

Procedure 4-15: Termination or Demotion of Non-Contractual Employees

1. INTRODUCTION

This procedure specifies the procedures for termination or demotion of a non-contractual employee in accordance with Policy IV-G-2 Policy on Termination or Demotion for Non-Contractual Employees. These procedures apply regardless of whether the employee is employed on a full-time or part-time basis.

2. PROCEDURE

A. When an employee engages in misconduct, demonstrates performance deficiencies, or otherwise fails to meet the leader's expectations, the leader may recommend termination or demotion. A non-contractual employee may be terminated or demoted for no reason or any reason, except that if a reason exists, it is not an unlawful reason. Factors to evaluate may include:

1. The nature and severity of the employee's conduct.
2. Whether the employee's conduct is part of a pattern.
3. Whether the employee has received prior notice of the leader's concern.
4. Whether the employee has been given an opportunity to address the area of concern.
5. Whether the conduct is of such a nature that remediation is not reasonable or appropriate.
6. Whether the College's interests would best be served by immediate termination.

B. If the Chancellor, or his/her designee, determines that administrative leave is in the best interest of the College or College Community, an employee may be placed on paid administrative leave or reassigned during the course of an on-going internal/external investigation or when a recommendation to terminate or demote is pending before the Chancellor. If the College reassigns the employee, the employee's pay may be adjusted accordingly.

C. The decision to terminate or demote a non-contractual employee will be given thorough consideration prior to taking any action. The following procedure generally will apply to the proposed termination or demotion of an at-will employee.

1. The immediate leader will notify Human Resources of the potential termination or demotion and seek guidance. The immediate leader also will inform all levels in the leadership chain, including the respective Provost or Vice Chancellor of the reasons for the recommended termination or demotion.
2. All documentation will be reviewed by the leadership chain including the respective Provost or Vice Chancellor and Employee Relations prior to making a decision.

3. The immediate leader and/or Employee Relations will determine if additional information or investigation is required.
4. The Provost, Vice-Chancellor or designee will notify Employee Relations regarding his/her support or denial of the termination or demotion along with supporting reasons and documentation.
5. Only the Chancellor, or his/her designee, is authorized to approve a termination or demotion for any full-time, part-time, or adjunct employee.
6. The employee may ask for a review of the decision by following the process in section D.

D. **REVIEW PROCESS.** Non-contractual employees are able to request a secondary review of his/her job termination or demotion. The request must be in writing to the Vice President of Human Resources, or his/her designee, within five (5) working days of the termination.

1. The termination or demotion process will continue even while the review is under consideration.
2. The review will be conducted within ten (10) working days of the request. The review will be conducted by the Vice President of Human Resources, or his/her designee. The employee is able to present information in writing that may not have been considered in the decision to terminate or demote. The recommendation from the Vice President of Human Resources, or his/her designee, will be in writing and sent to the Chancellor, or his/her designee, within ten (10) working days of the review. The Chancellor, or his/her designee, will review the recommendation and make the final decision to uphold or overturn the decision to terminate employment or demote the employee. The final decision will be in writing and sent to the employee within ten (10) working days of the Chancellor's, or his/her designee's, review.
3. If reinstated, the employee will receive back pay for the days he/she was off the payroll.

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