

FACULTY SENATE MINUTES

November 3, 2016

Call to order: A regular meeting of the Faculty Senate of the University of North Alabama was held in room 330 of the University Commons on November 3, 2016. The meeting convened at 3:30 p.m. with President David Brommer presiding.

Proxies: President Brommer recognized the following proxies: Jennifer Maddox for Amy Butler, Jeff Cornelius for Lisa Clayton, Jason Sulliman for Ian Loeppky, Tina Hubler for Jeff Ray, Kelly Latchaw for Alaina Reid, Lee Raney for Jessica Stovall, and Sandra Loew for Karen Townsend.

Members in attendance: Shane Banks, David Brommer, Daryl Brown, Amanda Coffman, Katherine Crisler, Sarah Franklin, Leah Graham, Mark Greer, Clarissa Hall, Dan Hallock, Felecia Harris, Keith Jones, Lisa Kirch, George Makowski, Glenn Marvin, John McGee, Janet McMullen, Prema Monteiro, Michelle Nelson, Katie Owens-Murphy, Lee Renfroe, Craig Robertson, Richard Statom, Daniel Stevens, Alexander Takeuchi, Rachel Winston, and Ryan Zayac. President Kitts and Vice President Thornell were also in attendance.

Members not in attendance (without proxy): Rae Atencio, Doug Barrett, Scott Infanger, Rachel McKelvey, Patricia Roden, and David Ruebhausen.

Approval of agenda: Richard Statom moved approval of the agenda. Sarah Franklin seconded the motion. The motion carried unanimously.

Approval of minutes: Richard Statom moved approval of the minutes of the October 6, 2016 meeting. Sarah Franklin seconded the motion. The motion carried unanimously.

Remarks from President Kitts: President Kitts updated the Senate on the two executive level searches. He reported that the Vice President for Academic Affairs search would be conducted first because this person typically starts in the fall semester and because of the importance of this position. The university will not be hiring a search consulting company for this search. These companies charge between \$50,000 and \$100,000. President Kitts feels that the search can be conducted successfully without using an external search consultant. The search for a new Chief Financial Officer will be postponed until the spring. Evan Thornton is doing a good job as interim CFO and filling the VPAA position is more urgent because Dr. Thornell will be stepping down soon and assuming a faculty position.

President Kitts reported that a \$28 million budget from the state was approved. He also pointed out that the University has never received a fair appropriation per student from the state. This is a fact that all the past presidents since Norton have identified as a problem. A public relations firm from Montgomery is coming to campus to help identify a strategy to increase this funding.

President Kitts reported that last year's Faculty/Staff Forum seemed to be well received and successful. Another such forum is planned for this year.

Remarks from Vice-President Thornell: Dr. Thornell discussed the campus poll about the upcoming election. Over 1,000 members of the University community responded. Dr. Tim Collins will discuss the results at noon on Friday, November 4th in the Stone Lodge.

Dr. Thornell also reminded everyone that Friday, November 4th is UNA First Friday. He encouraged everyone to support the event and thanked those taking their own time to represent UNA downtown on Friday and at Preview Day on Saturday.

Remarks from Academic Program Analysis Task Force Co-Chairs: Janna Beaver and Michael Pretes spoke about the Academic Task Force. They reported that the process will give a better understanding of how programs are doing and that that it will focus on program rather than departments. All minutes from the meetings will be posted online. The scoring scale will consist of three options: flourishing, stable, needs attention. Rating a program as “needs attention” may mean that the program needs more resources or faculty positions. The steps of the process will include: identifying metrics, collecting data, analyzing data, and reporting the findings. Requests will soon be sent to Deans and Department Chairs to review the metrics and give feedback. The Administrative Task Force will give an update at the December Faculty Senate meeting.

Reports:

Academic Affairs Committee: No report

Faculty Affairs Committee: The committee is working through the tenure and promotion revisions and preparing a complete “marked up” document for review with all the changes/edits.

Faculty Attitude Survey Committee: No report

Unfinished Business:

Due Process Procedures Proposal: Richard Statom moved to accept the document with spelling corrections completed and Sarah Franklin seconded the motion. The motion passed with one abstention. The corrections were as follows: in 3 B, reported was changed to reporter, and in section 3 C, concern was changed to concerned. (See Appendix A)

Revisions to Sections 3.12 of Faculty Handbook – Leave of Absence: Richard Statom moved to send the document back to Faculty Affairs to address the concerns discussed in the meeting; Craig Robertson seconded the motion. The motion passed. (See Appendix B)

New Business:

No new business.

Information Items:

Tenure and Promotion Update: The Faculty Affairs Committee is working to provide a fully marked up document for the December Faculty Senate meeting. If the document is accepted, it may be in force for 2017-2018 hires.

Shared Governance Vacancies: The committees listed below have open positions due to Marilyn Lee's upcoming retirement.

Online Learning Advisory Committee (Nursing – through 2018) – Senators were asked to bring names for nomination to the December Faculty Senate meeting

Shared Governance Executive Committee (At Large – through Spring 2017) – Senators were asked to bring names for nomination to the December Faculty Senate meeting. This faculty member must be tenured.

Next Meeting: The next meeting of Faculty Senate will be December 1 at 3:30 p.m. in Commons Room 330.

Adjournment: Richard Statom moved adjournment. Sarah Franklin seconded the motion. The motion carried. The meeting adjourned at 4:08 p.m.

Lee Renfroe/Amy Butler
Faculty Senator/Faculty Senate Secretary

Date of Approval: December 1, 2016



Date: August 19, 2016

To: Dr. Scott Infanger
Chair, Shared Governance Executive Committee

From: Amber Fite-Morgan, University Attorney
Catherine D. White, Assistant Vice President for Human Resources

CDW
afm

RE: Proposed Revisions to the Grievance and Due Process Policy

The first Due Process Hearing in over a decade took place on campus at the close of the Fall semester. Subsequently, the faculty members who served on the Due Process Committee made a recommendation that the Grievance and Due Process procedures be reviewed and revised based on their concerns that the current policy was outdated, vague, and left the procedures open to interpretation.

