



## 1.1.010

# Academic Freedom, Professional Responsibility, and Tenure Policy

Date of last board of trustees review: June 9, 2021

The originator of this policy is the Faculty Senate. Questions regarding this policy may be directed to the originator by calling 801-957-4645.

## 1. Policy

Membership in the Salt Lake Community College community implies the responsibility to share in the creation and maintenance of the environment of that community and to respect students, peers, and other colleagues engaged in the larger mission of achieving and maintaining excellence in teaching and learning.

The college affirms that academic freedom is fundamental to the rights of faculty members in teaching and the rights of students in learning. The college protects these rights.

Academic freedom carries with it professional responsibilities and duties correlative with rights. Tenure is a commitment to defend faculty members' academic freedom. Likewise, faculty members who are granted tenure have an equally strong commitment to serving their students, their colleagues, their discipline, and the college in a professional manner.

## 2. References

- A. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.
- B. Health Insurance Portability and Accountability Act (HIPPA), 45 C.F.R. §§ 160, 164.
- C. Government Records Access and Management Act (GRAMA), Utah Code Ann. §§ 63G-2-101–901
- D. Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review, Utah State Bd. of Higher Educ. r. 481.
- E. Bona Fide Financial Exigency and Personnel Reduction, Utah State Bd. of Higher Educ. r. 482.

## 1.1.010

# Academic Freedom, Professional Responsibility, and Tenure Procedure

Date of last executive cabinet review: March 9, 2021

The originator of this procedure is the Faculty Senate. Questions regarding this procedure may be directed to the originator by calling 801-957-4645.

### 3. Definitions

- A. Academic Freedom: The right of all faculty to full freedom in the classroom to discuss their subjects, conduct research, and in the publication of the results.
- B. Academic Supervisor: A dean, associate dean, department chairperson, or any other position with direct authority and responsibility to assign duties, evaluate, and impose corrective action on a faculty member.
- C. Adjunct Faculty: Part-time, non-tenure-track faculty whose primary duties are teaching courses assigned on a per-term basis.
- D. Bona Fide Credit Program: A credit-granting program approved by the Utah State Board of Regents.
- E. Cause: Reasons for termination or reduction in status.
- F. Calendar Day: All days in a month, including weekends and holidays. If a deadline falls on a weekend, college holiday, college break or college closure, the deadline moves to the next college business day.
- G. Department: An instructional program or group of programs and the faculty members.
- H. Discontinuance: An action that terminates a program.
- I. Division: Related departments or instructional areas and the faculty members.
- J. Division or Department File: A file containing documents relevant to a faculty member's teaching, professional activity, development, and service performance. This file is distinct from the personnel file housed in Human Resources.
- K. Evaluation Sitting Committee: A committee that evaluates full-time faculty during their pre-tenure probationary period, for their application for tenure, formal post-tenure review, and application for rank advancement to full professor.

