



WILLIAM
& MARY

Administrative Policy and Procedures Manual

Title: Appointments and Termination of Professionals and Professional Faculty	Number:
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I. SCOPE

This policy applies to professionals and professional faculty of the College of William and Mary and the Virginia Institute of Marine Science (the "College").

II. PURPOSE

The purpose of this policy is to describe the conditions and procedures for the appointment and termination of professionals and professional faculty ("professionals").

III. POLICY STATEMENT

Professionals are administrative, technical, academic, clinical and research employees, including employees in recognized professional areas requiring advanced formal study or special experience, who are appointed by the Provost. Professionals are hired either through regular, continuing appointments, or, in certain circumstances, restricted, temporary appointments. Professionals are subject to involuntary separation for budgetary or operational reasons as set forth in this Policy and may also be terminated for cause.

IV. APPOINTMENTS

Professionals are generally employed through regular (continuing) appointments. Restricted appointments are used in certain circumstances, as described under B, below. All appointment decisions are subject to the authority of the Provost.

All appointments are contingent upon availability of funds, including appropriation of funds by the General Assembly. This means that an appointment may be rescinded or terminated for budgetary reasons, as described under V.C, below.

Appointments are also subject to satisfactory performance by the professional. Unsatisfactory performance is a basis for removal for cause. See V.A, below.

A. Reassignments.

The Provost has complete discretion to reassign administrative duties and titles at any time. For example, a professional may be reassigned to work in a different department or office, under a different supervisor. For a professional who is also an instructional faculty member with tenure or a continuing academic appointment, the Provost may relieve the individual of his or her administrative appointment and related duties.

The salary for any position subject to reassignment shall be adjusted, as appropriate, pursuant to the College Policy on Compensation. Reassignments, including demotions, are not subject to notice requirements, provided that a reduction in salary shall be effective no sooner than 30 days following the provision of written notice of the reduced salary to the affected professional.

B. Restricted Appointments.

Restricted appointments are positions that either are funded through sponsored contracts or grants, or have a specified ending or termination date, regardless of the funding source. Professionals with restricted appointments may be converted to regular, continuing appointments at the discretion of the College.

1. Personnel Supported by Grants. Appointments of professionals in grant-funded positions terminate upon expiration of the supporting grant. These positions may provide for continued employment conditioned upon the receipt of a subsequent grant, in which case the appointment will terminate with the unavailability or termination of the subsequent grant. Failure to provide notice of termination will not prolong employment beyond grant's funding period.
2. Specified-Term and Other Restricted Appointments. Certain professionals may be hired for a specified period or project. Such professionals may include those employed in the Department of Athletics. These restricted appointments are not renewable and automatically terminate on the date specified with no notice or other action required unless otherwise specified.

V. TERMINATION AND OTHER FORMS OF INVOLUNTARY SEPARATION AND REDUCTION; CERTAIN AMICABLE SEPARATION AGREEMENTSA. Abolition or Reduction of Position for Operational Reasons.

A professional position may be eliminated or reduced (changed from full-time to part-time, made seasonal, etc.) if the College determines that the services being performed are no longer required or can be reduced. This determination may be made at the College's discretion for operational reasons.

A position may be abolished or reduced at any time provided that the affected professional is given written notice at least 90 days prior to the effective date. If the position is reduced in scope, the professional may decline to continue in the position. If the professional declines, it would still be considered an involuntary separation eligible for severance. The notice will specify the severance benefits for which the professional is eligible (see "Severance Benefits for Professionals and Professional Faculty"). Unless otherwise negotiated, an employee is expected to perform his or her duties during the notice period.

B. Termination or Reduction of Position for Budgetary Reasons

Inadequate funding or other fiscal constraints can result in termination or reduction of a position(s) by the College at its discretion. In implementing terminations and reductions necessitated by inadequate funding, the College will give due consideration to the effect of a position on the College's mission and the need for efficient use of available resources.

A position may be terminated or reduced at any time provided that the affected professional is given written notice at least 90 days prior to the effect date. The notice will specify the severance benefits for which the professional is eligible (see "Severance Benefits for Professionals and Professional Faculty"). Unless otherwise negotiated, an employee is expected to perform his or her duties during the notice period. If the position is reduced in scope for budgetary reasons, the professional may decline to continue in the position. If the professional declines, it would still be considered an involuntary separation eligible for severance.

C. Removal for Cause.

Removal for Cause is termination for serious, willful, or repeated misconduct, or deficiencies in performance such as:

- unethical conduct or dishonesty, including falsification of credentials or records, and misappropriation or misuse of College funds or property;
- serious, knowing, or repeated violation of policy or law;
- malfeasance;
- serious or repeated insubordination;
- inappropriate behavior that adversely affects College operations;
- convicted criminal conduct occurring (i) on the job, or (ii) off the job, if plainly related to or affecting job performance, detrimental to the College's reputation, or of such a nature that retention of the professional would be negligent in light of the College's duties to itself, the public, students, or other employees;
- inability, unwillingness, or refusal to perform functions of the job, including job abandonment; and
- unsatisfactory performance in accordance with the applicable College policy on performance planning and evaluation for professionals and professional faculty.

A professional may be discharged for cause at any time. Professionals who are removed for cause are not eligible for severance benefits.

The Office of the Provost will send the professional written notice of the College's intent to terminate. The professional will have an opportunity to respond, in person or in writing, by explaining why the planned action should not occur. The termination notice will specify the deadline for the professional's response, which must be at least five working days after the date of the notice. The professional may be placed on administrative (paid) leave pending the termination date, at the College's discretion.

D. Negotiated Separations.

The College, at its discretion and as an alternative to other methods of termination, may negotiate separation agreements with professionals. Such agreements may be used where unsuccessful job matches, irresolvable conflicts or other circumstances lead the parties to agree that a negotiated end to the employment relationship is in the parties' best interest. Such agreements must be approved by the Provost.

E. Access to Grievance Process.

Professionals who have been terminated under section (V) have access to the College's grievance procedure for professionals, as provided in such procedures.

VI. RESIGNATION

Notice of intention to resign should be given in writing at least 30 days before the effective date of resignation.

VII. AUTHORITY, INTERPRETATION AND AMENDMENT

This policy was approved by the Board of Visitors. Interpretation of this policy is the responsibility of the Provost. The Provost may amend or revise this policy at any time. Nothing herein limits the ability of the Provost to delegate his authority or designated roles under this policy.

This policy replaces and supersedes all prior policies governing appointments and termination of professionals, including those set forth in the "Policies and Procedures Regarding Employment and Performance Review of Administrative and Professional Faculty," under Section IV ("Contracts, Terminations, and Notice").