

## **Section IV.F.10.13: Contractual Termination Notice and Appeal Procedures**

These procedures supplement and clarify Section IV.F.10.13 of the Lone Star College District Policy Manual (“Policy Manual”) last revised by the Board of Trustees on December 3, 2015—setting out the College’s policies regarding termination of employment contracts during the contract term.

The Policy Manual controls when a conflict arises between it and the procedures below. These procedures were last updated on **April 6, 2016**. The notice and comment period was open online to the public from **March 4, 2016** to **April 3, 2016**.

The notice and appeal procedures found in Section IV.F.10.13 of the Policy Manual apply to contract terminations that occur during the contract term. These procedures protect an employee’s property interest in their employment contract. Only employees with executed employment contracts will be entitled to these procedures. Employees without executed employment contracts are employed at will and have no property interest in their continued employment.

Finally, these procedures are relatively brief because the Board of Trustees detailed many procedures directly in the Policy Manual. Rather than re-publishing them here, we direct the reader to Section IV.F.10.13 of the Policy Manual.

- a. Pre-termination Notice Procedures:** All employees subject to termination during their contract term must receive a Notice of Forthcoming Termination. This notice serves to provide notice of the reasons for terminating the employee, the nature of the evidence supporting those reasons, and an opportunity for the employee to respond in writing. The employee’s supervising President, Vice Chancellor, or Chief Area Officer delivers this notice to the employee. The Chancellor will deliver this notice to his or her direct reports (e.g., President or Vice Chancellor).

The Notice of Forthcoming Termination must be delivered to the contractual employee at least via the United States Postal Service’s Certified Mail Return Receipt Request service to the current address on file with the Human Resources office. The Notice of Forthcoming Termination is considered received by the employee once the U.S. Postal Service attempts delivery at the last address the College has on file from the employee. Employees must keep their contact information updated with the Human Resources office. A copy of the Notice of Forthcoming Termination must be filed in the employee’s Human Resources file. Email may be used in addition to the postal service, but email delivery cannot replace postal delivery.

The contractual employee has five working days to respond to the Notice of Forthcoming Termination. The employee responds to this notice by delivering a written response, at least via email, to the person who signed the Notice of Forthcoming Termination.

The Notice of Forthcoming Termination will automatically become a Notice of Recommended Termination on the sixth working day after the employee receives the Notice of Forthcoming Termination. Once the Notice of Forthcoming Termination becomes a Notice of Recommended Termination, the employee has 15 working days to request an appeal and is immediately placed on administrative leave with pay. If the employee does not request an appeal within 15 working days, the Notice of Recommended Termination becomes the Notice of Termination on the 16th working day following conversion of the Notice of Forthcoming Termination into a Notice of Recommended Termination.

**b. Pre-termination Appeal Procedures:** Contractual employees have the right to timely request a hearing to challenge the Notice of Recommended Termination.

1. Appeal:

Initiated by Contractual Employees Who Report Directly to Chancellor: Contractual employees who report directly to the Chancellor initiate an appeal by filing Contract Termination Form 1, attached as an appendix, with the Board of Trustees via the Office of the Chancellor. The Chancellor's Office shall acknowledge receipt of Contract Termination Form 1 and shall forward a copy to each Board member, along with all accompanying documentation, within three working days of Contract Termination Form 1 being received by the Chancellor's Office. The Board will consider the appeal in accordance with the Open Meetings Act at the next regularly scheduled Board meeting that is scheduled to occur at least 30 working days after Contract Termination Form 1 is received in the Chancellor's Office.

Initiated by All Other Contractual Employees: All other Contractual Employees initiate an appeal by filing Contract Termination Form 2, attached as an appendix, with the Chancellor. A contractual employee files Contract Termination Form 2 by hand-delivering this Form to the Office of the Chancellor. This Form can also be mailed to the Office of the Chancellor. If mailing, the Form will be considered timely if properly addressed and postmarked on or before the due date. The Chancellor must confirm in writing receipt of Contract Termination Form 2 within three working days of receiving it. The receipt confirmation may be made via email, but must be made through at least Certified Mail Return Receipt Requested with the United States Postal Service. Receipt Notice must be accomplished by using Contract Termination Form 3, attached as an appendix. As Contract Termination Form 3 indicates, the Chancellor must hold a hearing within 30 working days of receiving Contract Termination Form 2.