- L. Evaluation Standing Committee: All tenured faculty in a division or department from which sitting committees are formed.
- M. Faculty Member Cause: A documented failure to perform competently assigned duties as a teacher and faculty member, including in the case of tenure-track faculty, a second Letter of Concern, a violation of professional standards that demonstrates that the faculty member is unable or unwilling to meet the faculty member's responsibilities, or a failure to fulfill the responsibilities outlined in this document or the policies and procedures of the college.
- N. Financial Exigency: A financial situation that requires immediate action to ensure the college's survival.
- O. Formal Budget Limitation: A financial situation that does not rise to a financial exigency but is more than a minor, temporary, or cyclical fluctuation in operating funds that requires extraordinary measures.
- P. Full-time Faculty: Faculty appointed to full-time teaching for a nine- or twelve-month period or others designated as full-time faculty appointed to fill temporary, special assignments.
- Q. Hearing Sitting Committee: A committee comprised of six members from the Hearing Standing Committee plus a chairperson.
- R. Hearing Standing Committee: A pool of 14 tenured faculty members from which a Hearing Sitting Committee is formed.
- S. Institutional Cause: A discontinuance or substantial reduction of a program or department of instruction, a formal budget limitation, or a financial exigency, as determined by the board of regents.
- T. Instructor or Lecturer: Full-time non-tenure-track faculty with an annual appointment renewable at the discretion of the college with no expectation of tenure.
- U. Letter of Concern: A letter issued by the dean that indicates the faculty member is not making progress toward tenure and must engage in institutional remediation requirements. A second letter of concern is a notice of termination for faculty cause that is effective at the end of that contract year.
- V. Letter of Evaluation: A letter issued by the dean that notifies the faculty member of the outcome of an annual tenure-track faculty evaluation.
- W. Letter of Progress: A letter issued by the dean that indicates the faculty member is in good standing and on track to achieve tenure.
- X. Medical Cause: A documented medical incapacity that precludes the faculty member from competently performing required duties and responsibilities.
- Y. Non-Tenure Track Faculty: Adjunct faculty or full-time faculty not on the tenure-track.
- Z. Personnel file: A file containing documents relevant to the employee's work assignments

maintained by Human Resources.

- AA. Previous Satisfactory Academic Service: Full-time employment as a faculty member at an accredited institution of higher education that may fulfill a part of the pre-tenure probationary period.
- BB. Pre-Tenure Probationary Period: The period preceding the awarding of tenure.
- CC. Program: Includes college, campus, academic department, degree, disciplinary specialization, or other sets of offerings leading to a license, credential, or certificate; or a group of courses constituting a discrete body of knowledge, expertise, or instruction.
- DD. Reasonable Care: The degree of care that a prudent and competent person in a similar situation would exercise.
- EE. Reduction in Status: A reduction in a faculty member's compensation or responsibilities as a result of reassignment.
- FF. School: An academic unit consisting of divisions, departments, or instructional support administered by a dean or an associate vice president.
- GG. Substantial Reduction: An action taken by the college, which continues a program of instruction or a department, but at such a substantially reduced level as to warrant a designation of institutional cause for purposes of this policy.
- HH. Tenure: The status achieved following the appropriate review period and following a prescribed evaluation that shows that the faculty member meets professional standards and is competent as a teacher, in the discipline, and as a colleague.
- II. Tenured Faculty: Full-time faculty members who have received tenure.
- JJ. Tenure-Track Faculty: Full-time faculty members who are in a pre-tenure probationary period.

## 4. Procedures

### A. Academic Freedom

1. SLCC operates for the common good and not to further the interest of either the individual faculty member or the college as a whole. The common good depends upon the free search for truth and free discussion. Academic freedom is essential to these purposes and applies to both teaching and research.
2. All faculty enjoy the rights, protections, and responsibilities of academic freedom.
3. A faculty member has the right to full freedom in the classroom in discussing subject matter related to the course. Faculty may present any controversial material relevant to their courses of instruction. However, faculty must be careful not to introduce controversial matter that has no relation to the subject they are teaching.

4. The faculty member is entitled to full freedom in research and in the publication of the results, subject to the satisfactory performance of duties and responsibilities as outlined in this document.
5. Research for monetary return must be based upon a memorandum of understanding with the administration of the college if the research is to be conducted with institution facilities or during regular working hours.
6. An SLCC faculty member is a citizen, a member of a learned profession, and a representative of the college. When the faculty member speaks or writes as a citizen, they should be free from institutional censorship or discipline.
7. The faculty member's special position in the community imposes special obligations. As a person of learning and an educational representative of the college, the faculty member should remember that the public may judge their profession and college by their utterances. At all times, the faculty member should strive to be accurate, exercise appropriate restraint, show respect for others, and make every effort to indicate that they are not speaking for the college.
8. Faculty shall not be involved in acts which violate the academic freedom or constitutional rights of others, or the rules and regulations of SLCC or the Utah Board of Higher Education.

