



Termination of Employment: Dismissal

Termination of Employment: Dismissal Policy

Approved by and date:

Board of Trustees 12/11/2017

Executive Leadership Team 11/16/2017

Policy:

Termination of a term contract will not be based on an employee's exercise of rights guaranteed by the Constitution, issues related to academic freedom, or be based unlawfully on an employee's sex, race, color, religion, age, national origin, disability, veteran's status, genetic information, or any other characteristic protected by institutional policy or local, state, or federal law. An employee may be dismissed for good cause before the completion of the term fixed in his or her contract.

Procedures:

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Delegation of Powers to President

The Board delegates to the President authority to make employment decisions for all employees, contractual and at-will employees. This delegation of power includes the authority to hire all employees, to non-renew a contract, and to terminate all employees (whether contractual or at-will). All such offers of employment will be provisional until approved by the Board via the consent agenda. All decisions to non-renew or to terminate any employee will be reviewed by the Board only to the extent set forth in the Non-Renewal of Term Contract Policy and within the Termination of Employment: Dismissal Policy.

Term Contracts – Notice of Dismissal

Before any contract employee is dismissed, the employee will be given reasonable notice (3 business days) in writing of the proposed action and the grounds, set out in sufficient detail to fairly enable him or her to show any error that may exist.

Term Contracts – Grievance

If, upon receipt of written notification of a recommendation for dismissal, the contract employee desires to be heard and to contest the proposed action, he or she will give the President written notice within three business days from the notice of dismissal letter. The hearing will be set on a date that affords the employee at least 10 business days to prepare an adequate defense.

The hearing will be conducted in closed session unless the employee requests a public hearing, in which case the hearing will be open to the public. The hearing will be conducted by a standing hearing committee selected by the college on a periodic basis.

At the hearing, the employee may employ counsel. If the employee chooses to be represented by counsel, he or she must notify the President at least five business days before the hearing of same so that counsel for the College may be present. The hearing panel will set 30 minute time limits for each side. The employee also has the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence why the proposed action should not be taken. The hearing may be recorded and the rules of evidence do not apply. The hearing panel will determine the existence of good cause for termination. The College bears the burden of proof by preponderance of the evidence. Such determination will be based solely on the evidence presented in the hearing. A written statement of the hearing committee's decision will be given to the employee and the President, as well as the human resources director within two working days of the hearing.

The President will approve or reject the decision of the hearing committee within 3 business days of receipt of the committee's written statement. The employee may request a review by the Board within 3 business days of the receipt of the President's decision.

If the employee does not request review by the Board within 3 business days of the receipt of the President's decision, the decision of the President is final and effective as of the date of the President's decision.

If a request for review by the board is received in the President's office within 3 business days then the Board will accept the recommendation of the President or conduct a review of same, at its sole option. If the Board decides to review the appeal, the proceeding is appellate in nature and only written evidence/documentation will be considered. No oral arguments or witnesses will be presented.

At-Will Employment: Dismissal

Employees without a contract are at-will employees and may be dismissed at any time for no reason or any reason not prohibited by law, as determined by the College's needs and its best interest. Non-contractual employees who are dismissed may request review of that decision by filing a written complaint with the College President within 5 business days of termination. The at-will employee will receive pay through the end of the last day worked. The College President or his or her designee will request additional documentation, schedule a meeting with the employee and/or any other necessary persons, or request a statement from the employee and/or other necessary persons. If the employee fails to file a written complaint within 5 business days of termination the decision to terminate will be upheld. The President or designee of the President will issue a written finding regarding the termination as soon as practical; and in most cases within 20 business days of the date of the employee's written complaint. The President or designee of the President's decision is final. The Board is not required to take any action concerning this review process but is required to listen if the employee presents a grievance at a public meeting.