Based on the committee's recommendation, we reviewed applicable federal and state laws, policies of other universities, as well as relevant information from the American Association of University Professors. The following is a brief, noninclusive summary of the recommended changes to the Grievance and Due Process Policy:

- Based on best practices at institutions of higher education, the grievance portion was extracted from the due process portion, creating two distinct policies. The due process portion is attached to this memo as it is applicable only to faculty. The grievance portion will be proposed a separate policy applicable to both faculty and staff.
- Designated the VPAA as the decision maker in disciplinary suspensions and dismissals, thereby preserving the President for appeal of the initial action.
- Clearly defined the role of an advisor to parties of the hearing.
- Clearly specified deadlines for notices to parties, submission of evidence, etc.
- Built clarity and structure into the procedures.

Please find attached two versions of the proposed new Due Process Policy, one with comments and tracked changes and one in the final proposed version. In addition, the current Grievance and Due Process Policy is attached. Also, please note that if these revisions are approved, the following additional changes will need to be made to the Faculty Handbook:

- appropriate adjustment to Table of Contents,
- In section 2.6.2, delete "Grievance and" in the last paragraph, and
- In Section 2.7, add "tenured" before "faculty member justifies disciplinary action" and delete "Grievance and".

OFFICE of HUMAN RESOURCES and AFFIRMATIVE ACTION

UNA Box 5043, Florence, AL 35632-0001

P: 256.765.4291 | F: 256.765.5998 | www.una.edu

Equal Opportunity / Equal Access Institution

Grievance and Due Process Procedures

GRIEVANCE AND DUE PROCESS COMMITTEES

This policy is applicable to faculty members with property interests in their jobs either in the form of tenure or set amounts of time remaining on contracts when either is subject to disciplinary suspension and/or dismissal from employment for cause. To assure the protection of individual rights and due process in actions involving the disciplinary suspension, dismissal, or other termination for cause (see Faculty Handbook 2.6.2, Termination for Cause), of university employees, faculty members are entitled to procedural due process as outlined below: the following procedures may be invoked by written request of the affected employee:

Commented [A1]: Lewhigheredu.com, "Tenure"

Commented [A2]: The word "disciplinary" has been added to specify which type of suspension is subject to appeal. Appeals are not applicable to investigative suspensions because benefits and compensation are left intact.

Dismissal of a Tenured Faculty Member for Cause

Dismissal proceedings shall begin with a conference between the faculty member and the appropriate academic officer. The conference may result in agreement that the dismissal proceedings should be discontinued or that the best interest of the tenured faculty member and the University would be served by the faculty member's resignation. If this conference does not result in mutual agreement, the academic officer will submit a recommendation in writing with rationale to the faculty member and to the Vice President for Academic Affairs and Provost (VPAA). Within fourteen (14) days*, the VPAA should have a conference with the faculty member. At the conclusion of the conference the VPAA will make a written recommendation to the University President with a copy to the faculty member.

Notice of proposed action: The President/VPAA's notice/recommendation to the accused faculty member of the action proposed shall be in writing by certified or registered mail or by such other appropriate means as may provide delivery and proof of receipt. The notice/recommendation also shall also contain:

a statement of the charges or conditions supporting the action proposed as well as: notice of the accused faculty member's right to a full and fair hearing before a Due Process Committee according to the guidelines established in this policy; notice that such hearing shall be afforded only if requested in writing within ten days from the date of receipt of the Notice of Proposed Action, and that, if such request for a hearing is not received within this time limit, the right to a hearing shall be deemed to have been waived and the proposed action shall be imposed therewith or as specified in the notice; and information as to where a copy of the hearing procedures may be obtained.

Due Process Procedures

A faculty member who receives notice of recommendation of disciplinary suspension or dismissal by the VPAA may request, and shall be afforded, a hearing before a Due Process Committee. Failure to make a request in writing to the President within fourteen (14) days* after receipt of notification shall constitute a waiver by such faculty member of his/her right to a hearing before a Due Process Committee, and the President shall then make a final determination. On proper request for a hearing, as hereinafter provided, the President of the University shall shall establish an ad hoc committee of five persons from the appropriate list of

~~fifteen (15) nominees, from among tenured members of the University faculty, established for such purposes by the Faculty Senate at the beginning of each academic year, establish for grievance hearing an ad hoc committee of three persons and for a due process hearing an ad hoc committee of five persons. The committees shall be composed of university personnel appointed by the President, according to the classification of the person initiating the request, as follows:~~

Commented [A3]: Moved to grievance policy.

~~University Faculty: from among tenured members of the university faculty. If the need arises during the summer terms, the President, in consultation with the Faculty Senate President, may make temporary appointments to fill vacancies on the committee.~~

~~• with not more than one member for a grievance committee or two members for a due process committee also holding administrative appointment.~~

Commented [A4]: For numerous reasons, it is recommended that no administrator serve in this role.

~~• Non-Faculty Staff: from among members of the university faculty and non-faculty staff.~~

Commented [A5]: Moved to grievance policy.

~~• Students: from among members of the university faculty, non-faculty staff, and students.~~

Commented [A6]: Deleted. Addressed in Student Handbook.

Toward assuring a full and impartial hearing strictly on the merits of the cases, due regard shall be given to ~~the~~ appointment to committees of persons with appropriate expertise and without bias or direct interest in the outcome, to provision for peer representation where relevant, and ~~to to adherence to hearing procedures. In making committee appointments, the President may seek nominations from representative organizations such as, respectively, the Faculty Senate, and the Student Government Association. In cases involving a member of the university faculty as grievant or accused, the President shall, if so petitioned by the faculty member in the formal request for a hearing, make the committee appointments from the appropriate list of nominees established for such purposes by the Faculty Senate at the beginning of each academic year, one list to consist of nine nominees for grievance committees and one list to consist of fifteen nominees for due process committees. Persons appointed to a to grievance or Due Pprocess Ccommittees who deem themselves disqualified by reasons of bias or interest may be excused. The grievant or accused faculty member shall have the right of challenge of Ccommittee appointments for cause and, if in the judgment of the President a challenge is supported by adequate grounds, the member so challenged shall be excused. The President shall appoint replacements for members excused until a proper ccommittee is established. The President shall designate one member of the Ccommittee to act as chair or may appoint an additional ex officio nonvoting member to act as chair. The Ccommittees may adopt supplemental rules and regulations for their governance and operation which are not in conflict with this resolution.~~

Commented [A7]: Moved to grievance policy.

Due Process Hearing Procedures

1. Once a timely request for a hearing has been received by the President and a Due Process Committee has been established, the Committee shall, with due diligence, considering the interests of both the University and the faculty member affected, hold a hearing and report its findings and recommendations to the President and to the involved faculty member.

a. If proper request for a hearing is made, the hearing shall be afforded not sooner than fourteen (14) or later than 21 days* from the date of receipt of the request.

