

### **D.10.2.2 (Procedure) Termination During Contract Term: Non-Tenured Employees**

Responsible Department: Human Resources

Based on Board Policy: [D.10.2 - Separation from Employment](#)

Approved: 4-28-09

Last Amended: 1-13-10

---

#### **Termination During Contract Term**

Benefited, non-tenured term contract employees are subject to termination during the contract term in accordance with the steps outlined in [D.9.1.1](#), or for a first offense of a violation including, but not limited to, the violations listed under *Step 4* of [D.9.1.1](#).

Termination procedures and appeals for tenured faculty members are governed by [D.10.2.5](#).

#### **Appeal of Disciplinary Action**

Unless indicated otherwise in the employment contract, before a benefited term contract employee is terminated during the term of the contract, the employee shall be afforded written notice of the reasons for the termination and an opportunity for a hearing prior to any termination decision being implemented. The notice and hearing shall comport with constitutional due process requirements.

#### **Grievance Filed Under Education Code 51.960**

Full-time faculty members may present a grievance on an issue related to termination pursuant to Education Code 51.960. This provision does not include employees who hold faculty rank but who spend the majority of their time engaged in managerial or supervisory activities.

The Board designates the Chancellor or designee as the person to whom a faculty member may present a grievance under Education Code 51.960.

Within ten business days after final action on termination, a faculty member wishing to present a grievance under Education Code 51.960 shall file a request with the Chancellor's office to present the grievance.

A conference shall be scheduled within 15 business days after the request to present a grievance has been filed.

The Chancellor or designee shall hear the grievance at the conference, and may or may not take action or make a recommendation as a result of the conference. If the Chancellor or designee does not take action or make a recommendation on the grievance within 15 business days after the conference, the lack of action upholds the employee's termination.

#### **Nonrenewal Not Affected**

Nothing herein shall prevent the Board from deciding, by vote or inaction, not to offer a term contract employee further employment with the College District beyond the current term of the current contract, for any legal reason or no reason.

*Legal Reference - TACC Policy Reference Manual*

DMAA(LEGAL) - Term Contracts: Dismissal