B. Standards of Professional Responsibility

1. Full-time faculty members commit to serve their students, their discipline, their colleagues, and the college in a manner befitting an academic person.
2. Full-time faculty members must fulfill the responsibilities and requirements of the faculty evaluation process.
3. The standards of professional responsibility are located in the *SLCC Full-time Faculty Handbook for Compensation and Workload*.
4. Standards of Professional Responsibility to Students
  - a. SLCC faculty's primary responsibility is teaching.
  - b. Additionally, SLCC faculty must:
    - (1) maintain the professional distance necessary for students to learn;
    - (2) not use their position, authority, or relationship with students for personal gain; and
    - (3) conduct themselves above reproach in personal relationships with students.
  - c. When a faculty member and a student collaborate, an agreement for recognition of each must be in writing.
  - d. Faculty members shall support the right of a student to publish or otherwise communicate the results of the student's scholarly activities.

- e. Faculty members have the right and responsibility to evaluate student work and issue grades according to each course's established criteria.
  - f. Student grades may only be changed by the faculty member or dean after the appropriate formal process.
  - g. Faculty members shall embrace equity-minded and inclusive practices in the workplace and academic culture shall not engage in discriminatory or retaliatory behavior toward students.
5. Standards of Professional Responsibility to the Profession
- a. SLCC full-time faculty members are responsible to their disciplines or industries and their teaching.
  - b. Faculty are also responsible to:
    - (1) their discipline or industry to seek to state the truth following the rights and responsibilities of academic freedom;
    - (2) exercise reasonable care in meeting obligations to discipline or industry associates;
    - (3) honestly report the results of research or professional activity;
    - (4) avoid plagiarism by taking credit only for their work; and
    - (5) ensure that personal advantage or profit goes to the individuals doing the work.
6. Standards of Professional Responsibility to Colleagues
- a. Collegiality is grounded in and contributes to the maintenance of SLCC values. Collegiality is the willingness to cooperate and perform as responsible members of the faculty body.
  - b. Collegiality means sharing the common workload of the overarching goals of the department, school, and college. Collegiality requires respect for the ideas of others.
  - c. Collegiality does not mean agreement. The standard of collegiality should promote productive discussion, debate, and disagreement within the department, school, or college.
  - d. This standard must be interpreted in a manner inclusive of differences in social and cultural communication norms. It must not impinge on academic freedom.
  - e. SLCC full-time faculty members are responsible to their colleagues, the departments, divisions, and the college.
7. Standards of Professional Responsibility to the College
- a. Faculty members must comply with all board of higher education and college

policies and procedures.

- b. In their work, faculty members must conduct themselves in a manner that does not damage college property or disrupt the college's mission.

### C. Faculty Appointment, Evaluation, Tenure, and Rank Advancement

#### 1. Terms of Appointment

- a. The terms and conditions of every appointment and any revisions—including department, salary, rank, and duration—must be stated in writing and be provided to the faculty member.
- b. Salt Lake Community College depends on and values a diversity of faculty non-tenure-track and tenure-track appointments and ranks.

#### 2. Evaluations

- a. All faculty members shall be reviewed each year according to the procedures outlined in this document and the *SLCC Full-time Faculty Handbook for Compensation and Workload*.
- b. A faculty evaluation provides feedback from department peers, department administrators, and students to improve faculty performance and enhance student learning.
- c. Faculty evaluation shall recognize and respect the interdependence of the three areas of faculty job requirements: Teaching, Professional Activity & Development, and Service.
- d. Collegiality shall be considered across the three areas of faculty responsibility with relevant standards in teaching, professional activity, and service.

#### 3. Tenure

Upon the award of tenure by the college, a faculty member may be terminated only for cause, bona fide program or unit discontinuance, bona fide financial exigency, or as specified in institutional policies and rules.

