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## **Severance of Employment of Full-Time Faculty**

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### **POLICY STATEMENT**

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### **PROCEDURE**

#### 1. Non-Renewal of Contract

The College may elect not to renew the contract of a probationary faculty member at its discretion and will give timely notice. The College will renew the contract of a continuing faculty member unless there exists good cause not to renew, as set forth in these policies.

In order to provide employees with time to seek other employment, written notice that the President intends to recommend non-renewal of a probationary appointment will be given to the faculty member prior to the first day of instruction of the Spring semester. Employees not receiving notice of non-renewal by the first day of instruction of the Spring semester will be offered a contract for the following year, except where instances of dismissal, reorganization, reduction in force or resignation apply.

Every effort should be made to provide faculty with continuing contract with at least seven months' notice of intent to non-renew their contract, recognizing that the timing and specific circumstances may sometimes not make this length of notice possible.

Upon receiving notice of non-renewal, the faculty member may request an exit interview from the dean and service area supervisor.

- The faculty member in question
- One faculty member named by the faculty member in question
- The immediate supervisor
- One faculty member selected by the immediate supervisor
- The campus dean or designee, acting as PRC chair

The PRC will try to resolve the concerns. The concerns will be deemed resolved if the supervisor approves the proposed solutions or actions. If no resolution is found, charges will be formalized in writing by the supervisor and a copy of the charges will be given to the PRC members.

- Maintenance of continuing contract with specific recommendations for improvement
- Non-renewal of continuing contract
- Termination of employment prior to the end of the current contract term

The PRC chair will recommend one of the aforementioned actions to the chief academic officer or designee. If the PRC chair's recommendation differs from the recommendation of the PRC, s/he will also forward the PRC recommendation to the chief academic officer.

- Maintenance of continuing contract
- Maintenance of continuing contract with specific recommendations for improvement
- Non-renewal of continuing contract
- Termination of employment prior to the end of the current contract term.

The supervisor will also receive a copy of any recommendations of the PRC.

The PRC chair will, within two weeks of receipt of the PRC's recommendation, make a recommendation to the chief academic officer or designee with one of the above-outlined actions. If the PRC chair's recommendation differs from the recommendation of the PRC, s/he will also forward the PRC recommendation to the chief academic officer or designee.

## 2. Dismissal

Full-time faculty members may not be dismissed during an appointment period without a finding of good cause by the College.

### **Procedure for Faculty with Continuing Contract**

A faculty member may not be dismissed during an appointment period without a finding of good cause by the College. The supervisor will advise the employee of his/her intent to recommend dismissal and will discuss the reason with the faculty member. At the request of the employee, a Personnel Review Committee (PRC) will be called together to review allegations involving incompetence, neglect of duties or unsatisfactory performance.

In the event that this Procedure is in conflict with another College Policy or Procedure or with local, state or federal law, the conflicting segments of this Procedure will be severed to conform with the other Policy or law, which is controlling.

## **Personnel Review Committee Review and Recommendations**

1. The PRC should meet within ten working days from the date of written notification from the supervisor to the employee of this action, or as soon as possible thereafter.
2. The PRC will review the charges and any related documentation, as provided by the supervisor and the faculty member. This review should take place within twenty working days from the date that the written charges were given to the PRC members.
3. At the end of twenty (20) days the PRC will recommend one of the following options to the PRC chair:
4. If the PRC's recommendation involves specific recommendations for improvement, the PRC members will, if appropriate, evaluate the progress of the faculty member regarding the specific recommendations for improvement within three working months of the initial recommendation and will submit to the PRC chair one of the following recommendations:
5. After reviewing the recommendations of the PRC chair and the PRC, the chief academic officer or designee will submit his/her recommendations to the President with a copy of earlier recommendations by the PRC chair and the PRC.
6. The President will notify the faculty member in writing of his/her decision (or recommendation to the District Governing Board, in cases of non-renewal of continuing contract or termination of employment prior to the end of the current contract term) within four weeks after receiving the recommendation identified in step 5, above.
7. Decisions made by the President or the District Governing Board will be communicated to the faculty member in a timely manner. Every effort should be made to notify the faculty member with continuing contract of a decision by December 1.

### **3. Reorganizations or Reductions in Force**

Release of faculty members may occur when a reorganization or reduction in force is deemed necessary due to budgetary or program decisions. It is the role of the President, in consultation with the District Governing Board, to determine whether financial or other conditions require such action. In any reorganization or reduction in force, the Procedures related to employee retention will be followed, except in circumstances when the College believes the teaching and learning needs of the College's community and students could be negatively impacted.

Prior to implementation of reduction in force provisions for financial reasons, the administration will consider alternative methods such as generation of additional revenues,

transfers, reassignments, non-replacement of resignations, support services, reductions in non-personnel budgets, and other economies.

Layoffs and reorganizations may occur at the District, Campus, Division or other unit level (the “academic unit”), as determined by the College. Within an academic unit, the College will generally not release a continuing faculty member in favor of a probationary faculty member. The College will make reasonable efforts to secure alternative faculty appointments within the College in open positions for which an affected faculty member with a continuing contract are qualified.

The College will notify the faculty member(s) being released through reduction in force of its intention as soon as practicable. Every effort should be made to provide the faculty member(s) with continuing contract with seven months’ notice.

If, within a period of three years from the date of notification of release of a faculty member(s) with continuing status, the College determines that the position in which the faculty member(s) served should be filled, reappointment to the position will be offered to the affected faculty member(s), provided that the faculty member(s) remains qualified for the position. The offer will be sent to the faculty member(s)’ last known mailing address and the faculty member will have thirty calendar days from the date of mailing to accept such offer of reappointment.

#### **4. Resignations by Full-Time Faculty**

Faculty members agree to terms set forth in a contract, which cannot be broken unless in accordance with Policy or mutually agreed to by the contract parties. Faculty members will provide written notice of intent to resign or retire to the college President, pursuant to the Procedures identified. Failure to do so will result in a breach of contract and a voiding of any other terms and conditions of the contract, including accrued leave credits.

Guidelines for notification shall meet one of the following conditions, whichever date occurs last:

- At least three months prior to the end of the contract term. Faculty members are encouraged to provide as much notice as possible in addition to this three-month period.
- Thirty days after receiving notification of the terms of appointment for the subsequent contract term.

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## **POLICY HISTORY**

Formerly Policy 2.7.4, Adopted 1/25/2000  
Renumbered to Policy 2.36 in 10/2014

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