Termination of Appointment for Special Reasons

A. Termination of a faculty appointment with continuous tenure may occur under extraordinary circumstances because of a demonstrably *bona fide* financial exigency.

1. Definitions and procedures related to financial exigency and therefore to the conditions necessary for termination of a faculty member are described in “The Response of Dickinson College to Financial Exigency,” Chapter Eight, Section I, of this Handbook.

2. If on the basis of decisions made in accord with these procedures, the President of the College issues notice to a particular faculty member of an intention to terminate the appointment because of financial exigency, the faculty member may request a hearing before the Appeals Committee. The hearing need not conform in all respects with a proceeding conducted pursuant to Section IV, but the essentials of an on-the-record adjudicative hearing will be observed. The issues in this hearing may include:
   a. Whether procedures outlined in “The Response of Dickinson College to Financial Exigency” have been followed. The substance of the declaration of exigency, if arrived at by following these procedures, cannot itself be called into question.
   b. Whether the exigency criteria that have been developed are being properly applied in the individual case.

At the conclusion of this hearing, if the Appeals Committee concludes that procedures have not been followed or criteria properly applied, it shall report this to the President of the College, indicating the Committee's reasoning. The President of the College will then decide whether or not to terminate the faculty member's appointment. If the President's decision is at odds with the position of the Appeals Committee, the President will indicate that decision to the Committee and to the faculty member, in writing and with reasons, and will provide an opportunity for further response before transmitting the decision to the Board of Trustees. This decision will also be reported to the faculty member, and to the Faculty Meeting (but only if the faculty member in question requests it).

3. Before terminating a faculty appointment because of financial exigency, the College, with participation by the Faculty Personnel Committee, will make a bona fide effort to place the faculty member concerned in another appropriate faculty position within the institution.

4. In all cases of termination of a faculty appointment because of financial exigency, the faculty member concerned will be given notice of not less than one year, or one year's severance salary and all fringe benefits.
5. In all cases of termination of a faculty appointment because of financial exigency, the place of the faculty member concerned will not be filled by a replacement within a period of five years, unless the released faculty member has been offered reinstatement and thirty days in which to accept or decline the offer.

B. Termination of a faculty appointment with continuous tenure may occur apart from situations of financial exigency as a result of bona fide formal discontinuance of a program or department of instruction. The following standards and procedures will apply.

1. The decision to discontinue formally a program or department of instruction apart from situations of financial exigency will be based essentially upon educational considerations, as determined primarily by the Academic Program Committee and the faculty as a whole, in consultation with the President and the Dean of the College. Before a resolution of discontinuance is brought to the Faculty Meeting for action, faculty members in the department or program in question shall be given an opportunity to argue their case before the Academic Program Committee. Action by the Faculty Meeting to discontinue a program or department cannot be appealed nor the vote reconsidered for a minimum of five years unless those faculty dismissed as a result of the discontinuance are all offered reappointment.

2. Before the President of the College issues notice to a faculty member of intention to terminate an appointment because of formal discontinuance of a program or department of instruction apart from situations of financial exigency, the College will make a bona fide effort to place the faculty member concerned in another appropriate faculty position. If no such position exists within the institution, the faculty member's appointment then may be terminated, but only with one year's advance notice of termination, plus provision for at least one year's salary and fringe benefits in severance pay (or an alternative financial arrangement mutually acceptable to the faculty member and the College).

3. If the President of the College issues notice to a faculty member of intention to terminate that appointment because of formal discontinuance of a program or department of instruction apart from situations of financial exigency, the faculty member may request a hearing before the Appeals Committee. The hearing, and recommendations and decisions resulting therefrom, shall follow the same procedures outlined in Subsection A-2 except that the sole issue in the hearing shall be whether due process was provided the individual. The decision regarding formal discontinuance cannot be put in question.

C. Termination of a faculty appointment with continuous tenure may occur for reasons of health, physical or mental, provided there is clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. The decision to terminate will be made by the President of the College only after there has been appropriate consultation among the administration, the Faculty Personnel Committee, and the faculty member's department and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to
the evidence. If the faculty member so requests, the evidence will be reviewed by the Appeals Committee before a final decision is made. In the event that the faculty member's appointment is terminated for reasons of health, the person's salary and all fringe benefits will continue for at least one full year or until such time as long term disability insurance payments become effective.

D. In all cases of termination of a faculty appointment for special reasons, the final decision rests with the President of the College unless the faculty member chooses to appeal the decision for an ultimate review by the Board of Trustees.

E. These same considerations and procedures apply to a faculty member on a probationary appointment if it is proposed to terminate that appointment before the end of the specified term.

**Related Information**

**History/Revision Information**

**Responsible Office/Division:**

**Effective Date:**

**Last Amended Date:**

**Next Review Date:**

**Also Found In:** Academic Handbook