- a. Persons eligible to apply for tenure include all full-time tenure-track faculty who have completed the pre-tenure probationary period.
- b. Tenure is achieved and held within an instructional department; however, tenure is awarded to a faculty member, not to a position. If the college eliminates a tenured faculty member's position, the faculty member may retain tenure in another position.
- c. If a faculty member moves to a different department, tenure or years served in the tenure-track transfer with the faculty member upon approval of the tenured members of the receiving department faculty. The receiving department's Standing Committee shall acknowledge approval in writing.

#### 4. Cessation of Tenure

- a. Tenure ceases upon retirement, resignation, or termination.
- b. A tenured faculty member who resigns or is dismissed for anything other than a violation of standards described in this document may be rehired with full tenure.

#### 5. Faculty Evaluation Procedure

- a. Faculty evaluation shall follow the instructions and guidelines found in the *SLCC Full-time Faculty Handbook for Compensation and Workload*.
- b. Pre-Tenure Probationary Period
  - (1) The Pre-Tenure Probationary period is six years of full-time faculty service, starting with a tenure-track appointment to the rank of assistant professor.
  - (2) Assistant professors are mentored through the tenure track by an academic administrator and members of the evaluation sitting committee.
  - (3) A maximum of three years of previous satisfactory academic service may be credited to the pre-tenure probationary period:
    - (a) upon written request and recommendation by the Evaluation Sitting Committee with approval from the tenured members of the department faculty; and
    - (b) at the discretion of the president or the president's designee.
- c. The appropriate evaluation sitting committee will evaluate assistant professors each year through the tenure-track evaluation.
- d. The evaluation process will culminate in a letter of evaluation from the dean. The letter of evaluation will be either a letter of progress or a letter of concern.
  - (1) A letter of progress indicates that the faculty member is in good standing and on track to achieve tenure.
  - (2) A letter of concern indicates that the faculty member is not making progress towards tenure and must participate in institutional remediation requirements.
  - (3) A letter of concern must clearly articulate the reasons for the letter of concern and specify the remedial requirements necessary to address the concern.
- e. Assistant professors proceed through the pre-tenure probationary period unless they receive a second letter of concern, which serves as notice of termination for faculty cause effective at the end of that contract year.
- f. Faculty receiving a second letter of concern may request a formal hearing under this policy.



- g. In the final year of the pre-tenure probationary period, the faculty member shall apply for tenure.
  - h. If a faculty member receives a first letter of concern during the final year of the pre-tenure probationary, the pre-tenure probationary period will be extended one year.
  - i. The pre-tenure probationary period may be extended, interrupted, or reduced at the discretion of the provost in collaboration with the department faculty and academic supervisor.
- 6. Application for Tenure
  - a. Evaluation of an application for tenure is a co-occurring yet separate process from the tenure-track evaluation.
  - b. The application for, evaluation of, and decision regarding the granting of tenure shall address the entire pre-tenure probationary period.
- 7. The Tenure Decision
  - a. The president makes the decision to grant tenure. Granting of tenure shows that the faculty member meets professional standards and is competent as a teacher, competent in the discipline, and competent as a colleague.
  - b. The granting of tenure automatically includes rank advancement to associate professor effective at the beginning of the next academic year, July 1.
  - c. In exceptional cases, the Board of Trustees may grant full tenure upon recommendation of the department faculty and the president or the president's designee.
  - d. Denial of tenure serves as notice of termination for faculty cause effective at the end of the contract year.
  - e. Faculty denied tenure may request a formal hearing.
- 8. Post-Tenure Review
  - a. Tenured faculty are evaluated every year. Tenured faculty are evaluated formally every third year and informally in the other years.
  - b. Formal evaluations follow the same process as tenure-track evaluations. the informal evaluations are conducted between the faculty member and the academic supervisor.
    - (1) Tenured faculty members not meeting the minimum standards required of a tenured member of their discipline are responsible for remediating the deficiencies, and the college will assist through developmental opportunities.
    - (2) The faculty member and academic supervisor, in consultation with the evaluation sitting committee, will create a remediation plan for the next

evaluation cycle or an agreed upon timeline.

