



## INSTITUTIONAL POLICY: PE-18

Category:	Personnel
Subject:	Dismissal of Senior Administrators
Effective Date:	July 27, 2012
Last Revision Date:	N/A
Applicability:	President and Senior Administrators

### PE 18-1. Authority

- 1.1 WV Code §18B-1-6 and §18B-1B-6
- 1.2 WV CSR §133-4, §133-5, and §133-9-12
- 1.3 WVSOM Institutional Policy PE-17 Faculty Dismissal
- 1.4 WVSOM Faculty Handbook
- 1.5 WVSOM Employee Handbook

### PE 18-2. Scope

This policy establishes rules relating to the dismissal of senior administrators, including the President.

### PE 18-3. General Provisions

- 3.1 The term senior administrator includes the President, all levels of vice presidents and deans, and the general counsel.
- 3.2 The president of the West Virginia School of Osteopathic Medicine (WVSOM) serves at the will and pleasure of the WVSOM Board of Governors and may be terminated with or without cause at anytime for any reason or no reason. All presidential appointment contracts shall clearly delineate this proviso.
- 3.3 All Presidential appointment contracts with a commitment of continued employment must provide that the President may be discharged for “cause” and that such a discharge nullifies any commitment to continued employment. This policy does not negate any contract provisions for dismissal “without cause” where a specific timetable for continued remuneration is included.
- 3.4 Senior administrators serve at the will and pleasure of the WVSOM President and may be terminated with or without cause at anytime for any reason or no reason.

#### **PE 18-4. Dismissal Without Cause**

- 4.1 Termination of employment of the President or senior administrators without cause may occur immediately upon written notice.
- 4.2 A president or senior administrator who is dismissed without cause shall be eligible for such post-appointment compensation and/or benefits as may be provided for in the letter of appointment or contract and/or state and federal laws. Academic tenure, if any, may be exercised as a mutually exclusive alternative to continuing administrative employment with the rate of pay reverting to that received prior to the administrative appointment. Senior administrators with tenure who return to an academic position rank may be dismissed in accordance with Institutional Policy PE-17 Faculty Dismissal.

#### **PE 18-5. Dismissal With Cause**

- 5.1 The Board may, in its sole discretion, terminate a presidential appointment for cause. The President may, in his/her sole discretion, terminate a senior administrator for cause.
- 5.2 For the purposes of this policy, the term “cause” shall include, but not be limited to:
  - 5.2.1 Acts of malfeasance or misfeasance, through acts of commission or omission, or any action in violation of federal or state law;
  - 5.2.2 Dishonesty; debarment; disbarment; suspension; gross immorality; misappropriation of funds; habitual insobriety; substance abuse; managerial incompetence; professional incompetence; or willful misconduct;
  - 5.2.3 Physical or mental disability resulting in misconduct for which no reasonable accommodation can be made, and which makes the individual unable, within a reasonable degree of medical certainty and by reasonably determined medical opinion, to perform essential assigned duties; or
  - 5.2.4 Failure to observe or perform the material duties of the position, insubordination, or acts in contravention of Institutional Policies or a directive expressed by the Board or President.
- 5.3 Termination of employment as President or a senior administrator for cause shall occur immediately upon written notice when attributable to cause pursuant to Sections 5.2.1, 5.2.2, and 5.2.3.
- 5.4 Prior to termination of employment for cause pursuant to Section 5.2.4, the WVSOM Board of Governors, President, or both depending on the senior administrator being dismissed will provide written notice of the deficient conduct and a reasonable opportunity under the circumstances to cure as determined by the Board, President, or jointly. It is within the sole discretion of the Board, President, or jointly to determine that the basis for cause is not susceptible to cure and therefore, termination will be effective immediately upon written notice.
- 5.5 Inclusion of this “with cause” provision does nothing to alter the at-will nature of the employment relationship or affect the ability of the Board and/or President to terminate a senior administrator for any or no reason.

**PE 18-6. Immediate Dismissal**

- 6.1 A senior administrator whose conduct is so egregious as to warrant immediate removal may immediately be terminated by the proper authority as stated above.
- 6.2 A senior administrator who poses an imminent danger to self or others, including WVSOM students, faculty, or staff in their official capacity, by making substantial threats, exhibiting threatening behavior, or engaging in violent or hostile acts on WVSOM property or at Statewide Campus offices may be escorted from the premises as quickly as safety permits and may be terminated immediately.