic year for which an appointment is held.

II. Retirement

In compliance with federal and state law, no faculty member is required to retire at any specific age. Because faculty retirements impact hiring needs, faculty members are encouraged to communicate with the Dean of the College and the President of the College regarding their particular retirement intentions.

III. Non-Reappointment

The decision not to reappoint a faculty member without tenure may be with or without cause. Notice of nonreappointment of full-time and shared-appointment faculty will be given in writing:

- A. Not later than March 1 of the first academic year of service, if service is to terminate at the end of the first year.
- B. Not later than December 15 of the second academic year of service, if service is to terminate at the end of the second year.
- C. At least 12 months before the expiration of an appointment after two or more years of service, but not later than May 15 prior to the terminal year.

IV. Dismissal

A. Grounds for dismissal

Dismissal of a faculty member who has tenure or whose term appointment has not expired, can occur due to:

1. Demonstrably bona fide financial exigency as declared by the Board of Trustees;
2. Bona fide discontinuance of a program or area of instruction for reasons other than financial exigency;
3. Demonstrable medical disability that prevents the faculty member, with or without reasonable accommodation, from performing the essential functions of the position; or
4. Moral turpitude, gross negligence or incompetence in one's field. Moral turpitude, gross negligence or incompetence in one's field includes such conduct as:
 - a. Repeated or serious violations of College policies;
 - b. Repeated failure or refusal to perform satisfactorily academic or other duties in connection with the faculty member's position at the College despite oral and written warnings;
 - c. Theft or misappropriation of College funds, supplies or equipment;
 - d. Appropriation of another person's work without appropriate credit;
 - e. Deliberate or serious violations of the rights or freedoms of other faculty members, employees or students;
 - f. Falsification of credentials or experience;
 - g. Conviction of a felony or of a crime involving moral turpitude or relating to the faculty member's fitness to practice his or her profession.

- B. When reasons arise to question whether adequate cause/reason exists for dismissal of a faculty member who has tenure, or whose term appointment has not expired, the President or the President's designee, in consultation with that faculty member, may terminate the relationship at that point by mutual agreement. If the matter is not resolved by mutual consent at that point, the Faculty Welfare Committee shall informally inquire into the situation to effect a resolution, if possible, and if no resolution is achieved, to determine whether in its view formal proceedings to consider the faculty member's dismissal should be instituted. If the Committee recommends that said proceedings begin, or if the President, after considering a recommendation of the Committee favorable to the faculty member, concludes that dismissal proceedings should be undertaken, action will be commenced under the procedures that follow except where there is disagreement. A statement with reasonable particularity of the grounds for dismissal should be jointly formulated by the President and the Committee; if there is disagreement, the President or the President's designee should formulate the statement.

C. Formal Proceedings

1. Commencement of proceedings

Formal proceedings to consider dismissal are commenced by a written communication addressed to the faculty member by the President informing the faculty member of the grounds for dismissal and informing the faculty member that, at the faculty member's written request, a hearing will be conducted by the Faculty Welfare Committee at a specified time and place to determine whether the faculty member should be dismissed from the faculty for the grounds stated. In setting the date of the hearing, sufficient time should be allowed the faculty member to prepare a defense, but the hearing should not be set more than 30 days after the faculty member receives the statement of grounds, absent compelling reasons. The faculty member should state in reply whether he or she wishes a hearing and shall also answer in writing, not less than one week before the hearing, the statement of grounds for dismissal in the President's letter. If no hearing has been requested by the faculty member, he or she shall promptly answer the statement of grounds for dismissal in writing, prior to the consideration of the matter by the Faculty Welfare Committee without a hearing.

2. Procedures Without Hearing

If a hearing has not been requested by the faculty member, the Faculty Welfare Committee shall consider the case on the basis of the grounds for dismissal in the President's letter, the faculty member's answer and other obtainable information and decide whether grounds for dismissal exist. The President or the President's designee have the option of attendance at the Committee's meeting.

3. Hearing Procedures

If the faculty member requests a hearing, the following procedures shall apply:

- (a) The faculty member shall be entitled to attend the hearing, with counsel, if he or she so chooses.
- (b) The President or the President's designee may attend the hearing and assist in developing the case and presenting evidence or witnesses in support of dismissal.
- (c) The Faculty Welfare Committee shall determine the order of proof, conduct the questioning of witnesses and secure the presentation of evidence relevant to the determination of the issues. The faculty member, the faculty member's counsel and the President or the President's designee may also question witnesses who testify orally, within reasonable limits.
- (d) The Faculty Welfare Committee, after consultation with the faculty member and the President, shall determine whether the hearing is

conducted publicly or in private. Absent compelling reasons, the hearing shall be conducted in private.

- (e) The Faculty Welfare Committee shall exercise its best efforts, if needed, to assist the faculty member in securing the attendance of witnesses.
- (f) The faculty member shall have the right to confront adverse witnesses, except for compelling reasons as determined in the discretion of the Faculty Welfare Committee. Where compelling reasons move the Committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as any statements or information provided by such witness, shall nevertheless be disclosed to the faculty member. Subject to these safeguards, written or oral statements may when necessary be taken outside the hearing and reported to the Committee.
- (g) Any exhibits or written statements or other evidence shall be made a part of the record of the proceedings.
- (h) It shall not be necessary to follow a formal rules of evidence or court procedure.
- (i) The Faculty Welfare Committee shall reach its decision in conference, on the basis of the testimony and evidence presented. The Committee may reach a decision promptly, without having the record of the hearing transcribed, when it believes that a just decision may be reached by this means; or it may await the availability of the transcript if it believes its decision would be aided thereby. The Committee should make explicit findings with respect to each of the grounds for removal presented and issue a reasoned written opinion.
- (j) Publicity concerning the Faculty Welfare Committee's decision should be withheld until after the President has had an opportunity to consider the Committee's decision. Any release to the public shall be made through the President's office.
- (k) The President and the faculty member should be notified of the decision in writing and should be given a copy of the record of the proceedings and any witness statements, exhibits, and the transcript, if a transcript has been prepared.
- (l) Publicity concerning the Faculty Welfare Committee's decision may be properly withheld until consideration of the case has been given by the President and the Board of Trustees.

D. Request for Reconsideration

If the President does not agree with the decision of the Faculty Committee, the President shall resubmit the case to the Committee for reconsideration with a statement of questions or objections. The Committee shall then reconsider the case in light of such questions or

objections, holding a further hearing and receiving new evidence if necessary and rendering a new decision in the same manner as before.

E. Decision by the President

If the President disagrees with the decision of the Committee after reconsideration, the President shall make the final decision as to whether dismissal is appropriate and submit his or her reasons to the Committee and the faculty member.

F. Consideration by Board of Trustees

In the event the President has made the decision that dismissal is appropriate, in spite of a recommendation by the Committee to the contrary, the faculty member shall have the right to appear before the Board of Trustees, or a Committee of the Board of Trustees constituted for that purpose, at which time the faculty member may present his or her side of the case and the Committee's recommendation; the record of the hearing and any transcripts, witness statements or exhibits; but no new evidence or testimony shall be allowed unless the Board of Trustees or the Board's Committee shall choose to allow such evidence. Either party may bring counsel to this hearing. The Board of Trustees or Board Committee will conduct the hearing and, in consultation with the President, make the final decision.