

## **Policy 2106**

### **Title: Instructional Faculty Separation from Employment**

**Date of Current Revision: August 2023**

**Responsible Officer: Provost and Senior Vice President for Academic Affairs**

#### **1. PURPOSE**

This policy provides the procedures for separation from employment for instructional faculty members, including nonrenewal, expiration of contract, termination, retirement, or resignation.

#### **2. AUTHORITY**

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

#### **3. DEFINITIONS**

##### **At-will Employee**

A faculty member who has no legitimate expectation of the continuation of an employment relationship with the university.

##### **ePAR - Electronic Personnel Action Request**

Electronic form used for personnel actions such as Hires (includes hires, rehires, and transfers), Job Changes, and Status Changes.

- The Hire form encompasses the hire, rehire, or transfer personnel action requests, the pay action worksheet (PAW), and the onboard form and hours reporting (when part-time account codes are entered).
- The Job Change form is used to make changes to current jobs. (working title, supervisor, job code, salary).
- The Status Change form is used to terminate a job or put an employee on leave.

The ePAR will route to approvers based on routing rules set up by department. At any point in the routing of an ePAR, the initiator can check the status of the ePAR by going to View an ePAR and searching on the eForm#.

Those initiating ePARs must complete IT Training's HRMS: ePAR training.

##### **Expiration**

The natural and automatic termination of a fixed term contract of employment.

##### **Financial Exigency**

A severe financial crisis within the university, declared by the president and Board of Visitors, which cannot be satisfactorily alleviated by less drastic means than the termination of tenured faculty members.

##### **Fixed term contract**

An employment contract with a specific termination date or length of duration.

**Inability to perform for medical reasons**

A determination by the university that a faculty member is unable to perform the essential functions of their position due to medical reasons, with or without reasonable accommodations. The Policy on Disabilities and Reasonable Accommodations is found in Policy [1331](#).

**Instructional faculty**

A faculty member whose primary responsibility includes teaching, scholarly achievement and professional qualifications, and professional service.

**Nonrenewal**

A decision by the university not to renew the appointment of a faculty member.

**Program elimination**

A decision by the university to eliminate an academic program, and terminate its faculty.

**Program reduction**

A decision by the university to reduce the number of faculty within an academic program.

**Resignation**

Voluntary separation from employment initiated by a faculty member.

**Retirement**

Voluntary separation from employment initiated by a faculty member, and election to enter into a retirement program offered by the university.

**Separation**

The severance of the employment relationship between the faculty member and the university.

**Termination**

A decision by the university to terminate the employment of a tenured or untenured faculty member during the term of a contract, or an at-will employee at any time.

**4. APPLICABILITY**

This policy relates to the separation from employment of all full-time instructional faculty members, including visiting appointments; tenured, tenure-track, renewable term, and untenured appointments; academic year, calendar year, fixed term appointments and interim appointments. It also applies to professional librarians.

For separation procedures in specific instances, see the Faculty Handbook, Section III.F.

**5. POLICY**

The procedures in this policy must be followed in the separation of faculty members from employment at James Madison University.

- 5.1 Resignation:** faculty member may resign their appointment at any time provided that written notice is given at the earliest possible opportunity. It is expected that a faculty member will provide at least a three month notice of resignation from the university, and will fulfill the obligations of the current assignments before the resignation becomes effective. The university reserves the right to accept the resignation immediately or establish a date prior to the expiration of the current contract in order to provide for the orderly operation of the institution or as a negotiated alternative to dismissal for cause. See Faculty Handbook, Section III.F.1.
- 5.2 Expiration:** Failure to renew the appointment of a faculty member on a fixed-term contract upon the expiration of the contract requires no action by the university and no notice to the faculty member. It is not an appealable personnel action. See Faculty Handbook, Section III.F.2.
- 5.3 At-will Employees:** At-will employees may be terminated at any time upon notification from the university. Such termination is not an appealable personnel action. See Faculty Handbook, Section III.F.2.
- 5.4 Nonrenewal:** Untenured faculty members have no right to renewal of their appointments. The university may choose not to renew the appointment of an untenured faculty member for any reason provided the reason does not violate academic freedom. See Faculty Handbook, Section III.F.3.
- 5.5 Termination:** The employment of a tenured or untenured faculty member may be terminated at any time by the university as a sanction for misconduct. See Faculty Handbook, Section III.A.26. The employment of a tenured faculty member may be terminated at any time by the university as a sanction following failure to satisfactorily complete remediation following a post-tenure review of a tenured faculty member. See Faculty Handbook, Section III.E.8.m. Additionally, a faculty member may be terminated because of a financial exigency (Faculty Handbook, Section III.F.4.a.), because of a program reduction, elimination, or discontinuance (Faculty Handbook Section III.F.4.b.), or because of the faculty member's inability to perform their job duties due to medical reasons. (Faculty Handbook, Section III.F.4.c.)

