

### **D.10.02.05 (Procedure) Termination: Tenured Faculty**

Responsible Department: Talent, Organization & Strategic Innovation

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

Approved: 4-28-09

Last Amended: 2-10-15, 9-27-22, 12-19-23, 2-6-26

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#### **Termination of Tenured Faculty Members**

This procedure applies only to terminations of tenured faculty.

A tenured faculty member relinquishes tenure upon separation from employment. Faculty members with tenure appointments may be terminated for the following reasons:

1. Discontinuance of a program/course of study or financial exigency after at least 12 months' written notice to the faculty member. If tenure appointment is terminated because of financial exigency or discontinuance of a program/course of study, the released faculty member's place shall not be filled by a replacement within a period of two academic years, unless the released faculty member has been offered reappointment to a college within the College District and has declined it.
2. Progressive discipline shall be practiced, when possible, in accordance with Procedure D.9.1.2 Progressive Discipline for offenses not requiring immediate termination. Adequate cause for the dismissal of a faculty member with tenure is defined as a serious violation that is subject to termination under Step 4 of the Procedure D.9.1.2 Progressive Discipline.
3. A tenured faculty member relinquishes tenure upon exceeding the duration of an authorized leave of absence. A tenured faculty member relinquishes tenure where he/she is not reinstated to his or her position, or to an alternate tenured position, at the conclusion of an approved leave of absence. Relinquishment of tenure results in automatic termination of employment.

When reason arises to question the fitness of a faculty member to continue in his/her position, all reasonable effort to effect a negotiated settlement shall be made, subject to legal requirements that require the College District to formally investigate and resolve certain complaints.

Termination of employment 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.

#### **Notification - Recommendation of Termination for Cause**

Before a tenured faculty member is terminated, the tenured faculty member 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.

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**Appeal of Recommendation of Termination for Cause**

Appeals of recommendation of termination of tenured faculty employment will be conducted in accordance with Education Code 51.9431. Appeals will be heard by the tenured faculty member's President.

**Notice of Termination**

A written statement of reasons for termination shall be provided to the faculty member by the VC TOP (Vice Chancellor for Talent, Organization & Policy) along with a statement that the tenured faculty member may retain counsel or another representation. This notice shall be provided by email sent to the tenured faculty member's email address of record.

**Termination Grievance Process**

A tenured faculty member shall exhaust College District administrative remedies as provided in this policy for appealing termination before filing suit. A tenured faculty member requesting a hearing shall, within ten business days of receiving the statement of reasons for termination, make the request by email to the VC TOP. As a condition of filing a grievance, an employee shall provide an email address of record for grievance-requests to be processed under this procedure.

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

Full-time tenured 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 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 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, 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 or designee 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

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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.

In both cases, the Chancellor shall render a written decision, affirming or overruling the termination decision and adopting, modifying or rejecting the committee's advisory recommendation if there was committee review.

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.