
SECTION: Human Resources

POLICY TOPIC: Employment Separation

I. Termination

A. Philosophy: It shall be the responsibility of each supervisor to assist his or her employees in becoming effective workers. However, realizing that some employees may not benefit from this assistance and continue to be nonproductive, a termination policy shall be in effect.

B. Probationary Employees: All staff and faculty are assigned a probationary period as described in the prior policy. These employees may be terminated at any time during the probationary period without showing cause and with no employee appeal.

Conditional and Temporary Employees: Individuals employed in these categories may be terminated at any time during the contract period without showing cause and with no employee appeal.

C. Continuing Employees: Unless the College determines that summary dismissal is necessary, in cases of termination of a faculty member on continuing contract or other employee termination for cause prior to the end of the fiscal year in which hired, such termination will include the right to an appeal process. Written notification of termination must be provided the employee in question. It is the responsibility of the appropriate division head, supervisor, or Vice President to provide evidence of cause for the termination.

Prior to notification of termination, the employee in question shall be provided with a statement of his/her deficiency and an opportunity to improve. The statement of deficiency shall be provided in a conference setting with the appropriate division head, supervisor and Vice President. The employee shall be given the following in writing:

1. The statement of deficiency.
2. The period of time to take corrective steps.
3. A plan of action will be called a "Growth Plan". This Growth Plan will establish specific activities to be pursued by the faculty member or other staff

who has been given the statement of deficiency.

4. The date for a follow-up conference.

If at the end of the period provided for the Growth Plan, there has not been sufficient improvement, the individual will be notified of the date of contract termination. The date of termination shall not be sooner than conclusion of the appeal process.

D. Reasons for Termination Include, But are not Limited to, the Following:

1. Incompetence
2. Moral turpitude
3. Sexual Harassment
4. Neglect of duty
5. Unprofessional conduct
6. Insubordination
7. Failure to fulfill job requirements in a job description
8. Violation of San Juan College Board Policy
9. Possession or use of alcohol or narcotics or being under the influence while on the job

Further explanations of reasons are available in the Faculty, Professional and Staff Employee Handbooks.

II. Summary Dismissal

- A. Philosophy: An occasion may exist whereby an employee will need to be dismissed from the College if his or her behavior is detrimental to a student, himself or herself, or another employee of the College. The employment contract of an employee may be terminated at any time, subject to an appeal process, for any behavior that seriously impedes the educational process of the institution. Prior to summary dismissal, an employee shall be provided written notice of the reasons for dismissal

and be provided the College's appeal process. At his or her discretion, the President may suspend an employee pending the outcome of the appeal process.

B. Reasons for Summary Dismissal Include, But are not Limited to, the Following:

In addition to all the reasons enumerated in Policy 502 I. D., an employee may be summarily dismissed for any of the following reasons:

1. Theft
2. Criminal activity
3. Failure to report for duty for three (3) successive days without authorization
4. Assault or battery of a fellow staff member or student

III. Reduction-in-Force

- A. General Provisions: Employees of San Juan College may be subject to reduction-in-force based on lack of work relevant to the position, declining enrollment, institutional income factors, termination of funding for a grant-funded program, reorganization, or any combination of these factors which dictates a reduction-in-force.

The San Juan College Board recognizes that the College, within these policies and procedures, may be required to curtail or delete certain programs at the same time that other programs are being retained, expanded or added depending upon educational requirements as determined by the College. Programs and services most necessary to meet the educational needs of the students and community, consistent with the established priorities and objectives of the College, are of the highest priority when reduction-in-force is being considered.

- B. The Board delegates to the President the following duties:

1. Determination of the program areas within which reductions-in-force will occur in accordance with the guidelines.
2. Administration of procedures for effecting reduction-in-force

IV. Philosophy

Every effort will be made to retain qualified and productive employees in situations where reduction-in-force becomes necessary. In cases other than financial exigency or non-renewal of soft money contract where immediate termination may be necessary, employees affected by impending reduction-in-force may be given assistance in the following ways:

- A. Priority in placement in like jobs when a vacancy occurs.
- B. Cross-training in other areas where openings are anticipated.
- C. Where possible, delay the reduction-in-force until natural attrition occurs, i.e., pending retirement or resignation.

V. Criteria for Reduction-in-Force of Faculty and Staff

- A. Normally, faculty and staff reductions will be satisfied by retirements, resignation, or other types of normal attrition. Where that is not possible, the determination concerning terminations will be made considering the following factors, but not limited to, in descending order:
 - 1. Job performance and competency in service.
 - 2. Qualifications of the employee.
 - 3. Seniority.
- B. The President shall have the option of reassigning affected faculty and staff members into other areas of the institution for which the person is qualified, in the judgment of the President.
- C. When the President determines that a reduction-in-force or involuntary transfer is necessary, such action shall be based upon the needs of the College, performance of the individual, and the qualifications and seniority of the employee. An analysis of the acquired knowledge, demonstrated skills, and versatility of the employees will be compared to the work to be done and the available funding.

VI. Notice of Reduction-in-Force

Should a reduction-in-force become necessary, the President will make public a notice to the Board, faculty and staff of the impending action setting forth the conditions requiring the

action. The notice will state the reason for the reduction-in-force and shall state that this policy governs procedures for review of the reduction-in-force. Salary and benefits shall cease the day following the effective date of reduction-in-force.

A. Reduction-in-Force of Faculty

Notice of termination due to reduction-in-force will be given as early as is practicable and no later than March 1 of the contract year in which it is necessary for such reduction-in-force to take effect.

B. Reduction-in-Force of Staff

Employees to be affected by a reduction-in-force shall be provided at least thirty days written notice prior to termination. Terminated employees will be eligible for benefits as described in the Professional and Staff Employee Handbook and the Faculty Handbook.

VII. Grievances/Appeal Procedures

All employees affected by reduction-in-force may appeal the decision through the employee appeal procedures for termination as outlined in the Professional and Staff Employee Handbooks and the Faculty Handbook.

VIII. Financial Exigency

The President, or designee, determines the conditions of financial exigency which would require a reduction-in-force. In case of financial exigency, some of the above stipulations may be waived.