

D.10.2.3 (Procedure) Nonrenewal: Non-Tenured Contract Employees

Responsible Department: Talent, Organization and Strategic Innovation

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

Approved: 4-29-09

Last Amended: 7-1-12, 9-27-22, 2-6-26

This procedure applies only to nonrenewal of contract faculty and administrators who are full-time, regular-status and are not tenured. This procedure does not apply to temporary full-time administrators, temporary-full-time faculty or visiting lecturers.

Nonrenewal

Contracted employment does not create any entitlement to employment beyond the current term of the current contract. Renewal of a contract is not automatic. Nothing herein shall prevent the Board from deciding, by vote or by 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 for no reason.

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.

Written notice of nonrenewal of a non-tenured full-time faculty or administrator appointment shall be given to the employee in advance of the expiration of the appointment, according to the following minimum periods of notice: by April 30 during the academic year. The written notice of non-renewal shall specify employment ends on the date the contract ends and state the right to appeal.

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.

Grievance for Faculty Filed Under Education Code 51.960

Full-time, regular-status, faculty members may present a grievance on an issue related to nonrenewal pursuant to Education Code 51.960. All grievances will be conducted in accordance with Education Code 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 receiving notice of nonrenewal, 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 nonrenewal 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 advisory review or opts to be heard by the Chancellor without peer advisory committee review.

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

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 nonrenewal 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 nonrenewal.

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 Nonrenewal for Administrators

Administrators may present a grievance on an issue related to nonrenewal to the Chancellor or Chancellor's designee. Within ten business days after receiving notice of nonrenewal, 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 lack of action upholds the employee's nonrenewal.

The administrator may grieve at least one level beyond the level of the administrator recommending nonrenewal. 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.

Legal Reference - TACC Policy Reference Manual

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DMAB(LEGAL) - Term Contracts: Nonrenewal