

TERM CONTRACTS
NONRENEWAL

DMAB
(LOCAL)

NONRENEWAL

An employee may be nonrenewed by the Board at the end of the employee's contract term on the recommendation of the College President. The employee may be nonrenewed for any reason or no reason, provided that the decision shall not be based on an employee's exercise of rights guaranteed by law or be based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age.

~~The employee~~Non-faculty employees may request an appearance before the Board providing that a request for such appearance is made in writing to the College President within ten days of the employee's receipt of the letter of nonrenewal. The College President shall notify ~~the employees~~such employees of the date of the appearance and the procedures to be followed. Notice shall be given at least ten days prior to the scheduled appearance.

PROCEDURES FOR
FACULTY GRIEVANCE
FILED UNDER
EDUCATION CODE
51.960 OF DECISION
TO NON-RENEW

A faculty member shall be given written notice prior to any recommendation by the College President to the Board that the faculty member be nonrenewed under this policy. The written notice shall set forth the charges and the nature of the evidence giving rise to the proposed decision to nonrenew. 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 nonrenewal 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 his or her proposed nonrenewal. The faculty member shall 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 nonrenewal to the Board. In presenting a grievance, the faculty member must set forth in writing the basis of his or her disagreement with the proposed decision to nonrenew and the nature of supporting evidence. If the faculty member does not present a grievance to the Director of Human Resources, the faculty member shall still be entitled to a hearing before the Board consistent with this policy.

~~It is recommended that the faculty member file a request to present the grievance within ten business days after final action on the nonrenewal proceeding.~~

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

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~~The faculty member may appeal the decision of the director of human resources under DGBA beginning at the appropriate level. When the grievance is presented to the Director of Human Resources for review and consideration, that individual shall:~~

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- ~~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 nonrenewal, 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 business days after the conference stating the director of human resource's recommendation as to the outcome of the grievance and setting forth the factual information and the conclusions on 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.~~

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~~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 nonrenewal 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 nonrenewed 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 meeting, the presentation of a complaint at a Board meeting, any hearing by the Board or designee, and whether the hearing is to be open or closed.~~

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