The timelines set out above may be extended by mutual written consent of the parties.

2. Hearing Date: The Chancellor shall use Contract Termination Form 3 to notify the employee of the hearing date. The Chancellor will send a copy of Contract Termination Form 3 to the employee's supervising President, Vice Chancellor, or Chief Area Officer via email.
3. Hearing Records: The employee and employee's President, Vice Chancellor, or Chief Area Officer reporting to the Chancellor, will submit to the Chancellor a one-page statement identifying their concerns in the employee's continued employment by filing Contract Termination Form 4, attached as an appendix. Filing Contract Termination Form 4 is accomplished by hand-delivering this Form to the Office of the Chancellor at least 10 working days before the hearing. This Form can also be mailed to the Office of the Chancellor. If mailing, the Form will be considered timely if properly addressed and postmarked on or before the due date.
4. Time Allocation: No clarification.
5. Decision: The Chancellor shall send the written decision to the employee and the employee's supervising President, Vice Chancellor, or Chief Area Officer. The written decision may be sent via email, but must also be sent through at least Certified Mail Return Receipt Requested with the United States Postal Service. This decision is final.

The Chancellor's decision can be further appealed to the Board only if the contractual employee alleges procedural irregularities. Substantive challenges are not allowed. Contractual employees procedurally challenge the decision by filing Contract Termination Form 5 with the Office of the Chancellor within 30 working days after receipt of the Chancellor's written decision.

6. Representation: No clarification.
7. Notice of Representation: No clarification.
8. Prohibition on Using College Resources: No clarification.
9. Modification: The Chancellor's procedure modification may be sent via email, but must also be sent through at least Certified Mail Return Receipt Requested with the United States Postal Service.

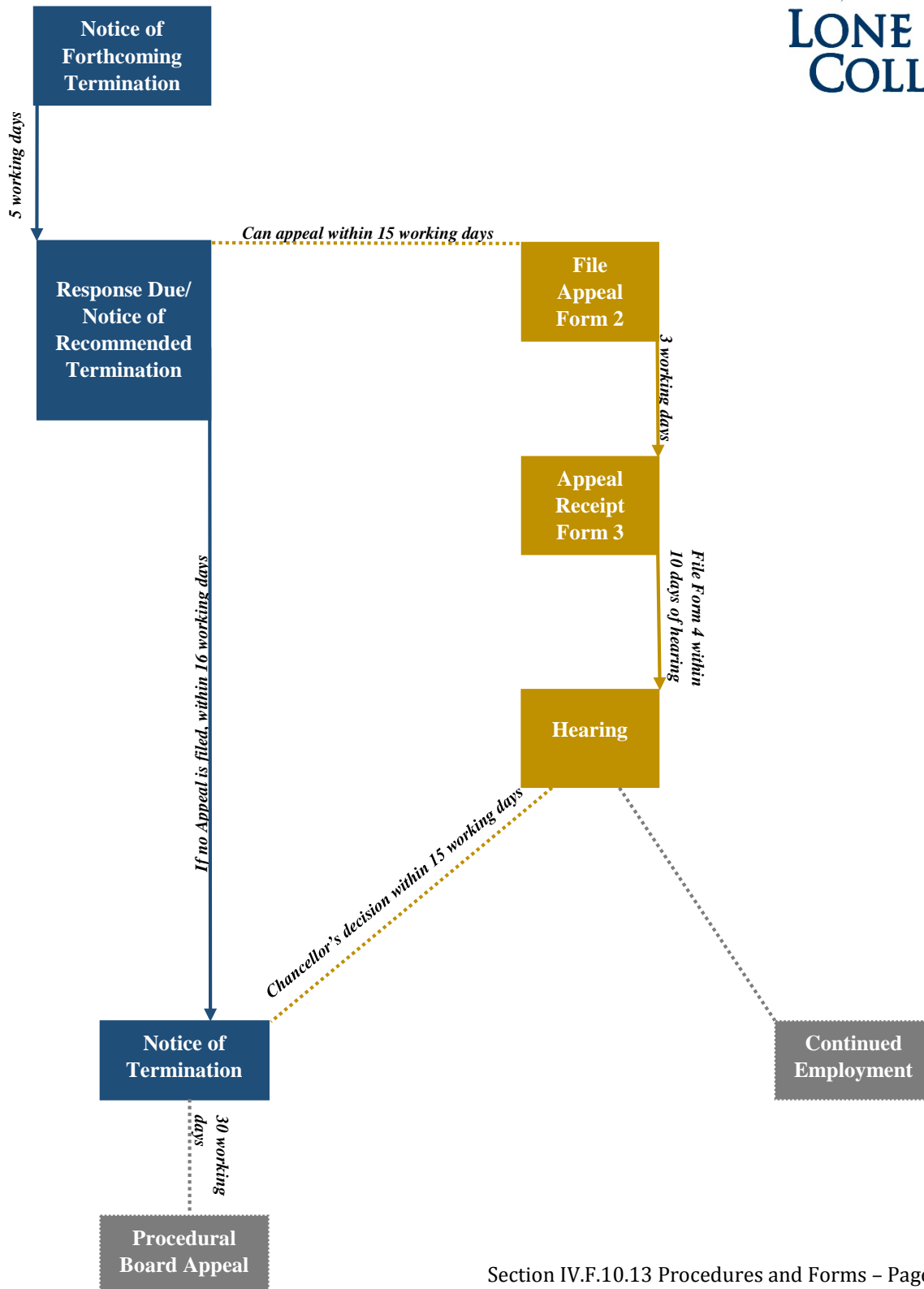
Effective Date: April 6, 2016.



