



Policy Number: IV.14
Policy Level: Operating Policy
Originally Issued: October 8, 2014
Reviewed: May 23, 2018
Reviewed: November 4, 2021
Policy Owner: President
Policy Implementation: Provost/VP for Academic Affairs

Termination, Transfer and Suspension of Faculty

I. Policy Statement and Purpose

In accordance with Athens State University's mission, this policy delineates the termination, transfer and suspension of faculty at Athens State University.

II. Adjunct/Part-Time/Other Faculty

Unless as otherwise limited and specifically stated, all faculty, including but not limited to, Adjunct/Part-Time Faculty members, are at-will employees, whose employment may be continued, discontinued, transferred, modified, suspended, and/or terminated at any time by the University at its sole discretion.

III. Non-Tenure Track Faculty Member

Non-tenure track faculty members are appointed to non-tenure track positions at the University. Their appointments shall begin at a specified date and end at a specified date. A non-tenure track faculty member has no expectation or entitlement to continued employment beyond the end of each appointment. The decision and option to extend or renew a non-tenure track faculty appointment rests solely and exclusively with the University, and the faculty member is under no obligation to agree to such an extension or renewal.

A Non-Tenure Track Faculty Member's employment may not be terminated before the end of his/her appointment except for adequate cause, or because of bona fide financial exigency or demonstrable need to discontinue or substantially modify an academic program, unit, or department resulting in diminished personnel requirements. In such cases, the President or designee will inform the faculty member of the charges/reasons and the action to be taken. In such case, when a faculty member does not dispute the adequate cause, or the bona fide financial exigency or demonstrable need to discontinue or substantially modify an academic program, the faculty member may resign immediately or receive immediate termination. When a dispute exists, the [Employee Grievance Procedure](#) policy will be followed where applicable.

Otherwise, a Non-Tenure Track Faculty Member is an at-will employee, whose employment may be transferred (with or without loss of pay), modified, and/or suspended (with or without loss of pay) at any time by the University at its sole discretion.



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IV. Tenure Track Faculty Member

Tenure Track Faculty Members are employed from academic year to academic year unless otherwise notified by the University. Continued employment of tenure track faculty members is determined by the President with consideration of recommendations from the appropriate departmental faculty, department chairs and deans.

Non-Renewal

If a tenure track faculty member's employment is not to be renewed for the succeeding academic term, the President or designee will inform her or him in writing.

- First year faculty members will be informed no later than March 1st prior to the beginning of the next academic year.
- Second year, faculty members will be informed no later than December 1st prior to the beginning of the next academic year.
- Those with three or more years of service will be informed no later than October 1st prior to the beginning of the next academic year.

No reasons for non-renewal of tenure track faculty members need be given. The option not to renew a tenure track faculty member rests solely and exclusively with the President. A Tenure Track faculty Member has no expectation of renewal from academic year to academic year.

Termination

Except in the case of a non-renewal as explained above, a Tenure Track Faculty Member may not be terminated before or at the end of the current academic year except for adequate cause, or because of bona fide financial exigency or demonstrable need to discontinue or substantially modify an academic program, unit, or department resulting in diminished personnel requirements. In such cases, the President or designee will inform the faculty member of the charges/reasons and the action to be taken, and when a faculty member does not dispute the adequate cause or other reason, the faculty member may resign immediately or receive immediate termination. When a dispute exists, the [Employee Grievance Procedure](#) policy will be followed where applicable.

Otherwise, a Tenure Track Faculty Member is an at-will employee, whose employment may be transferred (with or without loss of pay), modified, and/or suspended (with or without loss of pay) at any time by the University at its sole discretion.



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V. Tenured Faculty Member

A tenured faculty member may be terminated because of bona fide financial exigency or demonstrable need to discontinue or substantially modify an academic program, unit, or department resulting in diminished personnel requirements.

Otherwise, a tenured faculty member may be terminated only for adequate cause. "Adequate cause" must be directly and substantially related to performance of academic duties and responsibilities or to fitness to perform academic duties and responsibilities.

Adequate cause includes, but is not limited to, the following:

- A. academic and/or professional incompetence;
- B. physical or mental incapacity to perform duties;
- C. insubordination, defined as refusal to perform teaching responsibilities and/or other assigned duties;
- D. abandonment of position (including abandonment due to incarceration);
- E. moral turpitude or serious professional or personal misconduct, examples of which are:
 - a) commission of a misdemeanor or felony involving moral turpitude;
 - b) conviction for a felony;
 - c) willful destruction of University property or violent disruption of the operation of the campus;
 - d) accepting or soliciting gifts that might influence or tend to influence the discharge of one's professional responsibilities;
 - e) plagiarism;
 - f) misuse or misappropriation of University property or funds;
 - g) sexual or racial harassment;
 - h) illegal use or distribution of drugs, narcotics, or controlled substances; and
 - i) intentionally or knowingly violating any University policy, order, rule, or regulation. Faculty are presumed to have knowledge if such orders, rules, or regulations are published as University policy.

In such cases, the President or designee will inform the faculty member of the charges/reasons and the action to be taken. In such case, when a tenured faculty member does not dispute the adequate cause, or the bona fide financial exigency or demonstrable need to discontinue or substantially modify an academic program, the faculty member may resign immediately or receive immediate



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termination. When a dispute exists, the procedures outlined in the current [Employee Grievance Procedure](#) will be followed.

A tenured faculty member shall normally receive notice of the termination at least one calendar year in advance.

The President may suspend a tenured faculty member (or place a faculty member on administrative leave) at any time, with or without salary and benefits, from his/her assigned duties at the

President's discretion to safeguard the health and safety of faculty, students, or employees of the University; to prevent a disruption of the normal operations of the University; or upon the recommendation of a department head or dean. However, a tenured faculty member may appeal his/her suspension through the current [Employee Grievance Procedure](#), if salary and benefits have been suspended.

The President may transfer a tenured faculty member at any time, with or without a loss of compensation. However, a tenured faculty member may appeal his/her transfer through the [Employee Grievance Procedure](#), if such transfer results in a loss of compensation.

Other personnel and/or employment actions relating to tenured faculty members may be appealed through the [Employee Grievance Procedure](#), to the extent provided for therein.

VI. Application of Policy to Faculty Members Employed Prior to October 1, 2012

This policy only applies to personnel actions (including terminations, transfers and suspensions) affecting faculty members that (i) were not employed by the University on October 1, 2012, or (ii) were employed by the University on October 1, 2012, but that no longer retain any and all rights and privileges in Title 16, Chapter 24C, as extended by § 16-47A-11 of the Code of Alabama, as amended, due to, for example, a break in employment.

Personnel actions (including terminations and suspensions) affecting faculty members that were employed by the University on October 1, 2012 (unless such faculty members no longer retain any and all rights and privileges in Title 16, Chapter 24C, as extended by § 16-47A-11 of the Code of Alabama, as amended, due to, for example, a break in employment) are governed by Title 16, Chapter 24C of the Code of Alabama, pursuant to § 16-47A-11 of the Code of Alabama, as amended.



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VII. Responsibility for this Operating Policy

Policy Owner

As part of the initial approval of this policy by the President and subsequent to the original dissemination of the policy, the President remains the policy owner for the ongoing evaluation, review, and approval of this policy. Subsequent reviews and revisions to this policy must be in accordance with approved operating policy procedures and processes.

This policy will be reviewed every three years or more frequently as needed. This policy may be changed, amended, and/or altered at any time, and no person has any protected right in any particular provision or process contained herein.

Responsibility for Policy Implementation

The President has assigned the responsibility of implementing this policy to the Provost/Vice President for Academic Affairs.