

Termination/Dismissal

Tenured and non-tenured faculty members may be dismissed from employment at any time for any of the following reasons:

1. "Serious Misconduct," which includes, but is not limited to, the following:
 - Exhibited professional incompetence;
 - Failure to perform duties or meet professional responsibilities of the faculty member's position, including, but not limited to, failure to perform as documented in a post-tenure review;
 - Failure to successfully complete any post-tenure review professional development program;
 - Engaging in behavior that adversely affects the University's or the faculty member's performance of duties or meeting of responsibilities;
 - Violating laws or committing University policy violations deemed to be terminable offenses by the University, provided that alleged violations of research integrity will be evaluated and adjudicated according to the Research Misconduct Policy and of sexual misconduct according to the Sexual Misconduct and Complaint Resolution Policy. It is the intent of this policy that the administrator or administrators designated to conduct hearings or otherwise adjudicate allegations under the Research Misconduct Policy and Sexual Misconduct and Complaint Resolution Policy shall have authority to dismiss tenured and non-tenured faculty members from employment as sanctions for violations of those policies without requiring additional proceedings under this Section;
 - Being convicted of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration;
 - Reporting to work under the influence of illegal drugs or alcohol or selling controlled substances on University premises;
 - Engaging in unprofessional conduct that adversely affects the University or the faculty member's performance of duties or meeting of responsibilities; and/or
 - Falsifying the faculty member's academic credentials;
 - Multiple violations of University policies or applicable laws that individually may not be deemed terminable offenses by the University, but when considered in the whole, may be deemed to be terminable offenses.
2. Actual financial exigency or the phasing out of University's programs that requires elimination of the faculty member's position; and/or
3. Other good cause as defined by the University, which may include, but is not limited to, the following:
 - Revocation or expiration of a mandatory professional license, certification, or security clearance necessary to teach, supervise students, or conduct research in a specific field; and/or

- Discontinuation, significant realignment, or restructuring of a program, academic unit, department, or division.

A faculty member may be suspended with, or without, pay during the pendency of dismissal proceedings.

The Executive Vice President and Provost, or their designee, shall provide to the faculty member written notice that includes the reason(s) for the proposed dismissal and an explanation of the evidence supporting dismissal. If the faculty member desires to contest the dismissal, they must request a hearing within five (5) working days of receipt of the notice of proposed dismissal or the dismissal will take effect immediately upon conclusion of the five-working-day notice period. Upon receipt of a request for a hearing, the Executive Vice President and Provost, or their designee, shall schedule a hearing with the faculty member, which will be scheduled to occur no later than ten (10) working days after the Executive Vice President and Provost's, or their designee's, receipt of the faculty member's request for a hearing. At the hearing, the faculty member may respond to the allegations and offer additional documentary and/or testimonial evidence. Should the faculty member desire to have witnesses testify in his/her favor, the faculty member is responsible for securing the witnesses' attendance. The Executive Vice President and Provost, or their designee, may decline to permit witness testimony or documentary evidence that is deemed irrelevant or duplicative. The faculty member also will be permitted to have an advisor of his/her own choosing who may act as non-legal counsel but is not permitted to question witnesses or participate directly in the hearing. The advisor may not be an attorney admitted to the practice of law before any State or Federal court. The faculty member is obligated to notify the Executive Vice President and Provost, or their designee, of the identity of their adviser, if any, within forty-eight (48) hours of selection. An audio recording of the hearing will be made available to the faculty member upon request and retained by the University for such time as is required under the applicable Records Disposition Authority.

Within ten (10) working days following the conclusion of the hearing, the Executive Vice President and Provost, or their designee, shall deliver their decision to the faculty member. If the Executive Vice President and Provost, or their designee, determines that dismissal from employment is appropriate, the dismissal shall be effective upon transmission of the decision to the faculty member via the University email system. There is no appeal from the decision of the Executive Vice President and Provost, or their designee.

Except for such simple announcements as may be required, in the University's sole discretion, or as may be required by law, public statements about the case by either the faculty member or the Executive Vice President and Provost, or their designee, should be avoided until the proceedings have been completed. A faculty member's failure to abide by this restriction may serve as independent grounds for dismissal that may be considered by the Executive Vice President and Provost, or their designee, at a hearing concerning the proposed dismissal of the faculty member.

This section may only be modified with approval of the Office of the Executive Vice President and Provost and must remain compliant with Alabama Code § 16-5A-50, *et seq.*