
Chapter: Personnel

Modification No. 001

Subject: **Discharge of Administrative, Associate, and Support Staff**

- I. It is the policy of the Board of Trustees to encourage high standards of service, and fair, equitable and consistent treatment of employees, recognizing that circumstances may arise which preclude continuing employment and result in the termination of an employee.
- II. Any employee whose behavior, act(s) or performance is unacceptable shall be subject to dismissal for cause. Administrative staff employees who are recommended to be dismissed for cause during the one year contractual period of employment and regular associate and support staff employees who are recommended to be dismissed for cause shall have the right to appeal that recommendation.
- III. Temporary associate and support staff employees, probationary new regular employees and temporary casual employees are not granted the right to appeal.
- IV. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987.

Chapter: Personnel

Modification No. 004

Subject: **Discharge of Administrative, Associate, and Support Staff**

I. Discharge for Cause

A. An employee may be dismissed from employment with the College for cause. For purposes of these procedures cause includes, but is not limited, to incompetent, inefficient, negligent or unsatisfactory performance of duties; (2) any unacceptable behavior, action or inaction which would be a cause to discipline an employee (See policy and procedure on disciplinary action) when other less severe disciplinary action is not deemed to be appropriate; and (3) conviction of a crime which renders the employee unsuitable for continued employment at the College.

B. Administrative Staff

1. General

An administrative staff employee ("employee") may be dismissed for cause at any time during the term of an administrative appointment. Prior to dismissal, the employee shall be given written notice of the reasons for dismissal and provided an opportunity to rebut that cause exists for his or her dismissal, in accordance with the procedures set forth below.

2. Procedures for Dismissal

- a. An employee may be recommended for dismissal by anyone in the direct supervisory line of authority over the employee. The supervisor recommending dismissal ("supervisor") of an employee shall submit to the employee a written statement of charges of why cause exists for the dismissal of the employee. The statement shall include an explanation of the recommendation, refer to any previous disciplinary actions or performance warnings and inform the employee of the appropriate appeal procedures.
- b. For employees who do not report directly to the President, a copy of the written statement of charges shall be simultaneously forwarded to the administrator to whom the employee ultimately reports. For employees who report directly to a vice president/provost of the College, a copy of the written statement of charges shall be simultaneously forwarded to the President of the College. For employees who report directly to the President, a copy of the written statement of charges shall be simultaneously forwarded to the Chair of the Board of Trustees.
- c. If an administrative staff employee does not request a conference, the President of the College shall determine whether the employee shall be dismissed or other action taken.

- d. The administrator may request a personal conference with the recommending supervisor. A written request for a personal conference must be submitted to the appropriate supervisor within five (5) working days of the submittal of the recommendation. The supervisor shall schedule a meeting with the employee. Written notice of the date, time and place of the meeting shall be given to the employee at least five (5) calendar days in advance of the meeting. If the President has received a copy of the written statement of charges, the President may participate in the meeting, at the President's option. No other persons may participate in the meeting.
- e. If, as a result of the meeting, mutual agreement is reached between the employee and the supervisor as to the future status of the employee, appropriate action shall be taken in accordance therewith.
- f. If no mutual agreement is reached, the employee may, by written notice from the employee received by the President of the College within five (5) calendar days after the date of the meeting, request a conference to rebut the charges against him or her. The President of the College shall schedule such a conference to be held not later than thirty (30) calendar days after receipt of the request for the conference. The conference shall be presided over by a Senior Vice President designated by the President. If the supervisor is the President of the College, the conference shall be presided over by a member of the College's Board of Trustees or other person designated by the Chair of the Board of Trustees. (The vice president or other person designated to preside over the conference is hereinafter referred to as the "Chair").
- g. At the conference, the supervisor shall present the evidence supporting the charges upon which he or she has recommended that cause exists for dismissal. The employee shall then be granted the opportunity to rebut such evidence. The employee and the supervisor may be represented at the conference by a person of his or her choice, including counsel. The Chair shall control the proceedings and may request the presence of the College's General Counsel to advise him or her as to procedural matters. The Chair will not apply technical legal rules of evidence and procedure followed in judicial proceedings nor entertain technical legal motions. Reasonable rules of relevancy will guide the Chair in ruling on the admissibility of evidence. All evidence against an administrator will be presented in his/her presence.
- h. Within ten (10) calendar days after the conference, the Chair shall submit a written recommendation as to whether the employee should be dismissed or other action taken, together with a brief statement of the reasons for such recommendation. Copies of the recommendation shall be forwarded to the employee and the supervisor. If the conference was presided

over by a vice president of the College, the written recommendation shall be submitted to the President of the College. If the conference was presided over by a member of the Board of Trustees, the written recommendation shall be submitted to the Chairperson of the Board of Trustees.