- unless, by mutual agreement, other time limits are established by written agreement.
- b. The Due Process Committee Chair, in collaboration with both the VPAA and the faculty member shall set the date, time, and place for the hearing and shall notify both parties of such in writing at least seven (7) days* before the hearing.
- i. The Committee or the Committee Chair may confer with the parties prior to the hearing in order to review procedures, provide for scheduling of witnesses and for any necessary exchange of documents or other information, and to achieve such other objectives as may make the hearing fair, effective, and expeditious. The Committee may consider, in advance of the hearing, the statement of grounds for the proposed action already formulated and such written response as the faculty member may elect to submit.
- ii. The Committee shall be responsible for establishing the order of procedure, for conducting the question of witnesses, for securing—if necessary—the presentation of evidence important to the case, and for developing such supplemental rules and procedures for its governance and operation as are not in conflict with other provisions of this resolution.
- c. At the discretion of the President, the faculty member may be suspended pending the outcome of the proceeding if such is determined to be in the best interest of the University, the faculty member, or both. Unless forbidden by law, the salary or wages of the faculty member so suspended will be continued during the time of suspension.
2. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the University will attempt to secure the cooperation of such witnesses and will make available necessary documents and other evidence within its control. No employee of the University, regardless of position, should be excluded or excused from appearing before the Committee, if available.
- a. Not later than four (4) days* before the hearing, the VPAA and the faculty member shall present to the Due Process Committee Chair a list of the names, addresses, and telephone numbers of all witnesses expected to be called to testify and the nature of the testimony and evidence to be offered by each witness.
- b. At least four (4) days* prior to the hearing, both parties shall be permitted to inspect any affidavits or exhibits he/she intends to submit at the hearing.
3. During the hearing:
- a. Both parties shall be permitted to have an advisor or attorney present who will not serve in a legal capacity but rather as a consultant. An advisor/attorney is not allowed to speak on the party's behalf, object in any manner to any

questions asked or discussions raised during the hearing, cross-examine or question witnesses in the hearing, or interrupt the hearing proceeding.

- b. A court reporter will be retained by the University to record the proceedings. A copy of the hearing transcript shall be prepared by the court reported and distributed to both parties at no charge.
- c. The Committee, in consultation with the parties concerns, will determine whether the hearing should be public or private.
- d. Both parties shall be afforded the right to present their versions as to the charges or circumstances and to present their respective cases by way of such statements, affidavits, witnesses, and exhibits as he desires.
- e. Both parties shall have the right to confront and cross-examine all witnesses. The Committee may grant adjournments to either party to permit the investigation of evidence to which a claim of surprise is made.
- f. The Committee shall not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Reasonable effort should be made to obtain the most reliable evidence available.

4. The hearing will begin with the VPAA (or the most appropriate academic administrator in the absence of the VPAA) presenting the case for dismissal and continue with the faculty member presenting the case against dismissal. Each side may introduce evidence and/or call witnesses as desired. The faculty member and the University will have the right to cross examine all witnesses present. Affidavits are admissible whenever a witness cannot appear.

5. The burden of proof that adequate cause exists rests with the University and will be satisfied only by a preponderance (majority) of the evidence. The findings of fact in the decision shall be based solely on the hearing record.

6. The Committee, in executive session, may conclude: a) that adequate cause for the action has been established by the evidence; b) that adequate cause for the action has not been established by the evidence; or c) that adequate cause for the action has been established, but a penalty less than the action, including removal of tenure, would be more appropriate. The Committee may make any other recommendations it determines are appropriate. The Committee's written findings and recommendations shall be made to the President.

7. Within 14 days* of the receipt of the Committee's written findings and recommendations report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the accused faculty member in writing. Should the President's decision be inconsistent with the findings and recommendations report of the Committee, the President shall state his/her reasons to the accused faculty member and to the Committee. Although the President's action

~~shall be final, except that the accused faculty member may appeal a reversed or modified adverse findings action to a subcommittee of the Board of Trustees.~~

8. The faculty member shall have the right to request the Board to review adverse findings and recommendations of the President. The request must be in writing and filed within fourteen (14) days* after final notification by the President. If the affected faculty member does not timely request the Board's review of the President's findings and recommendations, the President's determinations become final and binding.
9. If the appeal is filed timely, the Board has the discretion to determine whether the review will be a de novo hearing or a review of the record.
10. Public statements and publicity about the case by the University will be avoided until the proceedings, including consideration by the Board, have been concluded.

DUE PROCESS

~~To assure the protection of individual rights and due process in actions involving the suspension, dismissal, or other termination for cause of university employees, the following procedures may be invoked by written request of the affected employee:~~

Commented [A8]: Moved to first paragraph.

Due process procedures

~~Initiation of action: Any person may call to the President's attention in any reasonable manner—directly or through channels—any conduct or circumstance of any member of the university community thought to be violative of university rules or regulations or otherwise to merit action involving suspension, dismissal, or other termination for cause. The President, of his own volition, may investigate any such conduct or circumstance. If, after investigation, the President is of the opinion that such action should be taken, he shall give the person so accused or affected proper notice of the action proposed.~~

Commented [A9]: Reworded in second paragraph.

~~Notice of proposed action: The President's notice to the accused of the action proposed shall be in writing by certified or registered mail or by such other appropriate means as may provide delivery and proof of receipt. The notice also shall contain:~~

~~a statement of the charges or conditions supporting the action proposed; notice of the accused's right to a full and fair hearing before a Due Process Committee; notice that such hearing shall be afforded only if requested in writing within ten days from the date of receipt of the Notice of Proposed Action, and that, if such request for a hearing is not received within this time limit, the right to a hearing shall be deemed to have been waived and the proposed action shall be imposed therewith or as specified in the notice; and information as to where a copy of the hearing procedures may be obtained.~~

Commented [A10]: Moved to third paragraph.

