

**Faculty Handbook
For
The College of William and Mary**

Sections relevant to the protection of academic freedom rights

Section III, B.

4. Committees Established to Deal with Termination, Dismissal, Sanction and Grievances.

c. Grievance and Hearing Committee of the College.

The Grievance and Hearing Committee shall be a standing committee of six members and six alternates; two members shall be elected from the Faculty of Arts and Sciences, one each from the Schools of Business Administration, Education, and Law, and the Virginia Institute of Marine Science, which includes the School of Marine Science. Each faculty or school shall provide for means of selection and for alternates. The Grievance and Hearing Committee is charged with hearing evidence and argument in contested cases involving faculty dismissal, severe sanction, and non-reappointment appeals on grounds of discrimination or violation of academic freedom, and with hearing grievance petitions.

10. Grounds and Procedures for Appeal.

d. Appeal on Grounds of Violation of Academic Freedom or of Discrimination. An allegation that a decision not to reappoint was based significantly on considerations violative of (1) academic freedom or (2) governing policies on making appointments without prejudice with respect to race, sex, religion, national origin, age, physical handicap, marital status, or sexual orientation, shall be given preliminary consideration by the Procedural Review Committee which will seek to settle the matter by informal methods. The allegation shall be accompanied by a statement that the faculty member agrees to the presentation, for the consideration of the faculty committees, of such reasons and evidence as the College may allege in support of its decision. If the difficulty is unresolved at this stage, and if the Procedural Review Committee so recommends, the matter will be heard by the Grievance and Hearing Committee in the following manner.

i The Grievance and Hearing Committee may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties in order to (a) simplify the issues, (b) effect stipulations of facts, (c)

provide for the exchange of documentary or other information, and (d) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

- ii Service of notice of hearing with specified charges in writing will be made at least twenty calendar days prior to the hearing. Those who made the decision not to reappoint the faculty member may waive a hearing and may respond to the charges in writing at any time before the hearing. If the responding party or parties waive a hearing, but deny the charges or assert that the charges do not support a finding of a violation of academic freedom or of nondiscrimination policies, the Grievance and Hearing Committee will evaluate all available evidence and rest its recommendation upon the evidence in the record.
- iii The Grievance and Hearing Committee, in consultation with the President, the faculty member making the complaint, and the responding party or parties, will exercise its judgement as to whether the hearing should be public or private.
- iv During the proceedings, the complainant and the respondent each may have an advisor and/or lawyer of their own choice.
- v At the request of either party or the Grievance and Hearing Committee, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.
- vi A verbatim record of the hearing or hearings will be taken and a transcript will be made available to the faculty member without cost, at the faculty member's request.
- vii The faculty member making the complaint is responsible for stating the grounds of the allegations and shall bear the burden of proof. If the faculty member succeeds in establishing a prima facie case, it is incumbent upon those who made the decision not to reappoint the faculty member to come forward with evidence in support of their decision. The Grievance and Hearing Committee then renders a judgement based upon the evidence admitted at the hearing or hearings
- viii The Grievance and Hearing Committee may grant adjournments to enable either party to investigate material evidence for which a valid claim of surprise is made and to prevent prejudice.
- ix The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence; however, the parties bear the burden of arranging for the presentation of witnesses and documentary or other evidence. The administration will cooperate

to the extent practicable with the Grievance and Hearing Committee in securing witnesses and making available documentary and other evidence.

- x The faculty member making the complaint and the responding party or parties will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the Grievance and Hearing Committee determines that the interests of justice require admission of their statements, the Grievance and Hearing Committee will identify witnesses, disclose their statements, and if possible provide for written interrogatories.
- xi The Grievance and Hearing Committee will 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 will be made to obtain the most reliable evidence available.
- xii The findings of fact and the decision will be based solely on the hearing record and will be in writing.
- xiii Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the cases by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Visitors. The President and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing, if requested.
- xiv If the Grievance and Hearing Committee concludes that a violation of academic freedom or of nondiscrimination policies has been established by the evidence in the record, it will so report in writing to the President. If the President rejects the report, the President will state the reasons for doing so, in writing, to the Grievance and Hearing Committee and to the faculty member, and will provide an opportunity for response before transmitting the case to the Board of Visitors. If the President accepts the report, the President shall recommend, in writing and with supporting reasons, appropriate relief to the Board of Visitors and shall provide a copy of the recommendation to the faculty member.

11. Failure of Tenure-Eligible Appointee to be Renewed or Awarded Tenure.

c. Grounds and Procedures for Appeal.

i. Academic Freedom or Discrimination.

In cases where a faculty member believes the decision not to renew a contract or to deny the awarding of tenure was based significantly on conditions violative of academic freedom or policies governing nondiscrimination the procedures described in Section III.B.10.d. shall be followed.