

TERMINATION OF EMPLOYMENT
TENURE

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Introduction

A faculty member may be discharged or suspended for the reasons set forth in this policy. This policy is only applieaseable to faculty members serving in a faculty member positions as defined in Board Police DCB,- and This policy does not apply to non-faculty position employees. is ineligible to this policy.

Definitions

Unsatisfactory performance as a cause for discharge for faculty members shall be defined as follows:

1. One “unsatisfactory” evaluation rating;
2. Two consecutive “needs improvement” ratings;
3. Three “needs improvement” ratings in a four-year period;
4. Exhibited professional incompetence;
5. Continual or repeated failure to perform duties or meet professional responsibilities of the faculty member’s position;
6. Failure to successfully complete any post-tenure review professional development program; or
7. Violation of laws or College District policies substantially related to the performance of the faculty member’s duties.

“Neglect of duty” means continual or repeated substantial neglect of professional responsibilities.

“Serious misconduct” shall be defined in this policy as follows:

1. Engaged in conduct involving moral turpitude that adversely affects the institution or the faculty member’s performance of duties or meeting of responsibilities;
2. Been convicted of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration;
3. Engaged in unprofessional conduct that adversely affects the institution or the faculty member’s performance of duties or meeting of responsibilities; or
4. Falsified the faculty member’s academic credentials.

**Suspension or
Dismissal of Faculty
During Contract
Period or Tenure**

Any faculty member may be suspended or dismissed during a contract term or while tenured for one or more of the following reasons:

1. Unsatisfactory performance;
2. Neglect of duty;
3. Serious misconduct;

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4. Violation of College District policies;
5. Gross negligence;
6. Insubordination;
7. Habitual tardiness;
8. Unexcused and/or excessive absences;
9. Malingering;
10. Being under the influence of alcoholic beverages and/or illegal controlled substances at work or during the performance of work-related duties; or
11. Physical or mental incapacity, not otherwise protected by law, that prevents the employee from performing the essential functions of the position.

**Procedures for
Dismissal of Faculty
or Tenured Faculty**

A faculty member may be summarily dismissed during a contract term or while tenured by the College President utilizing the following due process procedures.

The faculty member will be provided with written notice of the allegations against the faculty member together with an explanation of the evidence supporting dismissal. The faculty member is afforded an opportunity to respond to the allegations in a hearing with the College President or a designated administrator. The faculty member must request the hearing by submitting the request in writing to the human resources director within 10 days of the faculty member's receipt of the written notice.

The College President or designated administrator shall consider the faculty member's oral and written response to the allegations provided, which are provided during the hearing, and make a written determination of whether to proceed with the summary dismissal of the faculty member.

The College President or designated administrator shall promptly provide to the faculty member a copy of the written determination that clearly indicates whether the faculty member will be subject to summary dismissal. The written determination will:

1. Include the effective date of the dismissal and information regarding the faculty member's opportunity for a post-dismissal appeal, if the College President's or designated administrator's decision is in favor of summary dismissal; or
2. State that the faculty member is not subject to summary dismissal if the College President or designated administrator's decision is against summary dismissal.

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**Post-Dismissal
Appeals**

Following the College President's or designated administrator's written determination to summarily dismiss a faculty member, the faculty member has the opportunity for a post-dismissal appeal.

Faculty members may appeal the College President's or designated administrator's written determination of summary dismissal directly to the Laredo College Board of Trustees or to a committee designated by the Board of Trustees. The faculty member must first file a written request appealing the summary dismissal with the Office of the College President within 10 days of the date of the decision.

The Board President shall provide notice to all parties of the date and time of the hearing and the procedures to be adhered to during the appeal. This notice shall be provided to all parties at least 10 days in advance of the hearing. The Board President may reschedule the hearing once at the request of the faculty member. If the faculty member fails to appear, the Board may proceed with the hearing.

~~The hearing will be held during a meeting of the Laredo College Board of Trustees and may be held in executive session.~~ Each party at the hearing may be represented by counsel. Any procedural disputes arising during the hearing shall be settled by the Board President or hearing chair. The faculty member requesting the hearing shall present written evidence and witnesses first. The administration shall present its written evidence and witnesses second. Each side shall have an opportunity to question all witnesses, and each side shall then be given an opportunity to sum up its position after the presentation of all evidence. It should be remembered that this is not a court of law but a due process proceeding. The Board of Trustees or designated committee will determine after the hearing whether to uphold the summary dismissal.

Before appealing the College President's or designated administrator's written determination of summary dismissal to the Laredo College Board of Trustees, a faculty member, as defined by Education Code 51.960, may first present a grievance under Section 51.960 to the executive director of human resources on an issue related to the faculty member's dismissal. The faculty member must file a request to present the grievance within 10 business days after final action on the dismissal proceeding. 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 executive director of human resources directly to the Laredo College Board of Trustees or to a committee designated by the Board of Trustees

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in accordance with the Post-Dismissal Appeal process described
above.