

DISMISSAL

Allegany College follows a Due Process Procedure that is applicable to all professional staff during the period of contract. Nonrenewal of probationary contracts or administrative contracts can take place at the end of the contract period without regard to the procedure outlined as follows.

Due Process Proceedings

- A. Adequate cause for a dismissal shall be related directly and substantially to the fitness of a professional staff member in his or her professional capacity or in cases affected by retrenchment. The threat of dismissal shall not be used to restrain professional staff members in their exercising academic freedom or other rights as American citizens.

- B. Informal process: dismissal of a professional staff member with continuous tenure, or with a special or probationary appointment before the end of the specified contractual term, shall be preceded by the following informal steps in sequential order:
 - 1. Discussions between the professional staff member and the appropriate administrative officer looking toward a mutual settlement.

 - 2. In cases affecting faculty, an informal inquiry shall be conducted by a committee of five faculty, one from each professional rank, appointed by the Faculty Senate. The committee may, in failing to effect an adjustment, determine whether or not formal dismissal proceedings should be undertaken without its opinion being binding on the President. Hereafter, not more than one of the original committee shall serve on the formal Hearing Committee.

 - 3. In cases affecting administrators, an informal inquiry shall be conducted by the President's Council, which may, in failing to effect an adjustment, determine whether or not formal dismissal proceedings should be undertaken without its opinion being binding on the President. Hereafter, no more than one member of the President's Council shall serve on the formal Hearing Committee.

- C. Formal process: Dismissal of a professional staff member with continuous tenure or with a special or probationary appointment before the end of the specific contract term shall be preceded by the following formal steps in sequential order:
 - 1. A statement of reasons framed with reasonable particularity by the President or the President's delegate.

 - 2. In a case involving a faculty member, the faculty member shall have the right to be heard initially by only the elected members of the Faculty Status committee plus two additional members appointed by the Faculty Senate from those professional faculty ranks not represented on the Committee.

 - 3. In a case involving an administrative staff member, the administrative staff member shall have the right to be heard initially by only the elected members of the Faculty Status Committee plus two additional members appointed by the President from the administrative staff.

4. Hereafter, such a committee shall be referred to as the Hearing committee.
5. The Hearing Committee shall elect a chairperson to preside during a hearing.
6. Members of the Hearing Committee deeming themselves biased or partial in a case shall be disqualified through either their own initiative or at the request of either party in the case.
7. Each party in the case shall have a maximum of two challenges without stated cause in reference to any member, elected or appointed, on the Hearing Committee.
8. In cases involving a faculty member, the final Hearing Committee shall be composed of no fewer than seven faculty members.
9. In cases involving an administrative staff member, the final Hearing Committee shall be composed of no fewer than five faculty and two administrators (seven total members).
10. The President may immediately suspend a professional staff member or administrator if, in the judgment of the President, harm to the staff member or others or the welfare of the College is threatened by the staff member's continuance. The length and conditions of such a suspension will subsequently be discussed with the Hearing Committee, pending ultimate determination of the staff member's status through the College's hearing procedures. A suspension which is intended to be final is a dismissal and shall be considered as such.
11. The Hearing Committee may, with the consent of the parties concerned, hold joint prehearing meetings with the parties in order to:
 - a. Clarify the issues,
 - b. Effect stipulations of facts,
 - c. Provide for the exchange of documentary or other information, and
 - d. Achieve such other appropriate prehearing objectives which will make the hearing fair, effective, and expeditious.
12. To commence the hearing process, service of notice of the hearing with specific charges in writing shall be made at least twenty (20) calendar days prior to the hearing. The professional staff member may waive a formal hearing or may respond to the charges in writing at any time before the hearing.
13. The Hearing Committee shall exercise its judgment as to whether the hearing shall be public or private, in consideration of Article 76A of the Annotated Code of Maryland.
14. During the proceedings, the professional staff member and the College shall be permitted to have an advisor and/or counsel of choice.
15. A verbatim record of the hearing shall be taken and a typewritten copy shall be made available

to the professional staff member without cost.

16. The Hearing Committee shall grant adjournments of reasonable length to enable either party to investigate evidence to which a valid claim of surprise is made.
17. The professional staff member and the College shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence and shall cooperate with the Hearing Committee in securing such witnesses and making available such evidence.
18. The professional staff member and the College shall have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the Hearing Committee determines that the interests of justice require admission of their statements, the Hearing Committee shall identify the witnesses, disclose their statements, and if possible provide for interrogatories. The professional staff member retains the right to refuse to testify in the case.
19. In the hearing of charges of incompetence, the testimony may include that of qualified professional staff members acceptable to the Hearing Committee from Allegany College or other institutions of higher education .
20. The Hearing Committee shall not be bound by strict rules of legal evidence and may admit any evidence which is of value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
21. The findings of fact and the recommendation of the Hearing Committee shall be based solely on the hearing record.

Action by the Board of Trustees

- A. Upon the recommendation by the Hearing Committee or the President that dismissal is appropriate in the case involving a professional staff member, the Board of Trustees shall review the case and shall render a decision based on all records and communications received from the Hearing Committee and the President. Final authority shall rest with the Board of Trustees.
- B. The Board of Trustees may provide opportunity for argument, oral, or written, or both, by the principals or by their representatives.
- C. The Board of Trustees, at its discretion, may remand the case to the Hearing Committee for the production of additional evidence.

Terminal Salary or Notice

- A. If the appointment is terminated by the Board of Trustees, the continuation of the staff member's salary shall be determined by the terms of contract.
- B. On the recommendation of the Hearing Committee or the President, the Board of Trustees, in

determining what, if any, payments shall be made beyond the effective date of dismissal, may take into account the length and quality of service of the staff member.

Academic Freedom

All professional staff members, whether tenured or not, are entitled to academic freedom as set forth in the 1940 Statement of Principles on Academic Freedom and Tenure formulated by the Association of American Colleges and the American Association of University Professors and adopted as policy by the Board of Trustees of Allegany College.

These dismissal procedures were adapted from the "1976 Recommended Institutional Regulations on Academic Freedom and Tenure" as published by the American Association of University Professors in the AAUP Bulletin, August 1976, pp. 184-191, to be appropriate for Allegany College.