~~Due process hearing: If proper request for a hearing is made, the hearing shall be afforded not sooner than 14 or later than 21 days from the date of receipt of the request, unless, by mutual agreement, other time limits are established by written agreement. On receipt of the request, the President shall proceed with the establishment of an appropriate Due Process Committee (as provided for under Grievance and Due Process Committees, above), informing the accused of the names of the members and providing reasonable opportunity and time for exercise of the rights of challenge. When a proper Due Process Committee is established, the accused shall be notified in writing of the date, time, and place set for the hearing at least seven days before the hearing. The notice shall contain the names of the witnesses and a summary of the nature of the testimony and evidence to be presented against the accused, and the accused and/or the accused's representative shall be permitted to inspect, at least three days in advance of the hearing, any affidavits or exhibits the University intends to submit at the hearing. However, the foregoing shall not prevent the presentation of evidence or testimony by the University that has not been disclosed to the accused, provided the University has good cause or justification for failure to disclose. The President shall designate an appropriate person or persons to present the case for the University.~~

Commented [A11]: Moved to Item 1a above.

Commented [A12]: Addressed in 1 above.

Commented [A13]: Moved to Item 1b above.

~~Not later than three days before the hearing, the accused shall present to the University or its attorney a list of the names, addresses, and telephone numbers of all witnesses expected to be called to testify and the nature of the testimony and evidence to be offered by each witness. The university representative shall be permitted to inspect at least three days in advance of the hearing any affidavits or exhibits the accused intends to submit at the hearing. However, the foregoing shall not prevent the presentation of evidence or testimony by the accused that has not been disclosed to the University, provided the accused has good cause or justification for failure to disclose.~~

Commented [A14]: Witnesses addressed in item 2, 3a, and 3b. Last sentence deleted as not equitable for both parties.

Commented [A15]: Deleted. Addressed in Item 4. VPAA will present on behalf of University.

Commented [A16]: Moved to 2 above.

Commented [A17]: This sentence deleted as not equitable to both parties.

~~At the discretion of the President, the accused may be suspended during the proceeding if immediate harm to the accused or to others is threatened by continuance or if there is other just and sufficient cause supported by substantial evidence. Unless forbidden by law, the salary or wages of the university employee so suspended will be continued during the time of suspension.~~

Commented [A18]: Moved (and modified) to Item 1c above.

~~Committee procedures: The Committee or the Committee Chair may confer with the parties prior to the hearing in order to review procedures, provide for scheduling of witnesses and for any necessary exchange of documents or other information, and to achieve such other objectives as may make the hearing fair, effective, and expeditious. The Committee may consider, in advance of the hearing, the statement of grounds for the proposed action already formulated and such written response as the accused may elect to submit.~~

Commented [A19]: Moved to item 1bl above.

~~The Committee shall be responsible for establishing the order of procedure, for conducting the question of witnesses, for securing—if necessary—the presentation of evidence important to the case, and for developing such supplemental rules and procedures for its governance and operation as are not in conflict with other provisions of this resolution.~~

Commented [A20]: Move to item 1bl above.

~~The Committee, in consultation with the parties concerned, shall exercise its judgment as to whether the hearing shall be private or public.~~

Commented [A21]: Stated in Item 3c above.

~~Hearing procedures: The due process hearing shall be governed by the following rules and regulations: The accused shall be permitted to have legal counsel and/or an adviser of the accused's choice. The University shall be permitted to have legal counsel.~~

Commented [A22]: Detailed in Item 3a above.

~~The accused shall be afforded the right to present his version as to the charges or circumstances and to present his case by way of such statements, affidavits, witnesses, and exhibits as he desires. The accused shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the University will reasonably cooperate with the Committee in securing witnesses and in making available documentary and other evidence.~~

Commented [A23]: Moved to Item 3d above.

Commented [A24]: Detailed in Item 2 above.

~~The accused and the University shall have the right to confront and cross-examine all witnesses. The Committee may grant adjournments to either party to permit the investigation of evidence to which a claim of surprise is made.~~

Commented [A25]: Moved to Item 3e above.

~~The Committee shall not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Reasonable effort should be made to obtain the most reliable evidence available.~~

Commented [A26]: Moved to item 3f above.

~~The burden of proof that adequate cause exists rests with the University and will be satisfied only by a preponderance (majority) of the evidence. The findings of fact in the decision shall be based solely on the hearing record.~~

Commented [A27]: Moved to Item 5 above.

~~An audio recording of the hearing shall be made and the audio recording of the hearing shall be made available to the accused and the University on request and without charge.~~

Commented [A28]: In lieu of an audio recording, a transcript will be prepared by a court reporter retained at the University's expense. See item 3b above.

~~Except for such simple announcements as may be required covering the time of the hearing and similar matters, publicity and public statements about the case by either party will be avoided.~~

Commented [A29]: Addressed in item 10 above.

~~Committee decision and report: On conclusion of the hearing, the Due Process Committee in executive session shall, by majority vote and solely on the basis of the evidence presented at the hearing, decide whether or not the evidence in the record has established adequate cause for the action proposed, and, on the basis of that decision, shall recommend to the President the disposition of the case. If the Committee concludes that adequate cause has been established but that a proper penalty less than that proposed would be more appropriate, it may so recommend with supporting reasons. The Committee's decision and recommendations shall be reduced to a written report which shall be forwarded, along with the record of the hearing, to the President. A copy of the Committee's report shall be sent to the accused by certified mail.~~

Commented [A30]: Addressed in items 5 and 6 above.

Commented [A31]: As the Committee's report is only a recommendation, the final decision rests with the President.

~~President's decision: Within 14 days of the receipt of the report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the accused in~~

~~writing. Should the President's decision be inconsistent with the report of the Committee, the President shall state his reasons to the accused and to the Committee. The President's action shall be final, except that the accused may appeal a reversed or modified action to a subcommittee of the Board of Trustees.~~

Commented [A32]: Moved to Item 7 above.

Exceptions to Due Process Procedures:

~~Student discipline: This procedure shall not be construed in any manner to apply to or affect the operation of student-operated procedures which may impose discipline short of suspension, expulsion, or dismissal, or to matters covered by the Student Disciplinary System Manual.~~

Commented [A33]: The scope of the policy is defined in the first paragraph, no need to re-state.

~~Title IX infractions: Pursuant to federal law, the appeals procedures for these infractions are separate and are detailed in the University's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures.~~

~~Academic probation, suspension, and dismissal: This procedure shall not be construed in any manner to give any right of hearing of any nature to students placed on academic probation or suspended or dismissed because of academic insufficiency.~~

Commented [A34]: The scope of the policy is defined in the first paragraph, no need to re-state.

