

SUSPENSION/DISCHARGE APPEALS

A full-time faculty member's appeal of an administrative decision on suspension and/or dismissal will be heard by the Hearing Committee.

- A. The Hearing Committee shall be an ad hoc committee based on the selection process outlined in the Faculty Council by-laws.
- B. If a faculty member elects to appeal an administrative decision on dismissal or suspension, he/she must request a hearing before the Hearing Committee within twenty-one (21) business days after receiving notice of the dismissal or suspension. The request shall consist of a written memo addressed to the Faculty Council President, who in turn will notify the College President within five (5) business days. The memo should be delivered to the Faculty Council President so that he/she may explain the formation and procedure of the Hearing Committee. The Faculty Council President shall explore possible dates for the first meeting of the committee.
- C. If possible, within five (5) business days after receiving a request, the Faculty Council President will count the sealed ballots in the presence of a member of the Executive Committee of the Faculty Council, notify the faculty that have been elected to the Hearing Panel, and determine a date to select the five (5) members of the ad hoc Hearing Committee. Under no circumstance shall the name of a faculty member requesting a hearing, or the names of the panel members be publicly revealed before the selection of the Hearing Committee.
- D. Neither the faculty member requesting a hearing nor anyone in the chain of command responsible for him/her may serve on the selected Hearing Committee. At the meeting of the Hearing Panel, the Faculty Council President shall delete any such individuals from the Hearing Panel and then the Faculty Council President shall select by lot, in the presence of the faculty member requesting the hearing and administrative representatives, the five (5) members of the ad hoc Hearing Committee. The members of the newly selected committee will then select a Chair.
- E. A hearing should take place on a date no more than ten (10) business days following the selection of the Hearing Committee. The Chair of the Hearing Committee shall determine the date of the Hearing. The Chair shall attempt to find a date satisfactory to the faculty member and the Administration.
- F. The proceedings of the Hearing Committee shall be confined to the concerned faculty member and administrative representatives; their advisors or counsel; the witnesses called by the concerned faculty member, the administration, security (if requested), or the Hearing Committee itself; and such observers as the Hearing Committee and/or administration may specifically invite. All proceedings of the Hearing Committee shall be confidential until the committee has reached a decision.

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- G. Both the administration and the concerned faculty member shall be entitled to be represented by counsel, to present evidence, to ask questions of witnesses, and to introduce written documents which bear upon the concerned faculty member's continued status. No formal rules of evidence shall apply. Any counsel retained by the concerned faculty member shall be paid by the faculty member.
- H. The order of presentation shall be determined by the Hearing Committee and explained by its Chair. A Hearing may be adjourned by decision of the Hearing Committee and reconvened at a time mutually agreeable to all parties. Official record of the Hearing will be maintained by recording.
- I. At the conclusion of presentations, both the administration and the concerned faculty member or counsel for each, shall have an opportunity to make brief concluding statements to the Hearing Committee.
- J. The Hearing Committee shall render its decision by simple majority vote, taken by secret ballot, with no record of the votes of individual committee members. The votes shall be immediately counted by the Chair in the presence of all committee members. This vote must be taken and conveyed to the College President and the concerned faculty member within forty-eight (48) hours of completing the hearing.
- K. The decision of the Hearing Committee may be appealed to the Board of Trustees by either party. In the event that neither party files an appeal within five (5) business days after the decision is rendered, the decision of the Hearing Committee shall be considered as final.
- L. If either party decides to appeal to the Board of Trustees, the College President will deliver a recording of the Hearing to the Board of Trustees Chair and the concerned faculty member.
- M. The Board's hearing of the case shall be conducted in closed session unless the faculty member requesting the hearing asks for an open session. The Board's hearing shall be based on the recording of the Hearing. No evidence shall be presented to the Board except a copy of the recording, appropriate college policies, and documents presented at the Hearing, but arguments may be presented to the Board by both the administration and the concerned faculty member. The decision of the Board shall be final and will be communicated in writing to the College President.
- N. A faculty member seeking a hearing and a faculty member or other person seeking to appeal a hearing must comply with the time limits set forth herein. The time limits provided for the Hearing Committee and for others dealing with the Hearing are the desired time periods for action to be taken, but the failure to comply with these time limits shall not affect the validity of any action taken or violate the rights of any faculty member or other person.

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