

#### **D.10.02.01 (Procedure) Termination: Non-Contract Employees**

Responsible Department: Talent, Organization & Strategic Innovation

Based on Board Policy: [D.10.02](#) Separation from Employment

Approved: 4-28-09

Last Amended: 11-17-10, 9-27-22, 8-11-23, 2-6-26

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##### **Termination**

Except as otherwise provided in College District policies and procedures, and except with respect to "soft-money"-funded positions (addressed below), full-time regular-status non-contract employees are subject to termination in accordance with the steps outlined in the progressive discipline procedure D.09.01.02, or for a first offense of a violation including, but not limited to, the violations listed under Step 4 of D.09.01.02.

Full-time regular status non-contract employees may be terminated within the 120-day probationary or extended probation period without progressive discipline as stated in progressive discipline policy D.09.01.

Temporary and other non-contract, adjunct, temporary full-time faculty, visiting lecturers and temporary full-time administrators employees are subject to termination in accordance Procedure D.09.01.03. Termination of Temporary, Part-Time and Adjunct Employees.

Termination of employment of individuals occupying positions funded with "soft-money" (grant, student activities or temporary, non-institutionally-funded positions) are not subject to the progressive discipline procedure if termination is a result of changing program needs, funding re-prioritization or lack of funding in general.

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.

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

Unless specified otherwise, before a regular-status non-contract employee is terminated, 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 will be heard by the employee's President or Vice Chancellor. Appeals by employees who report directly to the Chancellor will be heard by the Chancellor.

##### **Grievance of Termination**

Full-time regular-status non-contract employees may present a grievance on an issue related to termination. The Board designates the Chancellor or designee as the person to whom a grievance may be presented.

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Within ten (10) business days after final action on termination, an eligible non-contract employee wishing to present a grievance 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.

The Vice Chancellor for Talent, Organization and Policy or designee will schedule and facilitate the grievance hearing. Within five (5) business days of receiving the request to grieve, 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. If the employee 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.