SUBJECT: Due Process for Disciplinary Action for Faculty Members Under Contract

I. Introduction

The Board provides a comprehensive due process procedure for discipline and termination of faculty members under contract. Before disciplinary action or termination of faculty members under contract, the administration shall have documented sufficient cause therefore, including but not limited to failure to comply with Midland College’s policies, incompetence, indolence, insubordination, dishonesty, neglect or abandonment of duty, or illegal, unethical, abusive, or unsafe conduct. Disciplinary actions will be discussed with the involved faculty member. If formal disciplinary action is taken, a written notice will be provided to the faculty member and may be placed in the faculty member’s personnel file. Termination for cause can occur without prior disciplinary action.

II. Appeal Process

A. The appeal process applies only to written disciplinary actions, including but not limited to, written warnings, suspensions, and termination.

B. Within ten (10) working days after receiving formal written notice of disciplinary action, the faculty member may appeal in writing to the Executive Vice President (hereafter the Vice President).

C. The Vice President shall review the disciplinary action, and within ten (10) working days after receiving the appeal, the Vice President shall deliver to the faculty member and the President a written recommendation.

D. Within ten (10) working days after receiving the Vice President’s written recommendation, the faculty member may appeal in writing to the President. This appeal should specify which review option is desired. Review options and their procedures are as follows:

1. President’s Review Option

   The President shall review the disciplinary action and within ten (10) working days after receiving the appeal, the President shall deliver a written decision to the faculty member.

2. Faculty Review Option

   The Faculty Council shall submit ten (10) names to the President, from which he shall select a dean and four (4) members to serve as a Faculty Review
Committee. The Faculty Review Committee shall hear the appeal and review all materials within ten (10) working days after appointment. This may include testimony of witnesses or review of additional information. The faculty review option is a lay procedure, and legal rules of evidence do not apply. The Review Committee will deliver its recommendation to the President within five (5) working days after the hearing. Within ten (10) working days the President shall deliver a written decision to the faculty member.

E. Within ten (10) working days after receiving the President’s recommendation, the faculty member may appeal in writing, through the President, to the Board.

F. The Board shall hear the appeal at its next regular or called meeting. In the event of termination of the faculty member, he or she shall have the opportunity to appear in person before the Board, and each party may present or cross-examine witnesses. Legal rules of evidence will not apply.

G. The Board shall direct the President to deliver its response in writing to the faculty member within ten (10) working days after a decision has been made.

H. The time periods prescribed in these procedures should be followed unless reasonable extension is required as a result of relevant persons being away for extended periods. In the absence of the forgoing condition, times for action may be extended only for College holidays or by mutual agreement of the parties and, when applicable, with concurrence of the Review Committee.