

## **D.10.02.02 (Procedure) Termination During Contract Term: Non-Tenured Regular-Status Employees**

Responsible Department: Talent, Organization and Strategic Innovation

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

Approved: 4-28-09

Last Amended: 11-14-16, 9-27-22, 2-6-26

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### **Termination During Contract Term**

Regular-status, non-tenured contract employees are subject to termination during the contract term in accordance with D.02.02.02 for employees on entry probation and/or the steps outlined in D.09.01.02 Progressive Discipline.

Termination procedures and appeals for tenured faculty members are governed by D.9.1.2 and D.10.02.05.

The termination of temporary full-time, visiting lecturer and adjunct contract employees is governed by D.09.01.03.

Termination shall not be based on an employee's exercise of rights guaranteed by the Constitution; or, the employee's opposition to discrimination participation in any complaint process on campus or before a government agency; or, on an employee's race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state or federal law.

### **Approval**

Terminations must be approved by the Chancellor. A termination dossier including information relevant to the termination shall be developed by the Talent, Organization & Strategic Innovation department with review and counsel of the General Counsel, prior to termination.

### **Recommendation of Termination for Cause**

Unless specified otherwise in the employment contract, before a regular-status term contract employee is terminated during the term of the contract, the employee shall be afforded written notice that a recommendation of termination of employment for cause is contemplated with the reasons for the recommendation, and an opportunity to appeal the recommendation prior to any termination decision being finalized.

### **Appeal of Recommendation of Termination for Cause**

Appeals of recommendation of termination of employment for cause will be conducted in accordance with Education Code 51.9431. Appeals will be heard by the employee's President or Vice Chancellor. Appeals of President and Vice Chancellors will be heard by the Chancellor.

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

Full-time regular-status faculty members may present a grievance on an issue related to termination pursuant to Education Code 51.960 and 51.9431. This provision does not include temporary full-time faculty or 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 (10) business days after final action on termination, a faculty member wishing to present a

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grievance under Education Code 51.960 shall file a request with the Chancellor's office to present the grievance.

Within five (5) business days, the Chancellor will acknowledge in writing the request to grieve and give the employee the opportunity to have the termination decision reviewed by a peer advisory committee before the Chancellor hears the grievance.

Within three (3) days of the Chancellor's notice, the employee must communicate to the Chancellor whether the employee opts for peer review or opts to be heard by the Chancellor without peer advisory committee review.

If the faculty member elects peer advisory committee review, the VC TOP (Vice Chancellor for Talent, Organization and Policy) will form the peer advisory review committee and schedule the peer advisory committee review session with the faculty member and the administrator(s) recommending termination.

The peer advisory review committee will be comprised of five (5) Senators of the Alamo Colleges Faculty Senate, one Senator per college. The Senator of each college elected to the Faculty Senate with the most votes will serve on the peer advisory review committee. If the Senator with the most votes has a conflict of interest, the Senator from that college with the next highest number of votes will serve.

The VC TOP will facilitate the grievance hearing. The parties to the grievance will each present to their relevant evidence, witnesses and arguments to the committee. The committee may ask questions. The committee will review and consider evidence and statements of witnesses presented during the review. The peer advisory review committee will deliberate and render a written advisory recommendation to the Chancellor, within fifteen (15) business days following completion of the party interviews, to sustain the termination or continue the employment. The VC TOP will provide a copy of the advisory recommendation to the employee.

Within five (5) business days of receiving the committee's advisory recommendation, a conference for the Chancellor to hear the grievance within ten (10) business days will be scheduled.

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 fifteen (15) business days after the conference, the lack of action upholds the employee's termination.

The Chancellor shall be the final authority in terminations grieved.

An internal complaint or grievance process will not continue or be opened if an employee files or submits a complaint, report, or grievance to an external federal or state agency or other venue such as a court.

### **Grievance on Termination by Administrator**

Administrators may present a grievance on an issue related to termination to the Chancellor or Chancellor's designee. Within ten business days after receiving notice of termination, an administrator wishing to present a file a request with the Chancellor's office to present the grievance.

A conference shall be scheduled within fifteen (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 fifteen (15) business days after the conference, the

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lack of action upholds the employee's nonrenewal.

The Chancellor shall be the final authority in terminations grieved. The administrator may grieve at least one level beyond the level of the administrator recommending non-renewal. If the administrator reports directly to the Chancellor, the administrator may grieve one level beyond the Chancellor to the Board of Trustees.

An internal complaint or grievance process will not continue or be opened if an employee files or submits a complaint, report, or grievance to an external federal or state agency or other venue such as a court.

### **Nonrenewal Not Affected**

Nothing herein shall prevent the Chancellor from deciding, 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: Termination Mid-Contract