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Dr. Stephen C. Head, Chancellor  
Lone Star College System

**Section IV.F.10.13 Contractual Termination  
Notice and Appeal Process**



**Board of Trustees Request for Appeal of  
Notice of Recommended Termination  
Contract Termination Form 1:**



*THIS FORM IS USED BY EMPLOYEES WHO REPORT  
DIRECTLY TO THE CHANCELLOR*

**Employee:**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please remember to attach a summary of the basis for your appeal.

Office of the Chancellor Date Received: \_\_\_\_\_.

Receiving Employee in the Chancellor's Office: \_\_\_\_\_.  
Printed Name

\_\_\_\_\_  
Signature

**Request for Appeal of Notice of Recommended Termination  
Contract Termination Form 2:**



**Employee:**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please remember to attach a summary of the basis for your appeal.

Office of the Chancellor Date Received: \_\_\_\_\_.

Receiving Employee in the Chancellor's Office: \_\_\_\_\_.  
Printed Name

\_\_\_\_\_  
Signature

**Appeal Receipt and Hearing Notification**  
**Contract Termination Form 3:**



Receipt Notice Sent To:

\_\_\_\_\_  
Print Name

Receipt Notice Sent By:

\_\_\_\_\_  
Print Name

CMRRR No.:

\_\_\_\_\_  
Certified Mail Return Receipt Request No.

Date Receipt of Notice Sent:

\_\_\_\_\_

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**Appeal Receipt and Conference Notification**

I acknowledge receipt of your Appeal challenging the recommendation my office has received under Section IV.F.10.13 of the Lone Star College System District Policy Manual for termination of your employment contract. I have tentatively scheduled your hearing for the date, time, and place below. If this time conflicts with your schedule or you are otherwise unable to make this appointment, please inform my office as soon as possible so we can reschedule to a more convenient time.

**Time:**

\_\_\_\_\_

**Location:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

\_\_\_\_\_  
Stephen C. Head, Ph.D.  
Chancellor

\_\_\_\_\_  
Date





**Request for Board Procedural Appeal of Contract Termination**  
**Contract Termination Form 5:**



Employee:

\_\_\_\_\_

Print Name

\_\_\_\_\_

Signature

**Specific Board Policy Allegedly Violated:** \_\_\_\_\_  
(Please reference specific policy sections) \_\_\_\_\_

Please remember to attach a summary of the basis for your appeal.