Reorganizations, reductions in force, and nonrenewal of non-tenured faculty contracts: This procedure shall not be construed to limit the administrative discretion of the President to elect not to renew contracts of non-tenured personnel of the University or to terminate or abolish certain positions in the University for economic or other legitimate, nondiscriminatory, and constitutionally permissible reasons.

~~In such situations, the person whose contract is not renewed or whose employment is otherwise terminated shall not have an absolute right to a hearing before a Due Process Committee; provided, however, that if the person whose position is so severed is of the opinion that such action has deprived him of "liberty" or of a "property interest" in continued employment, he may, within ten days of severance notice, make written petition to the President to invoke the due process procedures provided herein and may be granted such a hearing at the President's sole discretion.~~

Commented [A35]: Non-tenured faculty members are at will employees. As such, the terms of their employment do not constitute a liberty or property interest.

At will employees: At will employees are not entitled to due process procedures upon their termination from employment unless ~~an adverse action against them infringes a "liberty" or "property" interest of the employee, or~~ the President expressly grants them that right in a letter imposing the adverse action.

Commented [A36]: Pursuant to state law, at will employment does not constitute a liberty or property interest.

Definitions

~~Masculine pronouns used herein shall be deemed to include and refer to females as well as to males.~~

The term "University" when used herein without further designation shall refer to the University of North Alabama.

The term "President" when used herein without further designation shall refer to the President of the University of North Alabama.

~~The phrase "university community" when used herein shall refer to the students, faculty, and non-faculty staff members and employees of the University of North Alabama.~~

~~*Excludes weekends, University recognized holidays, and periods during which the University is closed.~~

Approved by the Board of Trustees, 12/04/1992
~~Revisions proposed to Shared Governance, Fall 2016~~

Due Process Procedures

This policy is applicable to faculty members with property interests in their jobs either in the form of tenure or set amounts of time remaining on contracts when either is subject to disciplinary suspension and/or dismissal from employment for cause. To assure the protection of individual rights and due process in actions involving the disciplinary suspension, dismissal, or other termination for cause ([see Faculty Handbook 2.6.2, Termination for Cause](#)), faculty members are entitled to procedural due process as outlined below:

Dismissal of a Tenured Faculty Member for Cause

Dismissal proceedings shall begin with a conference between the faculty member and the appropriate academic officer. The conference may result in agreement that the dismissal proceedings should be discontinued or that the best interest of the tenured faculty member and the University would be served by the faculty member's resignation. If this conference does not result in mutual agreement, the academic officer will submit a recommendation in writing with rationale to the faculty member and to the Vice President for Academic Affairs and Provost (VPAA). Within fourteen (14) days*, the VPAA should have a conference with the faculty member. At the conclusion of the conference the VPAA will make a written recommendation to the University President with a copy to the faculty member.

The VPAA's recommendation to the faculty member of the action proposed shall be in writing by certified or registered mail or by such other appropriate means as may provide delivery and proof of receipt. The recommendation shall also contain a statement of the charges or conditions supporting the action proposed as well as notice of the faculty member's right to a full and fair hearing before a Due Process Committee according to the guidelines established in this policy.

Due Process Procedures

A faculty member who receives notice of recommendation of disciplinary suspension or dismissal by the VPAA may request, and shall be afforded, a hearing before a Due Process Committee. Failure to make a request in writing to the President within fourteen (14) days* after receipt of notification shall constitute a waiver by such faculty member of his/her right to a hearing before a Due Process Committee, and the President shall then make a final determination. On proper request for a hearing, as hereinafter provided, the President shall establish an ad hoc committee of five persons from the appropriate list of fifteen (15) nominees, from among tenured members of the University faculty, established for such purposes by the Faculty Senate at the beginning of each academic year. If the need arises during the summer terms, the President, in consultation with the Faculty Senate President, may make temporary appointments to fill vacancies on the committee.

Toward assuring a full and impartial hearing strictly on the merits of the case, due regard shall be given to the appointment to committees of persons with appropriate expertise and without bias or direct interest in the outcome, to provision for peer representation where relevant, and to adherence to hearing procedures. Persons appointed to a Due Process Committee who

deem themselves disqualified by reasons of bias or interest may be excused. The faculty member shall have the right of challenge of Committee appointments for cause and, if in the judgment of the President a challenge is supported by adequate grounds, the member so challenged shall be excused. The President shall appoint replacements for members excused until a proper committee is established. The President shall designate one member of the Committee to act as chair or may appoint an additional ex officio nonvoting member to act as chair. The Committee may adopt supplemental rules and regulations for their governance and operation which are not in conflict with this resolution.

Due Process Hearing Procedures

1. Once a timely request for a hearing has been received by the President and a Due Process Committee has been established, the Committee shall, with due diligence, considering the interests of both the University and the faculty member affected, hold a hearing and report its findings and recommendations to the President and to the involved faculty member.
 - a. If proper request for a hearing is made, the hearing shall be afforded not sooner than fourteen (14) or later than 21 days* from the date of receipt of the request, unless, by mutual agreement, other time limits are established by written agreement.
 - b. The Due Process Committee Chair, in collaboration with both the VPAA and the faculty member shall set the date, time, and place for the hearing and shall notify both parties of such in writing at least seven (7) days* before the hearing.
 - i. The Committee or the Committee Chair may confer with the parties prior to the hearing in order to review procedures, provide for scheduling of witnesses and for any necessary exchange of documents or other information, and to achieve such other objectives as may make the hearing fair, effective, and expeditious. The Committee may consider, in advance of the hearing, the statement of grounds for the proposed action already formulated and such written response as the faculty member may elect to submit.
 - ii. The Committee shall be responsible for establishing the order of procedure, for conducting the question of witnesses, for securing—if necessary—the presentation of evidence important to the case, and for developing such supplemental rules and procedures for its governance and operation as are not in conflict with other provisions of this resolution.
 - c. At the discretion of the President, the faculty member may be suspended pending the outcome of the proceeding if such is determined to be in the best interest of the University, the faculty member, or both. Unless forbidden by law, the salary or wages of the faculty member so suspended will be continued during the time of suspension.

2. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the University will attempt to secure the cooperation of such witnesses and will make available necessary documents and other evidence within its control. No employee of the University, regardless of position, should be excluded or excused from appearing before the Committee, if available.
 - a. Not later than four (4) days* before the hearing, the VPAA and the faculty member shall present to the Due Process Committee Chair a list of the names, addresses, and telephone numbers of all witnesses expected to be called to testify and the nature of the testimony and evidence to be offered by each witness.
 - b. At least four (4) days* prior to the hearing, both parties shall be permitted to inspect any affidavits or exhibits he/she intends to submit at the hearing.
3. During the hearing:
 - a. Both parties shall be permitted to have an advisor or attorney present who will not serve in a legal capacity but rather as a consultant. An advisor/attorney is not allowed to speak on the party's behalf, object in any manner to any questions asked or discussions raised during the hearing, cross-examine or ~~question witnesses in the hearing, or interrupt the hearing proceeding.~~
 - b. A court reporter will be retained by the University to record the proceedings. A copy of the hearing transcript shall be prepared by the court reported and distributed to both parties at no charge.
 - c. The Committee, in consultation with the parties concerns, will determine whether the hearing should be public or private.
 - d. Both parties shall be afforded the right to present their versions as to the charges or circumstances and to present their respective cases by way of such statements, affidavits, witnesses, and exhibits as he desires.
 - e. Both parties shall have the right to confront and cross-examine all witnesses. The Committee may grant adjournments to either party to permit the investigation of evidence to which a claim of surprise is made.
 - f. The Committee shall not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Reasonable effort should be made to obtain the most reliable evidence available.
4. The hearing will begin with the VPAA (or the most appropriate academic administrator in the absence of the VPAA) presenting the case for dismissal and continue with the faculty member presenting the case against dismissal. Each side may introduce evidence and/or call witnesses as desired. The faculty member and the University will have the right to cross examine all witnesses present. Affidavits are admissible whenever a witness cannot appear.

5. The burden of proof that adequate cause exists rests with the University and will be satisfied only by a preponderance (majority) of the evidence. The findings of fact in the decision shall be based solely on the hearing record.
6. The Committee, in executive session, may conclude: a) that adequate cause for the action has been established by the evidence; b) that adequate cause for the action has not been established by the evidence; or c) that adequate cause for the action has been established, but a penalty less than the action, including removal of tenure, would be more appropriate. The Committee may make any other recommendations it determines are appropriate. The Committee's written findings and recommendations shall be made to the President.
7. Within 14 days* of the receipt of the Committee's written findings and recommendations, the President shall render a decision and so notify the faculty member in writing. Should the President's decision be inconsistent with the findings and recommendations of the Committee, the President shall state his/her reasons to the faculty member and to the Committee. Although the President's action shall be final, the faculty member may appeal adverse findings to a subcommittee of the Board of Trustees.
8. The faculty member shall have the right to request the Board to review adverse findings and recommendations of the President. The request must be in writing and filed within fourteen (14) days* after final notification by the President. If the affected faculty member does not timely request the Board's review of the President's findings and recommendations, the President's determinations become final and binding.
9. If the appeal is filed timely, the Board has the discretion to determine whether the review will be a de novo hearing or a review of the record.
10. Public statements and publicity about the case by the University will be avoided until the proceedings, including consideration by the Board, have been concluded.

Exceptions to Due Process Procedures

Title IX infractions: Pursuant to federal law, the appeals procedures for these infractions are separate and are detailed in the University's [Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures](#).

Reorganizations, reductions in force, and nonrenewal of non-tenured faculty contracts: This procedure shall not be construed to limit the administrative discretion of the President to elect not to renew contracts of non-tenured personnel of the University or to terminate or abolish

certain positions in the University for economic or other legitimate, nondiscriminatory, and constitutionally permissible reasons.

At will employees: At will employees are not entitled to due process procedures upon their termination from employment unless the President expressly grants them that right in a letter imposing the adverse action.

Definitions

The term "University" when used herein without further designation shall refer to the University of North Alabama.

The term "President" when used herein without further designation shall refer to the President of the University of North Alabama.

*Excludes weekends, University recognized holidays, and periods during which the University is closed.

Approved by the Board of Trustees, 12/04/1992
Revisions proposed to Shared Governance, Fall 2016

Grievance and Due Process Procedures

GRIEVANCE AND DUE PROCESS COMMITTEES

On proper request for a hearing, as hereinafter provided, the President of the University shall establish for grievance hearing an ad hoc committee of three persons and for a due process hearing an ad hoc committee of five persons. The committees shall be composed of university personnel appointed by the President, according to the classification of the person initiating the request, as follows:

- **University Faculty:** from among tenured members of the university faculty, with not more than one member for a grievance committee or two members for a due process committee also holding administrative appointment.
- **Non-Faculty Staff:** from among members of the university faculty and non-faculty staff.
- **Students:** from among members of the university faculty, non-faculty staff, and students.

Toward assuring a full and impartial hearing strictly on the merits of the cases, due regard shall be given to appointment to committees of persons with appropriate expertise and without bias or direct interest in the outcome, to provision for peer representation where relevant, and to adherence to hearing procedures. In making committee appointments, the President may seek nominations from representative organizations such as, respectively, the Faculty Senate, and the Student Government Association. In cases involving a member of the university faculty as grievant or accused, the President shall, if so petitioned by the faculty member in the formal request for a hearing, make the committee appointments from the appropriate list of nominees established for such purposes by the Faculty Senate at the beginning of each academic year, one list to consist of nine nominees for grievance committees and one list to consist of fifteen nominees for due process committees. Persons appointed to grievance or due process committees who deem themselves disqualified by reasons of bias or interest may be excused. The grievant or accused shall have the right of challenge of committee appointments for cause and if in the judgment of the President a challenge is supported by adequate grounds, the member so challenged shall be excused. The President shall appoint replacements for members excused until a proper committee is established. The President shall designate one member of the committee to act as chair or may appoint an additional ex officio nonvoting member to act as chair. The committees may adopt supplemental rules and regulations for their governance and operation which are not in conflict with this resolution.

GRIEVANCES

A grievance is a complaint directed against another member or organization of the university community or against the University--including the departments, divisions, and schools thereof--alleging improper, arbitrary, or discriminatory application of university rules, regulations, standards, practices, and/or procedures relating to the conditions of employment or enrollment, or to other circumstances giving proper grounds for complaint. Grievance procedures do not apply to actions involving suspension, expulsion, dismissal, or other termination of employment or enrollment for

cause. For such actions reference is made to the procedures under "Due Process", below.