- i. Upon review of the written recommendation of the Chair, the President of the College or the Board of Trustees, respectively, shall determine whether the employee shall be dismissed or other action taken. Such determination shall be final.
- j. At all stages of the proceedings under this procedure, confidentiality shall be maintained. In making his or her written recommendation, the Chair shall not consider matters other than those presented at the conference. In making the final determination, the President of the College or the Board of Trustees shall not consider matters other than those raised in the conference or presented in the written recommendation submitted by the Chair.
- k. If, at any stage of the proceedings specified herein, the employee fails to comply with the time limitations set forth, the employee shall be dismissed, without further review.

C. Regular Associate and Support Staff

1. General

Any regular associate or support staff employee may be discharged for cause at any time. The administrative supervisor, through normal administrative channels, may recommend to the Director of Employee Engagement and Labor Relations that an employee be dismissed.

2. Procedures for Dismissal

A regular associate or support staff employee may be dismissed for cause, in accordance with the following procedures:

- a. A dismissal recommendation shall be in writing, shall state the reason(s) for such recommendation, should be a detailed statement, explain any previous disciplinary action, shall be accompanied by a statement from the appropriate vice president/provost or other major administrator indicating that the case has been thoroughly reviewed at that level and that no alternative action short of dismissal is deemed possible, and shall be submitted to the Director of Employee Engagement and Labor Relations for review, accompanied by sufficient documentation to justify the dismissal. Sufficient documentation should include a description of the problem(s) and refer to any prior warnings and corrective actions recommended.
- b. After receipt of the recommendation for discharge, the Director of Employee Engagement and Labor Relations or designee shall

schedule a meeting with the affected employee. Prior to the meeting, the Director of Employee Engagement and Labor Relations will send a copy of the recommendation to discharge to the employee. The purpose of the meeting is to explain the evidence against the employee, give the employee an opportunity to respond to the recommendation and to present his or her side of the story and any written material or documentation to the Director of Employee Engagement and Labor Relations or designee, who also may discuss the recommendation with the supervising administrator or other individuals.

- c. If the Director of Employee Engagement and Labor Relations decides that there are reasonable grounds to believe that the charge(s) against the employee is true and approves the proposed action, he/she notifies the employee of the effective date of dismissal and his or her right to appeal. A copy of such notice shall also be sent to the Chief Human Resources Officer.
- d. If the Director of Employee Engagement and Labor Relations decides that dismissal is not warranted, he/she may take whatever alternative action is deemed most appropriate for the best interest of the College.
- e. In the event of disagreement between the recommending official and the Director of Employee Engagement and Labor Relations, the matter will be referred to the Senior Vice President for Administrative and Fiscal Services for final resolution.
- f. An employee who is to be dismissed shall be so notified in writing by the Director of Employee Engagement & Labor Relations. A copy of the notification shall be sent to the employee's supervisor. Such written notification shall state the reason(s) for the dismissal, should inform the employee of his or her right to appeal and to request a hearing, and shall be given to the affected employee at least two weeks in advance of the effective date of dismissal.
- g. Appeal from Dismissal.

A regular associate or staff employee who has received notification of dismissal may appeal the decision within seven (7) calendar days of receipt of the notification of dismissal action; otherwise dismissal shall be final. The appeal must be made in writing to the Senior Vice President for Administrative and Fiscal Services and shall state specific reasons why the dismissal action should be reversed or modified. A hearing may also be requested. Review of the appeal shall be conducted in accordance with 34101CP, Personnel Grievance Process For Associate and Support Staff Employees, Section VI, Processing Grievances Involving Suspensions and Discharge.