(3) The faculty member will meet with their committee to review progress until the faculty meets the standards. Failure to remediate may result in corrective action and possible termination.

(4) Faculty may appeal the findings of a post-tenure review to the dean.

(5) Faculty may request an additional review outside of the post-tenure review cycle.

#### 9. Application for Rank Advancement to Full Professor

- a. A tenured faculty member may be eligible to apply for rank advancement to full professor during their sixth year in good standing as a tenured faculty member.
- b. The evaluation of an application for rank advancement to full professor may be a co-occurring yet separate process with a formal post-tenure review, or it may take place during an informal post-tenure review year.
- c. The application for, evaluation of, and decision regarding an application for rank advancement to full professor shall address the post-tenure period.

#### 10. The Rank Advancement to Full Professor Decision

- a. The dean makes the rank advancement decision.
- b. A dean's decision may not be appealed, but a denial of rank advancement to full professor shall be accompanied by specific reasoning for the decision and clear steps the faculty member may take to meet rank advancement criteria.
- c. Faculty are not limited in the number of times they may apply for rank advancement.

#### 11. Division or Department Faculty Files

- a. All information regarding a faculty member's performance reviews will be contained in the division or department faculty file and is available to the faculty member at any time and the evaluation sitting committee members during the full-time faculty evaluation process.
- b. Faculty members may access their performance reviews at any time. The evaluation sitting committee may access a faculty member's performance reviews during the full-time faculty evaluation process.
- c. Faculty members have the right to make additions to the file.
- d. In any correspondence with others about the evaluation or review of a faculty member, the correspondent will be notified that the files are open to the faculty member.
- e. The academic supervisor is responsible for notifying the faculty member of any

addition to the file in a timely manner.

#### 12. Faculty Becoming Administrators

- a. A member of the faculty who has received tenure retains tenure during the time served in a college administrative position.
- b. A tenure-track faculty member who moves to an administrative position does not acquire added satisfactory years toward tenure while in the administrative position.

#### 13. Tenured Administrators Returning to Teaching:

- a. Administrators holding tenure in a teaching department retain tenure. Administrators are eligible to return to a full-time teaching position for which they are qualified and to the faculty rank held before accepting an administrative position at any time, regardless of whether or not a position is open.
- b. Faculty may continue rank advancement toward becoming a full professor.

#### D. Resignations

1. Resignations for immediate termination of employment shall be accepted only upon recommendation of the president or the president's designee.
2. Decisions to resign at the end of the current appointment period must be submitted in writing to the appropriate dean three months before the end of the appointment time.
3. The appropriate dean will advise the president or the president's designee of such a decision, and the president or the president's designee will make whatever announcements may be necessary and desirable.
4. If the date of termination is before the end of the appointment year, the faculty member forfeits benefits, such as accumulated leave and all rights and privileges as a faculty member on that date
5. The faculty member who resigns at the end of the appointment year also terminates all rights and privileges, such as rank and tenure, except as noted.
6. The faculty member who resigns before or at the end of the appointment year will be required to pay back any monies advanced.

#### E. Procedures For Reduction In Status Or Termination

1. SLCC is permitted the utmost discretion in determining who the college will retain, so long as the college does not act arbitrarily or capriciously.
2. The college must not terminate a faculty member for reasons that violate academic freedom or legal rights.
3. The college may only terminate faculty members following this document, and other

applicable college policies and procedures, e.g., the Corrective Action Policy.

#### 4. Procedures for Termination for Faculty Cause

- a. If the college intends to terminate a tenure-track faculty member at another time or a tenured faculty member at any time for faculty cause the faculty member's academic supervisor shall give written notice of the intent to terminate or reduce status. The written notice must include:

- (1) the justification for the reduction in status or termination in sufficient detail to enable the faculty member to understand and respond; and
- (2) the names of those persons making the charges (if applicable) and the nature of the factual evidence.

