

2017

## 2.8 Separation

Saint Mary's College of California

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## SEPARATION

### 2.8

#### RESIGNATION

##### 2.8.1

A faculty member may resign his/her appointment, usually effective at the end of the academic year. The member should give notice in writing of his/her intention to resign as soon as possible, but not later than June 1.

#### RETIREMENT OF TENURED FACULTY MEMBERS

##### 2.8.2

1. A tenured faculty member intending to retire is urged to inform in writing the department chairperson and/or program director, and the Dean of the School of his/her decision to retire at least one year prior to the expected retirement date, so that the department/program can make appropriate plans.
2. A tenured faculty member intending to retire must submit a letter to his/her department chair/program director, and Dean indicating this decision and the effective date of retirement so that the department/program can make appropriate plans.
3. A tenured faculty member considering retirement, or wishing to retire, should consult the Human Resources office regarding social security, as well as TIAA illustrations of projected income and other benefits under the College's retirement plans at least six months in advance of expected retirement date (see section 2.14.7 Retirement).
4. Following retirement, a tenured faculty member may be eligible for consideration for appointment to teach a class at the discretion of the appropriate Department Chair or Program Director.

##### 2.8.3

#### NON-REAPPOINTMENT OF TENURE-TRACK FACULTY

##### 2.8.3.1

#### Notice of Non-reappointment of Probationary Tenure-track Faculty

1. As part of the interim review process, the Rank and Tenure Committee may recommend non-reappointment to the Provost, in which case the Rank and Tenure Committee will notify the candidate's Dean and department chairperson/program director of the Rank and Tenure Committee recommendation.
2. The decision not to renew the term appointment of a tenure-track faculty member, before his/her tenure consideration year, is made by the Provost in consultation with the Dean of the candidate's School and with his/her department chairperson/program director.
3. A faculty member who is not reappointed may appeal the decision by the Provost to the Grievance Committee (see section 2.16 Grievance).

##### 2.8.3.2

#### Standards of Notice for Probationary Tenure-track Appointments

1. Full-time, tenure-track faculty members in their first academic year of service must be notified in writing by the Provost of non-reappointment or intention to recommend non-reappointment not later than March 1 of that year or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
2. Full-time, tenure-track faculty members in their second year of service must be notified in writing by the Provost of non-reappointment or of the intention to recommend non-reappointment not later than December 15 of that year or, if the appointment terminates during the academic year, at least six months in advance of its termination.
3. Full-time, tenure-track faculty members in their third year or later of academic service must be notified in writing by the Provost of non-reappointment or of intention to recommend non-reappointment no later than June 30 of that year or, if the one-year appointment terminates during an academic year, at least 12 months in advance of the expiration of their appointments.

#### 2.8.4 TERMINATION OF AN APPOINTMENT BY THE COLLEGE

Termination of an appointment with continuous tenure or of a probationary or temporary appointment before the end of a specified term, will be by the President (unless otherwise noted below) for adequate cause, as follows:

##### 2.8.5.1 General Financial Exigency

Termination may result because of a general state of financial exigency that threatens the survival of the College. In advance of a declaration of a state of general financial exigency, the President and the Vice President for Finance and Administration/Chief Financial Officer will explain the financial state of the College, and will involve the faculty, including the Faculty Welfare Committee, in a discussion regarding what steps can be taken to avoid the declaration of general financial exigency by the Board of Trustees. Upon designation of a general financial exigency by the Board of Trustees an Ad Hoc Committee on Termination shall be appointed by the chair of the Academic Senate with the advice and consent of the Senate. The Ad Hoc Committee on Termination shall consist of six tenure-track faculty members, one from each School, and the chair of the Academic Senate, who shall serve as a non-voting chair of the committee. The Ad Hoc Committee on Termination shall establish criteria for termination and shall identify those to be terminated. Any faculty member identified as one to be terminated has the right to a review hearing. Every effort will be made to place the faculty member in another position in the College for which the person is qualified. In such circumstances the Provost, Chief Financial Officer, chair of the Faculty Welfare Committee and chair of the Academic Senate will constitute a committee to review the budget situation and to make a recommendation to the President as to whether an appropriate severance package would be awarded. If, during a three-year period the position is reopened, the terminated faculty member will have the option of assuming his/her former position.

##### 2.8.5.2 Discontinuance of an Academic Program or Department not Mandated by General Financial Exigency

The decision to discontinue an academic program or a department where there are tenured or tenure-track faculty not covered by a state of financial exigency shall be based on educational considerations. The Undergraduate Educational Policies Committee (or the Graduate and Professional Studies Educational Policies Committee if the program falls

under their jurisdiction) shall examine the evidence presented by the Dean of the School in which the program or department resides and shall recommend action to be taken by the Academic Senate. The program or department may not be discontinued until such a recommendation is approved by the Academic Senate and the Provost according to established procedures (see section 2.8.5.2.2 Process for Discontinuance of an Academic Department or Program). If a tenured faculty member is displaced by the discontinuance of a program or department, the College has the obligation to appoint the individual to another position for which he/she is qualified and which is not occupied by another tenured faculty member. Similarly, if a tenure-track, non-tenured faculty member is displaced by the discontinuance of a program or department, the College has the obligation to appoint the individual to another position for which he/she is qualified and which is not occupied by a tenure-track or tenured faculty member. If, during a three-year period, the department or program is reopened, the terminated faculty members, in order of their College employment seniority, will have the option of assuming their former positions during the first year the program or department reopens. A faculty member may request a formal review hearing by an ad hoc faculty committee appointed by the Academic Senate regarding his/her reassignment. In such circumstances the Provost, Chief Financial Officer, chair of the Faculty Welfare Committee and chair of the Academic Senate will constitute a committee to review the budget situation and to make a recommendation to the President as to whether an appropriate severance package would be awarded.