- 3. The policies and procedures which apply in instances of termination as a

result of reorganization, position abolishment, lack of funding or economic difficulties are stated elsewhere in College policies and procedures.

II. Discharge During Probationary Period of Associate and Support Staff Employees

If at any time during a probationary period an administrative supervisor determines that a probationary employee's work record is unsatisfactory, or that other actions of the employee warrant dismissal, the supervisor may recommend to the Director of Employee Engagement and Labor Relations that the employee be dismissed in accordance with the following procedures:

- A. Such recommendation shall be in writing and must include the reasons for the recommendation and refer to any previous disciplinary actions or performance warnings.
- B. In the event of approval of the recommendation, the Director of Employee Engagement and Labor Relations shall so notify the employee in writing at least two weeks in advance of the effective date of dismissal. Such notification shall inform the employee of the reasons for the dismissal. A copy of such notification shall also be sent to the Chief Human Resources Officer and the supervisor. The right to appeal a termination action is not granted to probationary regular employees.
- C. In the event of disagreement between the recommending official and the Director of Employee Engagement and Labor Relations, the matter will be referred to the Senior Vice President for Administrative and Fiscal Services for final resolution. The decision of the Senior Vice President is final.

III. Discharge of Temporary Associate and Support Staff

- A. At Expiration of Employment Period: The employment of a temporary associate or support staff employee automatically terminates without right of appeal or review at the end of the specified employment period.
- B. Discharge During the Period of Employment
 1. Based on Lack of Funding or Economic Difficulties: The employment of a temporary associate or support staff employee may be terminated without recourse based on lack of funding or economic difficulties.
 2. Based on Performance or Other Acts or Behavior Warranting Dismissal: If at any time during a specific employment period the administrative supervisor determines that a temporary associate or support staff employee's work record is unsatisfactory, or that other actions of the employee warrant dismissal, the supervisor may recommend to the Director of Employee Engagement & Labor Relations that the employee be dismissed in accordance with the following procedures:
 - a. A dismissal recommendation shall state the reason(s) for such recommendation, and list previous disciplinary action, if any, and be submitted to the Director of Employee Engagement & Labor Relations for review accompanied by sufficient

documentation to justify the dismissal. Sufficient documentation should include a description of the problem(s) and refer to any prior warnings and corrective actions recommended.

- b. After receipt of the recommendation for discharge, the Director of Employee Engagement & Labor Relations or designee shall schedule a meeting with the affected employee. Within a reasonable time prior to the meeting, the Director of Employee Engagement & Labor Relations will send a copy of the recommendation to discharge to the employee. The purpose of the meeting is to explain the recommendation to the employee, give the employee an opportunity to respond to the recommendation and to present his/her side of the story and submit any written material or documentation to the Director of Employee Engagement & Labor Relations, who also may discuss the recommendation with the supervising administrator or other individuals.
- c. If the Director of Employee Engagement & Labor Relations decides that there are reasonable grounds to believe that the charge(s) against the employee is true and approves the proposed action, he/she notifies the employee of the effective date of dismissal. A copy of such notification shall also be sent to the Chief Human Resources Officer and the supervisor. The right to appeal a termination is not granted to a temporary associate or support staff employee.
- d. If the Director of Employee Engagement & Labor Relations decides that dismissal is not warranted, he/she may take whatever alternative action he/she deems most appropriate for the best interest of the College.

IV. Discharge of Temporary Casual Associate and Support Staff

- A. Grounds for Dismissal: Temporary casual employees may be terminated at any time, with or without cause, and without any right of appeal or review.
- B. Procedures: If a supervisor determines that a temporary casual associate or support staff employee's work record is unsatisfactory, or that other actions of the employee warrant dismissal, or that the services of the employee are no longer needed, the supervisor may terminate that employee in accordance with the following procedures:
 1. The supervisor or his/her designee shall inform the employee that his/her employment is being terminated and the effective date of termination.
 2. The supervisor shall forward that information to the Chief Human Resources Officer together with an explanation of the reasons for the action taken, and any documentation, if appropriate.

Administrative Approval: September 21, 1987; November 6, 1989; October 4, 2004; October 1, 2010.