- b. Faculty member response to notice

The faculty member has 15 calendar days from receipt of the letter of intent to terminate or a second letter of concern to present written evidence in their defense.

- c. Administrative Review and Response

- (1) If the faculty member presents any new material on their behalf, the academic supervisor must review it and respond within a reasonable period.
- (2) Within 15 calendar days, or other agreed upon period, the academic supervisor must either affirm or rescind the written notice of termination or reduction in status.
- (3) If the decision is to affirm the written notice of termination or reduction in status, the academic supervisor must inform the faculty member in writing of both the affirmation and their right to appeal within 15 calendar days of that decision.

- d. The Hearing

The faculty member may request a hearing before a hearing sitting committee.

#### 5. Procedures for Medical Cause

- a. Medically related performance concerns will be addressed through Employee Relations and the Employee Relations ADA coordinator.
- b. The college will comply with the Family and Medical Leave & Parental Leave and the ADA Access and Reasonable Accommodations policies when addressing medically related performance concerns.

#### 6. Procedures for Institutional Cause

- a. Procedures for a reduction in status or termination for institutional cause shall comply with the Utah State Board of Higher Education policies and procedures.

b. Procedures for Tenured Faculty

Placement in another Suitable Position

- (1) Before terminating a tenured faculty member for institutional cause, the academic administration, with faculty participation, shall make a determined effort to place the faculty member in another vacant position for which the faculty member is qualified.
- (2) The placement must be acceptable to both the faculty member and the receiving department faculty.
- (3) A tenured faculty member cannot displace another faculty or staff member from a position to maintain employment.

(4) Written Notice

- (a) The college shall strive to give a faculty member 12 months written notification before termination or reduction.
- (b) The college must not provide fewer than six months' notice.

(5) Severance Pay

The combination of written notice and severance pay must equal six months of the faculty member's appointment or, in the case of reduced status, written notice plus the difference between the old and new salaries for the balance of the six-month appointment.

c. Procedures for Non-Tenured Faculty

- (1) The right of advance notice under this section shall not apply to faculty members serving a temporary appointment, a term appointment, appointments stipulating that they will not be renewed, and to company or agency-funded appointments in open-ended training programs that the company or agency can terminate at its discretion.
- (2) Any non-tenured faculty member other than those whose annual appointment is affected by discontinuance or reduced status shall be given advance notice in writing by the president or the president's designee as follows:
  - (a) A non-tenured faculty member who has served one year or more shall, where possible, be given six months written notification before termination or reduction in status.
  - (b) In the case of termination, the combination of written notice and severance pay must equal six months of the faculty member's appointment.
  - (c) In the case of reduced status, the college will give the faculty member six months' notice, or payment equaling the difference between the old and

new salaries proportional to the deficit in the months of notice.

(d) For those serving in their first academic year, the college must give notice by March 31 of that academic year.

(3) If written notice is not given by March 31, the college must pay:

(a) three months' severance salary in the case of termination; or

(b) the difference between the old and new salaries for three months.

(4) If the college intends to terminate a tenure-track faculty member for institutional cause, the faculty member may choose to:

(a) accept a College-offered appointment to an open position with substantially reduced status for which he or she is qualified, or

(b) apply for any open positions for which he or she is qualified, in competition with other applicants.

(5) A tenure-track faculty member will be given preference in the screening and selection process—similar to the preference given for higher educational attainment, specialized work experience, or specific skills.

(6) If a tenure-track faculty member is successful in receiving a faculty appointment within one year beyond the date on which the faculty member was terminated or the faculty member's status was reduced, rank and tenure progress achieved before termination or reduced status will continue in a new position if approved by department faculty.

(7) Tenure does not accrue during the period of unemployment.

#### 7. Report to the President

A full report of every termination, reduction in status or compensation, and renewal with substantially reduced status or compensation under this section must be furnished to the president or the president's designee.

