
Chapter: Personnel

Modification No. 002

Subject: **Discharge of Administrators and 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; April 8, 2019.

Chapter: Personnel

Modification No. 005

Subject: **Discharge of Administrators and Staff**

I. Discharge for Cause

- A. The Procedure herein applies to all staff, except when an individual employment contract or collective bargaining agreement calls for other procedures. Certain employees under contract with the College – i.e., administrators and employees who are members of a certified collective bargaining unit with the College – may be subject to contractual provisions for dismissal. In cases where a contractual agreement includes provisions for dismissal that do not match the procedure contained herein, the applicable contract shall control the process. In all other cases, including when a contract is silent on the issue, the Procedure herein shall apply.
- B. An employee may be discharged for cause. For purposes of these procedures cause includes, but is not limited, to:
 - 1. 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 34002-Disciplinary Action and Suspension);
 - 3. violations of other Policies or Procedures; or conviction of a crime which renders the employee unsuitable for continued employment at the College.
- C. Discharge generally occurs as the final step in progressive discipline, but serious offenses may result in discharge prior to exhausting all steps in the disciplinary process.
- D. Employee Rights
 - 1. Sufficient notice of discharge, as outlined herein; and
 - 2. The opportunity to be heard and to present relevant evidence.

II. Procedure for Discharge

- A. A supervisor in an employee's direct supervisory chain may recommend discharge of an employee.
- B. A supervisor may only recommend discharge after consulting with both the Director of Employee & Labor Relations or designee and the Administrator in charge of the unit. The Director of Employee & Labor Relations will determine whether an Investigatory Suspension pursuant to Procedure 34002CP is appropriate while the recommendation for discharge is under review. If the Director of Employee & Labor Relations does not support the proposed recommendation, then he or she will recommend alternative remedies, such as engaging the Ombuds, engaging a mediator, or providing training as appropriate.
- C. The recommending supervisor shall provide the employee with written notice of

the recommendation for discharge, with a copy to the Director of Employee & Labor Relations, which must include:

1. The reason(s) for the recommendation;
 2. Any prior disciplinary or remedial actions;
 3. If applicable, any evidence of wrongdoing, failure to abide by Policy or Procedure, or failure to discharge duties; and
 4. The effective date of the discharge.
 5. Notice of the employee's status pending the outcome of the recommendation and/or any appeal.
- D. The employee may rebut the recommendation verbally or in writing or both within ten (10) working days of receiving notice of proposed discharge to the Director of Employee & Labor Relations. Employee and Labor Relations will assist employees without access to College systems to gather necessary documentation to respond to any recommendations. Failure to meet the deadline, without showing just cause, will result in the employee forfeiting his/her right to rebut the proposed discharge and/or request an appeal hearing.
- E. The Director of Employee and Labor Relations (or designee) shall evaluate the proposed discharge, which shall include, but not necessarily be limited to:
1. The employee's disciplinary record;
 2. The reasons the supervisor stated for discharge;
 3. The employee's rebuttal, if any; and
 4. The supporting documentation from both parties.
- F. If the Director of Employee and Labor Relations finds, after a review of the items enumerated in Section II, E above, that the evidence supports the recommendation for discharge, the Director may adopt the recommendation. The employee may then request a hearing (as outlined in Section III below).
- G. For dismissal resulting from certain disciplinary actions, the recommendation may be made by an administrator (or designee) with oversight of a relevant policy area, such the Office of Employee and Labor Relations or the Office of Compliance, Risk and Ethics. For the purposes of this Procedure, if the recommendation comes from an administrator (or designee) outside the employee's supervisory chain, that individual shall act as the "recommending supervisor."

III. Procedure for Appeal

- A. If the Director of Employee & Labor Relations adopts the recommendation for discharge, the employee may request an appeal hearing, in writing, within five (5) working days. Failure to request a hearing makes the discharge final.
- B. When requested, every effort shall be made to schedule the hearing within twenty (20) working days of the request, but extenuating circumstances may require an extension.

- C. The hearing panel shall be comprised of three (3) employees of the College, including at least one (1) administrator, who shall serve as the chair. The panel shall be selected in consultation with the Senior Vice President responsible for the unit in which the employee works, and the Office of Human Resources.
 - D. The panel shall receive instruction on their role, responsibility, and procedure.
 - E. The hearing is a non-judicial proceeding which is closed to the public. The proceeding will be recorded via audio recorder.
 - F. At the hearing, both the recommending supervisor and the employee shall submit evidence and call witnesses, within reason, and as necessary.
 - G. Upon the conclusion of the hearing, the hearing panel shall draft a recommendation to uphold, modify, or overturn the recommendation for discharge. Every effort shall be made to submit the draft within thirty (30) days of the hearing, but certain circumstances may require an extension.
 - H. The hearing panel shall submit its recommendation to the Senior Vice President responsible for the area under which the employee works.
 - I. The Senior Vice President may, in his or her sole discretion, accept the hearing panel recommendation as it is submitted, modify the recommendation, or overturn the recommendation.
 - 1. If dismissal is upheld, it shall take effect on the date specified in the notice for recommended discharge, or, if that date has passed, as specified by the Senior Vice President.
 - 2. If there is a modification of the recommendation, the modified course of action shall take effect as soon as is practicable.
 - 3. If the recommendation is overturned, the employee shall return to work as soon as is practicable with all applicable rights and privileges retroactively restored.
- IV. Discharge of Temporary Staff (with or without benefits) or Staff on Probationary Period
- A. Temporary or Probationary Staff may be discharged at any time, for any reason or no reason at all. Any supervisor in the employee's supervisory chain may discharge a temporary or probationary employee. The supervisor may provide notice of the reasons for the decision, although providing reasoning is not required.
 - B. The deciding supervisor shall notify both the Director of Employee & Labor Relations, or designee, and the Administrator in charge of the relevant unit, or designee, of any such discharge.
 - C. Temporary and Probationary Staff do not have any right to appeal.
 - D. The College shall have no obligation to Temporary or Probationary Staff who receive notice that regular status will not be granted prior to the end of the

relevant temporary or probationary period. Temporary or Probationary Staff are not entitled to continue working through the end of the temporary or probationary period if such notice is given.

- V. The College's Policies and Procedures, including this Policy, are not intended to constitute a contract of employment, or to confer any additional employment rights.

Administrative Approval: September 21, 1987; November 6, 1989; October 4, 2004; October 1, 2010; April 19, 2019.