Policy 2106
Instructional Faculty Separation from Employment

Date of Current Revision: November 2026
Responsible Officer: Provost and 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.

Designated Electronic Method
The university-approved electronic method used to initiate, route, approve, report, and track personnel actions, including hires, rehires, transfers, job changes, status changes, leave actions, and separations.

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, research and scholarly/creative activity, and 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.

5. POLICY

An instructional faculty member's appointment with the university may end for a variety of reasons, whether initiated by the instructional faculty member or by the university. The following sections identify the different forms of separation from employment.

5.1 Resignation

A 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 three months' notice of resignation to the university and fulfill the obligations of current assignments before the resignation becomes effective. The university reserves the right to accept the resignation immediately or to establish a date prior to the expiration of the current contract to ensure the orderly operation of the institution, or as a negotiated alternative to dismissal for cause.

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.

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.

5.4 Nonrenewal of Untenured Faculty Members

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.

5.5 Termination

The university may terminate the employment of a tenured or untenured faculty member at any time as a sanction for misconduct. The university may also terminate the employment of a tenured faculty member who fails to satisfactorily complete a required remediation plan resulting from post-tenure review. In addition, a faculty member may be terminated due to financial exigency, program reduction, elimination, or discontinuance, or due to an inability to perform their job duties for medical reasons.

5.6 Separation Responsibilities

Upon separation from employment, faculty members are expected to complete all required separation and benefits-related documentation, as applicable, to address matters such as insurance, retirement, compensation, and other employment-related obligations. Faculty members are also required to return all university property, including electronic equipment, travel cards, keys, and other university-issued items, as well as electronic or hard-copy grade books from the preceding academic year.

6. PROCEDURES

6.1 Nonrenewal

Nonrenewal procedures for tenure-track faculty members undergoing tenure review are set forth in the Faculty Handbook, Section III.D.11.

Nonrenewal procedures for tenure-track faculty members who have not yet entered the tenure review process, as well as for renewable-term appointment (RTA) faculty members, are set forth in the Faculty Handbook, Section III.G.3.

For each non-renewal, academic unit heads must use the designated electronic method to report the status change promptly upon becoming aware of the relevant information.

6.2 Termination

Termination procedures are outlined in the Faculty Handbook for the following circumstances:

a. As a sanction for misconduct: Section III.L.4.
b. As a sanction following a post-tenure review: Section III.D.12.
c. Financial exigency: Section III.G.4.a.
d. Program reduction or elimination: Section III.G.4.b.

For each termination, academic unit heads must use the designated electronic method to report the status change promptly upon becoming aware of the relevant information.

6.3 Resignations and Retirements

For each resignation or retirement, academic unit heads must use the designated electronic method to report the status change promptly upon becoming aware of the relevant information.

6.4 Expiration of Contract

Academic unit heads do not need to use the designated electronic method to report the status change, as the contract's expiration serves as documentation of the separation.

6.5 At-will Employees

To separate an at-will employee from the university, academic unit heads must use the designated electronic method to report the status change promptly upon becoming aware of the relevant information.

6.6 Campus Clearance

Upon receipt of the notice 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) that 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

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 Vice President for Academic Affairs.

Responsible Executive: Provost and Vice President for Academic Affairs
Previous Version: August 2023
Approved by the president: May 2002