Informal procedures

A grievant first must seek resolution or redress of the grievance informally through the established administrative channels beginning, according to the grievant's classification and to the nature of the grievance, with the official at the first or immediate level of authority, and, if required, continuing in the chain of authority to the next higher level. For university employees, the complaint of a faculty member normally will be directed to the department head/director with continuation in line to the Vice President for Academic Affairs and Provost; for nonfaculty staff, to the immediate supervisor/director or to the Director of Human Resources and Affirmative Action with continuation in line to the appropriate vice president. For students, a complaint involving services or activities normally will be directed to the appropriate director/officer of the service or activity with continuation in line to the Vice President for Student Affairs and University Counsel; on a complaint involving academic or instructional matters, to the academic department head with continuation in line to the Vice President for Academic Affairs and Provost. Complaint by an applicant who has been denied admission to the University will be directed to the Dean of Enrollment Services with continuation in line to the Vice President for Academic Affairs and Provost. Complaint by an applicant who has been denied employment at the University will be directed, for applicants to faculty positions, to the Vice President for Academic Affairs and Provost; for applicants to nonfaculty staff positions, to the Director of Human Resources and Affirmative Action with continuation in line to the Vice President for Business Affairs.

Formal hearing

If, after exhausting recourse through established administrative channels, the grievant still feels that a satisfactory remedy or relief has not been provided, the grievant may request a formal hearing. The request shall be directed to the President of the University in writing and shall bear the grievant's name, current address, and telephone number; a clear statement of the nature of the grievance and the facts supporting it; the remedy or relief sought; the date; and the grievant's signature.

On receipt of the grievant's request, the President shall proceed to the establishment of a proper Grievance Committee to hear the case, as provided for under Grievance and Due Process Committees above and shall give the grievant not less than seven days' advance notice as to the date, time, and place set for the hearing.

Grievance hearing procedures: A grievance hearing is not an administrative due process hearing and therefore does not include all of those procedures provided for in due process hearings; neither do formal rules of evidence apply. The hearing shall be confidential and only those persons concerned should be included in the hearing.

Functions of the Grievance Committee: The Committee or Committee Chair may confer with the grievant prior to the hearing to schedule witnesses, provide for the exchange of documents, and achieve other appropriate objectives to make the procedures fair, effective, and expeditious. In the hearing, the Committee may question the grievant and the witnesses presented by the grievant, may call such witnesses and examine such documents as it considers necessary, and shall keep a record of the hearing.

The Committee's role is to investigate the complaint as presented to the Committee by the grievant, to obtain all the facts in the dispute, and to come to a conclusion as to whether or not the grievant has just cause for complaint. In grievances which are contractual in nature, the Committee's role is to determine whether or not the grievant has had all the benefits of the procedures afforded by the grievant's contract and the rules and regulations of the University, school, and department, and whether or not the decision which forms the basis for the complaint was the result of adequate consideration in terms of the relevant standards of the University, school, and department. It is not within the scope of the Committee to make judgments on the professional qualifications of the grievant, such being the responsibility of the administrators within the concerned department, school, and the University. The Committee shall be guided in its decisions only by the evidence presented at the hearing.

Rights and responsibilities of the grievant: It is the responsibility of the grievant to present all the facts and to prove the merits of the grievance. To this end the grievant shall state the grievance with specificity, shall be allowed to present witnesses and documents on the grievant's behalf, and to examine any other witnesses and documents presented. The grievant shall not be represented by counsel but may have the assistance of an adviser of his choice from among personnel of the university community.

~~The Committee's report and final action:~~ Upon conclusion of the hearing, the Grievance Committee shall prepare a report summarizing the evidence and rendering its conclusions. Copies of the report shall be sent to the President and to the grievant. Within 14 days of the receipt of the report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the grievant. Should the President's decision be inconsistent with the report of the Committee, the President shall state his reasons to the grievant and to the Committee. The President's action shall be final, except that a grievant may appeal a reversed or modified decision to a subcommittee of the Board of Trustees.

DUE PROCESS

To assure the protection of individual rights and due process in actions involving the suspension, dismissal, or other termination for cause of university employees, the following procedures may be invoked by written request of the affected employee:

Due process procedures

Initiation of action: Any person may call to the President's attention in any reasonable manner--directly or through channels-- any conduct or circumstance of any member of the university community thought to be violative of university rules or regulations or otherwise to merit action involving suspension, dismissal, or other termination for cause. The President, of his own volition, may investigate any such conduct or circumstance. If, after investigation, the President is of the opinion that such action should be taken, he shall give the person so accused or affected proper notice of the action proposed.

Notice of proposed action: The President's notice to the accused of the action proposed shall be in writing by certified or registered mail or by such other appropriate means as may provide delivery and proof of receipt. The notice also shall contain:

a statement of the charges or conditions supporting the action proposed; notice of the accused's right to a full and fair hearing before a Due Process Committee; notice that such hearing shall be afforded only if requested in writing within ten days from the date of receipt of the Notice of Proposed Action, and that, if such request for a hearing is not received within this time limit, the right to a hearing shall be deemed to have been waived and the proposed action shall be imposed therewith or as specified in the notice; and information as to where a copy of the hearing procedures may be obtained.

Due process hearing: If proper request for a hearing is made, the hearing shall be afforded not sooner than 14 or later than 21 days from the date of receipt of the request, unless, by mutual agreement, other time limits are established by written agreement. On receipt of the request, the President shall proceed with the establishment of an appropriate Due Process Committee (as provided for under Grievance and Due Process Committees, above), informing the accused of the names of the members and providing reasonable opportunity and time for exercise of the rights of challenge. When a proper Due Process Committee is established, the accused shall be notified in writing of the date, time, and place set for the hearing at least seven days before the hearing. The notice shall contain the names of the witnesses and a summary of the nature of the testimony and evidence to be presented against the accused, and the accused and/or the accused's representative shall be permitted to inspect, at least three days in advance of the hearing, any affidavits or exhibits the University intends to submit at the hearing. However, the foregoing shall not prevent the presentation of evidence or testimony by the University that has not been disclosed to the accused, provided the University has good cause or justification for failure to disclose. The President shall designate an appropriate person or persons to present the case for the University.

Not later than three days before the hearing, the accused shall present to the University or its attorney a list of the names, addresses, and telephone numbers of all witnesses expected to be called to testify and the nature of the testimony and evidence to be offered by each witness. The university representative shall be permitted to inspect at least three days in advance of the hearing any affidavits or exhibits the accused intends to submit at the hearing. However, the foregoing shall not prevent the presentation of evidence or testimony by the accused that has not been disclosed to the University, provided the accused has good cause or justification for failure to disclose.

