

An employee may be terminated mid-contract for good cause as determined by the Board following a hearing held for that purpose in accordance with law.

The following constitute good cause for dismissal:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications;
2. Failure to fulfill duties or responsibilities;
3. Incompetency or inefficiency in the performance of duties;
4. Insubordination or failure to comply with official directives;
5. Failure to comply with Board policies or administrative regulations;
6. Physical violence, completed or attempted, of another on College District property;
7. Violation of established Board policies;
8. Offering or receiving money or other valuable consideration in exchange for altering student grades, a better job, or any advantage in working conditions;
9. Making fraudulent records;
10. Intentional or reckless damage or destruction of property of other employees, students, or the College District;
11. Bringing firearms, ammunition, explosives or prohibited weapons on College District property except as expressly allowed under the laws of the State of Texas or College District policy;
12. The unlawful manufacture, delivery, possession, sale or use of controlled substances on College District property or at a College District-sponsored event, and/or the manufacture, sale, use, or possession of alcoholic beverages or other intoxicants on College District property or at a College District-sponsored event;
13. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on College District property, while working in the scope of the employee's duties, or while attending any College District or College District-sponsored activity, except as permitted under College District policies or otherwise specifically sanctioned by the College President or designee;
14. Organizing, encouraging, or participating in any activity that forcibly prevents the operation of the College District or the attendance of classes by any student;

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15. Theft of College District property;
16. Misuse of College District resources for personal gain or benefit;
17. Reasons specified in individual employment contracts reflecting special conditions of employment;
18. Excessive absences;
19. Conducting personal business during school hours when it results in neglect of duties;
20. Failure to meet the College District's standards of professional conduct;
21. Failure to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude;
22. Failure to comply with reasonable College District requirements regarding advanced coursework or professional improvement and growth;
23. Disability, not otherwise protected by law, which prevents the employee from performing the essential functions of the job;
24. Any activity, College District-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, or the community, impairs or diminishes the employee's effectiveness in the College District;
25. Failure to maintain an effective working relationship, or maintain good rapport, with students, the community, or colleagues;
26. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional;
27. Knowing or intentional misrepresentation of facts to a supervisor or other College official in the conduct of College District business;
28. Engaging in conduct that would tend to injure or impair the College District's interests, reputation, or operations;
29. Engaging in conduct that is contrary to the mission and values of the College District or that is inconsistent with the employer/employee relationship; or
30. Other good cause in accordance with the law.

Burden of Proof

~~In dismissal proceedings involving administrative personnel or faculty on probationary status, the burden of proof shall be on the individual. In in-~~

~~stances where the dismissal proceedings involve administrative personnel or faculty with regular contract status, the~~ The burden of proof shall be on the institution.

Procedures for
Suspension with Pay
Faculty Grievance of
Decision to
Terminate

A term contract employee may be suspended with pay and placed on administrative leave by the College President during an investigation of alleged misconduct by the employee or at any time the College President determines that the College District's best interest will be served by the suspension.

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Grievance Filed
Under Education
Code 51.960

A faculty member shall be given written notice prior to any recommendation by the College President to the Board that the faculty member be terminated for cause mid-contract under this policy. The written notice shall set forth the charges and the nature of the evidence giving rise to the proposed decision to terminate. A copy of that notice shall be promptly provided to the faculty member's Division Chair and Dean, the Vice President of Instruction, and the Director of Human Resources.

The faculty member may, upon the receipt of the written notice, present a grievance regarding the proposed termination as provided herein. The Board designates the ~~director of human resources~~ Director of Human Resources as the person to whom a faculty member may present a grievance under Education Code 51.960 and this policy on an issue related to the proposed dismissal. The faculty member must present a grievance to the director of human resources within ten days after receiving notice of the proposed decision, or the College President may then proceed with making a recommendation of termination to the Board. In presenting a grievance, the faculty member must set forth in writing the basis of his or her dismissal. ~~It is recommended that~~ disagreement with the proposed decision to terminate and the nature of supporting evidence. If the faculty member file a request to does not present the grievance to the Director of Human Resources, the faculty member shall still be entitled to a hearing before the Board consistent with this policy.

Upon receipt of a grievance, the Director of Human Resources shall:

1. Schedule a conference with the faculty member no earlier than four and no later than ten days of receipt of the grievance;
2. Consider the entire written record, including the notice of intent to recommend termination, the faculty member's written response, and if the same or similar factual allegations arose in a grievance previously presented by the faculty member under DGBA, the written record from those proceedings;
3. Respond to the grievance in writing within ~~ten~~ ten business days after final action the conference stating the Director of Human Resource's recommendation as to the outcome of the grievance and setting forth

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~~the factual information and the conclusions on the dismissal proceeding which the determination is based; and~~

4. ~~Present such to both the faculty member and the College President. The Director of Human Resources may have up to an additional ten business days to respond to the grievance if reasonably necessary under the circumstances.~~

~~Once a request to present a grievance has been filed, the conference shall be scheduled within seven business days.~~

~~The faculty member may appeal the decision of the director of human resources under DGBA, beginning at the appropriate level.~~

~~The College President shall have ten business days to accept or reject the recommendation of the Director of Human Resources and, regardless of the Director's recommendation, to make a decision as to whether to recommend the faculty member's termination to the Board, and to notify the faculty member of that decision in writing with an explanation of the factual information and the conclusions therefrom on which the College President's determination is based.~~

~~If the College President recommends to the Board that the faculty member's contract be terminated pursuant to this policy, the faculty member may then present his or her grievance to the Board under the procedures described as Level Four in DGBA. The provisions in DGBA shall also control notice to and the provision of the written record to the Board, notice to the faculty member of the Board's meeting, the presentation of a complaint at a Board meeting, any hearing by the Board or its designee, and whether the hearing is to be open or closed.~~

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