

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 the employee's exercise of rights guaranteed by law or be based unlawfully on the employee's race, color, religion, sex, national origin, disability, or age.~~

~~A non-faculty employee 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 such employee 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.~~

An employee's contract expires at the end of the contract term.

The College District is not obligated to renew any employee contract. The College District may allow the contract of any full-time employee to expire by its own terms and may choose not to offer further employment for any reason or no reason, provided the decision does not violate laws regarding discrimination or other protected rights. Good cause is not required for nonrenewal of an employee's contract. Such decision shall be at the sole discretion of the College District and shall be exercised if, in its sole judgment, the best interest of the College District will be served by such non-renewal.

Notice of Nonrenewal

Each employee whose contract will not be renewed shall be notified in writing by the College President, or designee, of the College District's intent not to offer the employee a contract for the upcoming academic year at least 15 business days before the expiration of the current contract term.

The written notice of nonrenewal will inform the employee that he/she has the right to grieve issues related to the nonrenewal of his/her contract.

The notice of nonrenewal shall be provided to the employee via hand delivery, electronic mail, or certified mail (return receipt requested).

Appeals Procedure for All Contractual Employees

Appeals related to ~~this policy-~~ a notice of nonrenewal may be submitted through the employee grievance process outlined in DGBA(LOCAL) beginning at the appropriate level.

Faculty Members –
Grievance Under
Education Code
51.960

If no grievance or hearing request is timely received, the nonrenewal is effective at the end of the contract term. If an appeal is timely filed, the employee will not receive a new contract, and has no expectation of continued employment, unless and until the employee prevails on their appeal.

~~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, vice president of instruction, and director of human resources.~~

The faculty member may, upon the receipt of the written notice of intent to nonrenew, first present a grievance under Education Code 51.960 and this policy to the ~~d~~Executive Director of h~~Human r~~Resources on an issue related to the proposed nonrenewal. The faculty member ~~shall~~must present a grievance to the Executive D~~irector of h~~Human R~~esources~~ within ten business 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.~~

~~When the grievance is presented to the director of human resources for review and consideration, that individual shall:~~ Upon receipt of a grievance, the Executive Director of Human Resources shall:

1. Schedule a conference with the faculty member no earlier than four and no later than ten business 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 (LOCAL), the written record from those proceedings;
3. Respond to the grievance in writing within ten business days after the conference stating the Executive D~~irector of h~~Human r~~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 Executive Director of Human Resources may have up to an additional ten business days to respond to the grievance if reasonably necessary under the circumstances.

The College President shall have ten business days to accept or reject the recommendation of the Executive Director of Human Resources and, ~~regardless of the director's recommendation,~~ to make an independent decision as to whether to recommend grant or deny the faculty member's appeal. nonrenewal to the Board, and to The College President shall 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 at Level Four in DGBA(LOCAL). The provisions in DGBA(LOCAL) 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.~~

If the faculty member disagrees with the College President's decision, the faculty member may appeal the decision to the Board pursuant to DGBA (Local).

If the faculty member does not present a grievance to the Executive Director of Human Resources, the faculty member shall still be entitled to request a hearing before the Board consistent with this policy. The faculty member may present a timely filed grievance to the Board under the procedures described in DGBA (Local).