#### 2.8.5.2.1 Process for Suspension of Program Enrollment

The Dean of a School may halt new enrollment of students in the program for at most two consecutive enrollment periods (a quarter, a trimester, a traditional undergraduate semester, etc., whichever applies to that program). Before this action may occur

- a. The Dean must receive approval of the Provost,
- b. A review must be completed by the GPSEPC or UEPC,
- c. The Dean must notify the Chair of the UEPC or GPSEPC and the full-time faculty of the program in writing of the plan for suspension of admissions and its effect on classes, and set a deadline for their resumption.

If the Dean believes that the termination of the program is the likely outcome of the suspension of enrollment, appropriate steps must be taken to initiate the termination process so that the process given in section 2.8.5.2.2 (ending in an Academic Senate action) can be reached before the suspension period ends. Under no circumstances may classes or enrollment be suspended beyond two consecutive academic enrollment periods without a determination by the UEPC or GPSEPC of the status of the program. The Chair of the UEPC or GPSEPC may require a full report by the Dean of the affected program prior to the end of the suspension period if the Chair believes that such a report would help resolve the situation.

#### 2.8.5.2.2 Process for Discontinuance of an Academic Department or Program

1. Proposals should be written by the appropriate academic dean with reference to the *Guidelines for Department and Program Reviews* to ensure that all aspects of the department or program are duly considered. In addition, the proposal should address the following questions:
  - a. Why should the department or program be terminated based on the following criteria: quality of the program, demand, efficiency, and centrality to the mission of the College

- b. What are the probable effects of termination of the program? For example, who will be affected by the decision? How? What are the potential effects on faculty (tenured, tenure track, and non-tenured), staff, students, majors, other undergraduate and/or graduate programs of the College? What effect will this action have on other departments? What effect will this action have on the College's character and mission (Liberal Arts, Catholic, Lasallian)?
  - c. What steps should the College take to minimize any negative effects of the discontinuation?
2. Proposals for discontinuing a department or program are to be submitted in writing to the Undergraduate Educational Policies Committee (UEPC) or Graduate & Professional Studies Educational Policies Committee (GPSEPC) during the academic year but no later than March 1st. Once a proposal is received, the committee will meet with (1) the Provost, or the Vice Provost for that program, (2) the Dean of the department's or program's school, (3) the department chair or program director, (4) the department/program faculty, and (5) a Program Review Committee representative. The committee chair will then bring forward to the Academic Senate either a) a recommendation for discontinuance or b) recommendation against discontinuance.
3. The Senate will consider and take action on the recommendation of the UEPC or GPSEPC.

#### 2.8.5.3 Medical Reasons

Termination will be based on clear and convincing medical evidence that the member cannot continue, with or without reasonable accommodation, to fulfill the terms and conditions of appointment. The evidence will be reviewed in confidence by the Rank and Tenure Committee if requested by the faculty member. Severance salary will be offered.

#### 2.8.5.4 Failure to Observe Conditions for Leave of Absence or Sabbatical

If a faculty member fails to observe the conditions mutually agreed upon in writing for a leave of absence or a sabbatical, he/she may be subject to a hearing of the Grievance Committee called at the request of his/her department chair, appropriate Academic Dean, or the Provost to recommend whether there is cause for termination. The party bringing the complaint shall present a written case for termination to the Grievance Committee and the faculty member. The Committee will set a time for meeting and will give the faculty member an opportunity to present his/her own case. When the Committee has reached a recommendation, it will notify all parties. The Provost will render the decision whether to terminate the employment of the faculty member. If his/her decision is different from the recommendation of the Grievance Committee, the Provost will set out his/her reasons. The decision of the Provost may be appealed by the faculty member concerned directly to the President. In all instances, the President's decision shall be final.

#### 2.8.5.5 Unfitness

Unfitness to perform in a professional capacity will constitute cause for termination. Unfitness includes, but is not limited to, incompetence, dereliction of duty, transgression of academic freedom (section 2.9.1 Academic Freedom and Responsibility), violation of law directly interfering with the performance of one's faculty responsibilities (e.g., failure to comply with the College's non-discrimination policies), and immoral conduct in the performance of his/her duty. The faculty member's department chair, appropriate Academic Dean, or the Provost will present a case for termination to the Grievance

Committee. The Committee will set a time for meeting and will give the faculty member an opportunity to present his/her own case. When the Committee has reached a recommendation, it will notify all parties. The Provost will render his/her decision whether or not to terminate the employment of the faculty member. If his/her decision is different from the recommendation of the Grievance Committee, the Provost will set out his/her reasons. The decision of the Provost may be appealed by the faculty member concerned directly to the President. In all instances, the President's decision shall be final.

If in the judgment of the Administration, there is a likelihood of immediate harm to student(s), other faculty, or the faculty member him/herself, the faculty member may be suspended with pay pending the resolution of the hearing, decision, and appeal process.