

## **Policy 1339**

### **Administrative & Professional Faculty – Negotiated Amicable Separation Agreements**

**Date of Current Revision: August 2022**

**Responsible Officer: Director of Human Resources**

#### **1. PURPOSE**

The purpose of this policy is to ensure uniform procedures to follow in negotiating amicable separation agreements between the university and administrative & professional faculty.

#### **2. AUTHORITY**

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

#### **3. DEFINITIONS**

##### **Administrative & Professional Faculty (A&P faculty)**

Administrative faculty and professional faculty are normally referred to collectively, as both require advanced learning acquired by prolonged formal instruction and/or specialized training and work experience. However, the university recognizes administrative faculty and professional faculty as distinct position types.

*Administrative Faculty* positions are generally senior administrators who perform work related to the management of the educational and general activities of the university, for at least fifty percent of their work. Typically, administrative faculty serve in executive leadership roles such as vice president, provost, vice provost, dean, assistant or associate vice president, assistant or associate vice provost, or assistant or associate dean. Other administrative faculty roles can include (1) those responsible for the administrative direction of separately designated divisions or departments of institutional activity; (2) positions whose primary responsibility is to attract external funds; or (3) positions that are characterized by active, continuing involvement in formulating, interpreting and implementing institutional policy, and exercise substantial independence, authority and discretion in areas such as program planning, design and allocation of resources. The organizational reporting relationship for administrative faculty is normally not lower than three levels below Executive Council positions. For Academic Affairs, this would include: Vice Provost/Dean (level 1), Academic Unit Head/Director (level 2) and Associate Director (level 3).

*Professional Faculty* require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. Typical professional faculty positions are librarians, counselors, coaches, physicians, lawyers, engineers and architects. Other professional positions may support education, research, university life and other such activities. Professional faculty positions must require the incumbent to regularly exercise professional discretion and judgment and to produce work that is intellectual and varied and is not standardized.

#### **4. APPLICABILITY**

This policy applies to all employees designated as administrative or professional faculty and those who supervise them.

## **5. POLICY**

The university may negotiate mutually amicable separation agreements with A&P faculty, when such is determined to be in the best interest of the university. Such agreements provide a means for ending the employment relationship in a non-adversarial method. Supervisors of employees who are separated as a result of this policy are advised to reference the [Separating Employee Details for Supervisors](#) within the Human Resources [Supervisor Toolkit](#).

Agreements may be developed and implemented where unsuccessful job matches, irreconcilable personality conflict, or other circumstances lead the parties to agree that an end to the employment relationship is in the best interest of all parties. Decisions to enter into amicable separation agreements shall be voluntary on the part of the university and the employee. An employee and the university shall have the option to pursue traditional means of separation. The employee also has the option to pursue a review of a separation procedure in accordance with Policy [1335](#) – Administrative & Professional Faculty - Terms and Conditions of Employment.

## **6. PROCEDURES**

The appropriate vice president, in collaboration with the director of human resources, may negotiate mutually amicable separation agreements with A&P faculty, when such is determined to be in the best interest of the university.

Amicable separation agreements can be initiated by either party and shall be documented on a case-by-case basis. Such agreements must be approved by the appropriate vice president and the president and signed by both the A&P faculty member and the appropriate vice president. University counsel shall be consulted during the process and before final execution and implementation.

The official copy of record of fully approved and signed agreements shall be retained with the personnel file in Human Resources.

## **7. RESPONSIBILITIES**

Responsibilities are defined within the procedures for A&P faculty, human resources, vice presidents, and the president.

All departments, offices and employees that generate, receive or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) - Records Management.

## **8. SANCTIONS**

No sanctions are imposed for failure to comply with this policy, as the agreements developed according to this policy are entered voluntarily by all parties.

## **9. EXCLUSIONS**

This policy does not apply to instructional faculty.

## **10. INTERPRETATION**

The authority to interpret this policy rests with the president and is generally delegated to the director of human resources.

**Previous version:** May 2018

**Approved by the President:** May 2006