#### 8. Rehire

a. If a position becomes open within one year of a termination or reduction in status for institutional cause, the college will rehire a tenured faculty member into that open position provided that the faculty member meets the minimum qualifications specified by the department for the position, has the approval of the department faculty, and was in good standing at the time of termination or reduction in status.

b. The faculty member will retain status as a tenured faculty member in the new department.

#### F. Hearing Procedures After Denial of Tenure, Notice of Termination or Reduction in Status

1. Selection of Hearing Standing Committee Faculty Membership
  - a. In May of each year, the Faculty Senate president and the provost shall submit to one another a list of 14 tenured faculty members.
  - b. The Faculty Senate president and the provost shall select seven names from the other's list for a total of 14 tenured faculty members who shall comprise the Hearing Standing Committee.
  - c. In cases involving medical cause, the Hearing Standing Committee shall be composed of individuals designated by the provost and at a minimum shall include the appropriate dean, the ADA coordinator, and individuals who have professional expertise in the issue under consideration.
2. Request for a Hearing
  - a. The faculty member, or someone representing the faculty member, may submit a written request for a hearing if the faculty member believes that the college has reduced the faculty member's status, denied tenure, or terminated the faculty member:
    - (1) for an alleged violation of standards;
    - (2) in violation of academic freedom, statutory or constitutional law, or
    - (3) if the termination or reduction is arbitrary or capricious
  - b. The faculty member must submit a written request for hearing within 15 calendar days after receipt of notice of termination or reduction in status to the provost.
  - c. Failure by the faculty member to submit a written request for a hearing within 15 calendar days will terminate further proceedings.
3. Hearing Preliminaries
  - a. All parties involved shall respect the confidentiality of the proceedings as long as it does not interfere with the college's obligation to follow these procedures.
  - b. Responsibilities of the Provost

Upon receipt of a written request for a hearing, the provost shall:

    - (1) establish a Hearing Sitting Committee from the Hearing Standing Committee;
    - (2) set hearing date no more than 30 calendar days after the request for hearing. This 30-day period can be extended at the Provost's discretion if circumstances warrant the extension;
    - (3) notify all parties, including the committee, and witnesses of the dates and the timeline of events;
    - (4) require the parties to provide all relevant documents for exchange by the dates specified in the timeline;

- (5) require the parties to provide a list of potential witnesses who may testify at the hearing by the dates specified in the timeline;
- (6) require the parties to identify who they will bring as advisor to hearing proceedings;
- (7) provide copies of all documents submitted, including the witness list, to all parties involved in a reasonable time for all parties to review before the hearing; and
- (8) ensure that an audio recording will be made of the proceedings and made available to the faculty member.

c. Composition of the Hearing Sitting Committee

- (1) The Faculty Senate president and the provost shall cooperatively select six Hearing Sitting Committee members from the Hearing Standing Committee, subject to the approval of the college president.
- (2) The provost shall select a chair for the committee for a total of seven committee members.
- (3) The college will make arrangements to cover the class time of Hearing Sitting Committee members if the hearing interrupts the members' teaching obligations.
- (4) The chair of the Hearing Sitting Committee shall oversee the proceedings.
- (5) The chair of the committee shall conduct the hearing following the procedures outlined here.
- (6) In cases involving medical cause, the Hearing Sitting Committee shall include individuals designated by the provost and at a minimum include the appropriate dean, the ADA coordinator, and individuals who have professional expertise in the issue being considered.

4. Hearing Procedures and Conduct.

- a. In all cases the parties shall have a reasonable opportunity to appear and testify, call witnesses, present evidence, and comment on the issues.
- b. Generally, the Hearing Sitting Committee members will conduct the questioning. However, for a good cause, the chair may allow questioning by the parties.
- c. Both parties may bring one advisor of their choosing to the hearing. If the advisor is an attorney, the attorney's role may be either:
  - (1) to advise only, or
  - (2) to advise and act on the faculty member's behalf.
- d. If the faculty member's attorney is acting on the faculty member's behalf, then



the college will also be represented by legal counsel.

