

NONRENEWAL, TERMINATION, AND DISMISSAL

I. BACKGROUND and/or LEGAL REFERENCE

The law provides a property interest to contract employees in his or her employment. *Dooley v. Fort Worth ISD*, 866 F.2d 1418 (5th Cir. 1988). This property interest cannot be taken away without the appropriate due process of law. *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985). However, employees are not legally entitled to the renewal of their contracts. They have no legal expectation of continued employment beyond the end of the contract term. *Board of Regents v. Roth*, 408 U.S. 564 (1972). In addition, at will, temporary, or non-contract employees have no expectation of continued employment, and may be terminated at the discretion of the employer. *East Line & Red River R. Co. v. Scott*, 10 S.W. 99 (1888).

II. POLICY

A. Nonrenewal of Contract Employment

Employees may be nonrenewed at the end of the contract term. Nonrenewal shall not be based on an employee's exercise of rights guaranteed by the Constitution or be based unlawfully on an employee's race, color, religion, sex, national origin, handicap, or age.

B. Notification

Written notification of intent to nonrenew ~~an employee a contract for Faculty and Administration~~ shall be made by April 1 of each year. ~~The April 1st notification requirement does not apply to temporary or part-time employees, who can be terminated at any time upon thirty (30) days' written notice by the College to the Employee. [Nonrenewed employees who believe their property interests or other rights protected by law have been violated may appeal the decision not to renew by invoking the provisions of Regulation 877, Employee Grievances.]~~ ~~Written notification of intent to nonrenew all Administrative Staff shall be made by June April 1 of each year.~~ Please see Regulation 892 for more information on employee classifications.

C. ~~Termination of Noncontract Employment~~ Dismissal of Contract Employees: Due Process Procedures

WCJC recognizes the need to provide procedures to ensure a fair hearing for any employee who believes his property interests or other rights protected by law are being threatened by the proposed action of the College.

When the College proposed to dismiss or demote a contract employee during the term of employment or when any employee alleges that the action proposed by the College violates the employee's legally and constitutionally protected rights, the employee may invoke the provisions of Regulation 877, Employee Grievances and Complaints.

D. Suspension

The Board reserves the right to immediately suspend from duties any contract employee charged with moral turpitude or nonperformance of duties. Salary will continue until the investigation of the charges is complete and the Board makes a final determination regarding employment status.

E. Dismissal of Noncontract Employment

1. Noncontract employees are employed on an at-will basis.

- 1.2. Noncontractual employees who are dismissed shall receive an amount equal to two weeks' pay upon the date of termination.
- 2.3. Noncontractual employees who are dismissed may request review of that decision through the provisions of Regulation 877, Employee Grievances and Complaints.

D.F. Financial Exigency as Cause for Dismissal of Employees

- 1. Cases of bona fide financial emergency exigency or the phasing out of instructional programs that require the reduction of staff shall be sufficient cause for dismissal during the term of the contract.
- 2. Order of Dismissal. When considering dismissal of contract employees in cases of bona fide financial emergency exigency or when phasing out instructional programs, the Board shall consider length of service and employee performance evaluations in determining the order of termination. In addition, the following considerations will be granted:
 - a. Affected employees will be given opportunity for appointments in related areas, or other areas provided that they are qualified in such areas and such positions are available.
 - b. Assuming professional qualifications are met, an employee's length of service and performance evaluation will be considered in making appointments in related areas.
 - c. ~~Should an employee be terminated or appointed to a different position for reasons of financial emergency exigency or the phasing out of programs, he/she will be given the opportunity for reappointment to his previous position or other positions for which he is qualified should such positions become available within two calendar years of the termination date.~~

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F. ~~Board Authority~~

~~The Board reserves the right to immediately suspend from duties, and until the charges are proven, any contract employee charged with moral turpitude or nonperformance of duties. Salary will continue until the charges are upheld or rejected by the Board, or until the charges are dropped. In the event the charges are upheld by the Board, the contract employee's contract will be terminated immediately. If the charges are not upheld by the Board the contract employee is reinstated.~~

(POLICY APPROVAL: 7-2-90, 11-16-10 Board of Trustees, amended _____)

JJ/BAM, 11-16-10
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