Full-Time Faculty Termination

West Virginia Northern Community College

Effective Date: June 24, 2004

Date Approved by WVNCC Board of Governors: June 24, 2004

Authority Reference: HEPC Series 9, Section 8, 10, 12, 13, 14, and 17 (www.hepc.wvnet.edu);
WV Code 29-6A (www.legis.state.wv.us/legishp.html)

Rule: West Virginia Northern Community College will carry out any necessary terminations following rules of the West Virginia Council for Community and Technical College Education and this adopted rule of the College’s Board of Governors. In doing so, the College officials will follow the professional ethics of the profession, the State and College and expect the same of faculty members involved.

Faculty Resignations: A full-time tenured or term faculty member desiring to terminate an existing appointment during or at the end of the academic year, or to decline re-appointment, shall give notice to the President in writing at the earliest opportunity. Failure by a faculty member to sign or execute an offered annual contract or notice of appointment by the date indicated by the College for its execution, or failure to undertake the duties under such document at a reasonable time, shall be deemed to be abandonment of employment with the institution and any rights to tenure or future appointment. Faculty objecting to terms of such document do not waive their objections to such terms by signing or executing the document.

Dismissal for Cause: A full-time tenured or term faculty member may be dismissed for cause, as outlined in HEPC: Series 9, Section 12.1 and 12.4. Prior to giving the faculty member a written dismissal notice, the College will notify the faculty member of the intent to give the written dismissal notice, the reasons for the dismissal, and the effective date of the dismissal. The faculty member shall have an opportunity to meet with the institutional designee prior to the effective date to refute the charges. The formal notice of dismissal for cause will be given the faculty member in writing by certified mail, return receipt requested, which dismissal notice shall contain full and complete statements of the charge or charges relied upon; and a description of the appeal process available to the faculty member.

Termination Due to Reduction or Discontinuance of an Existing Program: A full-time tenured or term faculty member’s appointment may be terminated because of the
reduction or discontinuance of an existing program as a result of a review of the program, in accordance with the appropriate rule relating to review of academic programs, provided no other program or position requiring equivalent competency exists. Consistent with the College’s “Multi-Year Process for Curriculum Evaluation,” the impacted faculty member is involved in the review to the degree appropriate. Individual faculty and College officials should be pro-active in identifying potential reductions and/or changes in duties commensurate with the faculty member’s training and experience. Individual faculty Professional Improvement Plans should reflect such potential preparation for change.

If a person is terminated and, within two years following the reduction or discontinuance of a program, a position becomes vacant for which the faculty member is qualified, the institution shall make every effort to extend first refusal to the faculty member so terminated.

Written notice of non-retention because of program reduction or discontinuance will be given a faculty member by certified mail, return receipt requested. For tenured faculty members, the notice will be given at least one year before the expiration of an appointment. For term faculty members, the notice will be given as early as possible but no later than March 1 of the academic year in which the appointment ends.

**Termination due to Financial Exigency:** A full-time tenured or term faculty member’s appointment may be terminated because of a financial exigency, as defined and determined by the WVNCC Board of Governors. Such termination would follow adoption of a College plan for meeting financial exigency, developed through a collaborative assessment by representatives of administration and faculty, and reported to the West Virginia Council for Community and Technical College Education prior to implementation. Notices of such termination will be given the faculty member in writing by certified mail, return receipt requested. Such notice shall provide the rationale used for the determination of a financial exigency; a copy of the implementation procedures used by the institution related to the financial exigency and a delineation of the rationale used for the termination of the faculty member; and a description of the appeal process available to the faculty member. Notification will be given as early as possible. To the extent financially feasible, the dates of formal notification for tenured faculty will be one year prior to the expiration of the appointment and notice for term faculty will be by March 1 of the expiration of the appointment.

**Appeal Process:** A faculty member wishing to grieve or appeal any action of the institution, including dismissal or termination, may utilize the procedures set out in WV Code 29-6A.