- e. If it is likely that the president or the president's designee will hear an appeal from the proceeding, the president or the president's designee must not appear as a witness.
- f. The Hearing Sitting Committee is authorized to compel the attendance of institutional witnesses.

#### 5. Burden of Proof

- a. In the hearing, the burden of proof is a preponderance of the evidence.
- b. In a hearing for faculty member cause, the college has the burden to show that the proposed action is reasonable under the circumstances.
- c. In a hearing for an institutional or medical cause, the faculty member bears the burden to show that the cause does not exist, that the action proposed is discriminatory for reasons which are constitutionally or statutorily impermissible, or that the college did not substantially meet notice requirements.

#### 6. Non-judicial Proceedings

The procedures, including hearings, and notice requirements in this document are non-judicial. The rules of procedure and evidence in courts of law are not applicable.

#### 7. Continuance of a Hearing

##### a. Continuance of Hearing Upon Emergency

- (1) Emergencies are grounds for a reasonable extension of the time within which an answer must be filed, but such emergencies must be serious and compelling.
- (2) The chair of the Faculty Hearing Sitting Committee shall determine whether or not an emergency exists.

##### b. Continuance of a Hearing Upon Request

- (1) The Hearing before a committee may be continued for good cause (e.g., illness, unavoidable conflict, etc.) shown by any member of the committee or by the faculty member.
- (2) The chair of the Faculty Hearing Sitting Committee shall determine whether or not good cause exists.

#### 8. Hearing Sitting Committee Vote

A decision to recommend sanctions or termination of a faculty member requires a simple majority of the voting members.

#### 9. Recommendation

- a. The Hearing Sitting Committee shall make its recommendation, within five business days after the conclusion of the Hearing.
- b. The Hearing Sitting Committee chair shall notify the appropriate dean and the faculty member in writing of the recommendation and include a copy of the record of the hearing.
- c. The Hearing Sitting Committee shall send its recommendation to the dean who will review the recommendation and forward it along with a separate, independent recommendation to the provost who will issue a decision.

#### 10. Right to Appeal

- a. The faculty member may submit a written appeal of the Hearing Sitting Committee's recommendation and the decision of the provost to the president within seven business days of receipt of the recommendation.
- b. The president's decision is final.

#### G. Corrective Actions

1. The college's Corrective Action Policy shall apply when enforcing corrective action under this policy section.
2. Permissible Corrective Actions include:
  - a. verbal censure;
  - b. written reprimand;
  - c. change in responsibilities;
  - d. suspension;
  - e. probation;
  - f. reduction in status;
  - g. reduction in compensation; or
  - h. termination.
3. The college will document all but verbal censure in the official college personnel file.
4. Corrective Action and Salary
  - a. The faculty member shall draw their salary during corrective actions imposed under sections 4.G.2.a–g.
  - b. A combination of corrective actions may be imposed when appropriate and consistent with the provisions of this section.
  - c. When the college imposes a corrective action less than termination, the terms may require that the faculty member make restitution or remedy a situation

created by a violation of a standard.

#### 5. Purpose of Corrective Actions

The college may impose corrective actions on a faculty member if the corrective actions serve:

- a. to encourage self-improvement or reform;
- b. to signal to the faculty member the seriousness of the violation and deter the faculty member from future violations;
- c. to reassure the college community that the college will not tolerate a violation of the standards; or
- d. to remove faculty members whose inability to continue to serve the college has been demonstrated.

#### 6. Determining Appropriate Corrective Actions

When determining appropriate corrective actions, the college shall consider:

- a. the purposes established in section 4.G.5.;
- b. the nature of the violation relative to the corrective actions; and
- c. fairness to the faculty member involved, including personal circumstances, prior service to the college, and any other matters relevant to the situation and the faculty member.

#### 7. No Double Jeopardy

- a. The college shall not subject any faculty member to more than one proceeding for the same act.
- b. A rehearing at the direction of the president following an appeal by the faculty member is not a second proceeding.