At the discretion of the President, the accused may be suspended during the proceeding if immediate harm to the accused or to others is threatened by continuance or if there is other just and sufficient cause supported by substantial evidence. Unless forbidden by law, the salary or wages of the university employee so suspended will be continued during the time of suspension.

Committee procedures: The Committee or the Committee Chair may confer with the parties prior to the hearing in order to review procedures, provide for scheduling of witnesses and for any necessary exchange of documents or other information, and to achieve such other objectives as may make the hearing fair, effective, and expeditious. The Committee may consider, in advance of the hearing, the statement of grounds for the proposed action already formulated and such written response as the accused may elect to submit.

The Committee shall be responsible for establishing the order of procedure, for conducting the question of witnesses, for securing—if necessary--the presentation of evidence important to the case, and for developing such supplemental rules and procedures for its governance and operation as are not in conflict with other provisions of this resolution.

The Committee, in consultation with the parties concerned, shall exercise its judgment as to whether the hearing shall be private or public.

Hearing procedures: The due process hearing shall be governed by the following rules and regulations: The accused shall be permitted to have legal counsel and/or an adviser of the accused's choice. The University shall be permitted to have legal counsel. The accused shall be afforded the right to present his version as to the charges or circumstances and to present his case by way of such statements, affidavits, witnesses, and exhibits as he desires. The accused shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the University will reasonably cooperate with the Committee in securing witnesses and in making available documentary and other evidence.

The accused and the University shall have the right to confront and cross-examine all witnesses. ~~The Committee may grant adjournments to either party to permit the investigation of evidence to which a claim of surprise is made.~~

The Committee shall not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Reasonable effort should be made to obtain the most reliable evidence available.

The burden of proof that adequate cause exists rests with the University and will be satisfied only by a preponderance (majority) of the evidence. The findings of fact in the decision shall be based solely on the hearing record.

An audio recording of the hearing shall be made and the audio recording of the hearing shall be made available to the accused and the University on request and without charge.

Except for such simple announcements as may be required covering the time of the hearing and similar matters, publicity and public statements about the case by either party will be avoided.

Committee decision and report: On conclusion of the hearing, the Due Process Committee in executive session shall, by majority vote and solely on the basis of the evidence presented at the hearing, decide whether or not the evidence in the record has established adequate cause for the action proposed, and, on the basis of that decision, shall recommend to the President the disposition of the case. If the Committee concludes that adequate cause has been established but that a proper penalty less than that proposed would be more appropriate, it may so recommend with supporting reasons. The Committee's decision and recommendations shall be reduced to a written report which shall be forwarded, along with the record of the hearing, to

the President. A copy of the Committee's report shall be sent to the accused by certified mail.

President's decision: Within 14 days of the receipt of the report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the accused in writing. Should the President's decision be inconsistent with the report of the Committee, the President shall state his reasons to the accused and to the Committee. The President's action shall be final, except that the accused may appeal a reversed or modified action to a subcommittee of the Board of Trustees.

Exceptions to Due Process Procedures:

Student discipline: This procedure shall not be construed in any manner to apply to or affect the operation of student-operated procedures which may impose discipline short of suspension, expulsion, or dismissal, or to matters covered by the Student Disciplinary System Manual.

Academic probation, suspension, and dismissal: This procedure shall not be construed in any manner to give any right of hearing of any nature to students placed on academic probation or suspended or dismissed because of academic insufficiency.

~~Reorganizations, reductions in force, and nonrenewal of non-tenured faculty contracts:~~
~~This procedure shall not be construed to limit the administrative discretion of the President to elect not to renew contracts of non-tenured personnel of the University or to terminate or abolish certain positions in the University for economic or other legitimate, nondiscriminatory, and constitutionally permissible reasons. In such situations, the person whose contract is not renewed or whose employment is otherwise terminated shall not have an absolute right to a hearing before a Due Process Committee; provided, however, that if the person whose position is so severed is of the opinion that such action has deprived him of "liberty" or of a "property interest" in continued employment, he may, within ten days of severance notice, make written petition to the President to invoke the due process procedures provided herein and may be granted such a hearing at the President's sole discretion.~~

At will employees: At will employees are not entitled to due process procedures upon their termination from employment unless an adverse action against them infringes a "liberty" or "property" interest of the employee, or the President expressly grants them that right in a letter imposing the adverse action.

Definitions

Masculine pronouns used herein shall be deemed to include and refer to females as well as to males.

The term "University" when used herein without further designation shall refer to the University of North Alabama.

The term "President" when used herein without further designation shall refer to the President of the University of North Alabama.

The phrase "university community" when used herein shall refer to the students, faculty, and non-faculty staff members and employees of the University of North Alabama.

Approved by the Board of Trustees, 12/04/1992

3.12 LEAVE OF ABSENCE

FAC REVISION (5 April 2016; 6/7 members in attendance)

~~At the convenience of the University and subject to the approval of the President,~~ A faculty member may be granted leave of absence without pay ~~upon the approval of the department, college, and university~~ for up to one year for purposes of advanced training, health or disability, parenting family responsibilities, or other justifiable cause. A second year may be granted ~~by the President~~ after review of university needs and, in the case of health or disability, a medically documented, reasonable expectation that the faculty member will be able to return to full academic activities. If a faculty member has been granted a one-semester leave of absence (i.e., one half of an academic year or 4.5 months; 6 months for faculty on 12-month contracts) and wishes to be granted a second semester of leave, he/she must request such in writing to the President by November 1 for the following spring semester or by April 1 for the following fall semester. If a faculty member has been granted a one-year leave of absence and wishes to be granted a second year of leave, he/she must request such in writing to the President by April 1. The University will hold the faculty position open only during the granted leave of absence but will not hold the position beyond two academic years. A faculty member on leave cannot return to work prior to the end of the granted leave period ~~except in extraordinary circumstances and subject to the approval of the faculty member's dean.~~ ~~Time taken as leave of absence, unless otherwise stated in writing prior to the beginning of the leave of absence,~~ Unless otherwise negotiated by the faculty member and stated in writing by the university prior to the beginning of the leave of absence, time taken as leave of absence does not add to experience levels for purposes of promotion, salary, tenure, salary, tenure, promotion, accrual of absence leave, or retirement benefits. For details regarding benefits see <http://www.una.edu/employee-policy-manual/policies/family--medical-leave-policy.html>.