A faculty member separated from employment is required to complete appropriate forms to finalize matters relating to their employment, including insurance, retirement, university property, and compensation. Failure to complete the appropriate forms may result in abandonment of rights or benefits. Faculty members are also required to return all university property (such as electronic equipment, travel cards, keys, etc.) and all electronic or hard copy grade books for the preceding academic year. (Faculty Handbook, Section III.A.2.b.15.)

## **6. PROCEDURES**

### **6.1 Nonrenewal**

The procedures for nonrenewal of a tenure track faculty member undergoing review for tenure are in the Faculty Handbook, Section III.E.7. The procedures for nonrenewal of a tenure track faculty member prior to undergoing review for tenure, and for RTA faculty members, are in the Faculty Handbook, Section III.F.3. Academic unit heads must submit an ePAR to the Office of Human Resources for each nonrenewal within three business days after the supervisor

becomes aware of the employee's separation, but before the date of the faculty member's separation from employment.

## **6.2 Termination**

The procedures for termination are found in the faculty handbook as follows:

- As a sanction for misconduct: Section III.A.26.
- As a sanction following a post-tenure review: Section III.E.8.
- Financial exigency: Section III.F.4.a.
- Program reduction or elimination: Section III.F.4.b.
- Inability to perform for medical reasons: Section III.F.4.c.

Academic unit heads must submit an ePAR to the Office of Human Resources for each faculty member who is terminated within three business days of the completion of appropriate procedures for termination.

## **6.3 Resignations and Retirements**

Academic unit heads must submit an ePAR to Human Resources for each faculty member who resigns or retires within three business days of notification, but before the date of the close of the next pay period following the effective date of the resignation.

## **6.4 Expiration of Contract**

No ePAR is needed to document the separation of a faculty member whose contract expires.

## **6.5 At-will Employees**

In order to separate an at-will employee from the university, the academic unit head must generate an ePAR and send it to the Office of Human Resources within three business days of notification.

## **6.6 Campus Clearance**

Upon receipt of the ePAR reflecting a nonrenewal, resignation, termination, or separation from employment, Human Resources will e-mail the faculty member's supervisor of record a notification indicating this employee has been separated from employment. This email includes a list of items (such as University property and grade books for the preceding academic year) the supervisor is responsible for obtaining from the employee. Human Resources will also notify pertinent departments of the employee's pending separation from the university.

## **7. RESPONSIBILITIES**

Faculty members are responsible for notifying the university in a timely manner of their intent to resign or retire.

Academic unit heads and direct supervisors are responsible for following the procedures for separation of faculty members from employment, submitting the ePAR to the Office of Human Resources in a timely manner, and facilitating the return of all university property and grade books for the preceding academic year from the separating employee.

Deans are responsible for reviewing and approving all faculty separation practices and procedures used within their colleges and ensuring that the practices and procedures conform to university policies.

The Provost and Senior Vice President for Academic Affairs is responsible for reviewing and approving all faculty separation practices and procedures for instructional faculty.

The Director of Human Resources is responsible for processing the ePAR's separating the faculty member from employment, and for communicating with the supervisor of record to facilitate the return of all university property. Human Resources will also send benefits-related information to the faculty member separating from the university and dependents as required by state or federal legislation.

When notified of a faculty member's pending separation, various departments (computer loans, parking, etc.) are responsible for contacting the faculty member to settle any outstanding accounts.

All departments, offices and employees that generate, receive or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) – Records Management.

## **8. SANCTIONS**

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

## **9. EXCLUSIONS**

The procedures detailed in this policy do not apply to A&P faculty or to part-time faculty members. The policy on separation of Administrative and Professional faculty members is found in Policy [1335](#).

This policy does not apply to demotions, removals or changes in assignment, or termination of specific assignments or administrative appointments of faculty members who remain employed by the university.

## **10. INTERPRETATION**

The authority to interpret this policy rests with the president, and is generally delegated to the Provost and Senior Vice President for Academic Affairs.

**Previous Version:** September 2010

**Approved by the president:** May 2002