

**LONE STAR COLLEGE SYSTEM DISTRICT  
BOARD POLICY MANUAL  
Fourth Edition**

the Chancellor. The President, Vice Chancellor, or Chief Area Officer will have 30 minutes to explain the basis for the initial recommendation and provide any documentation.

The affected employee will then have 30 minutes to explain his/her basis for why the change in contract status should not be upheld by the Chancellor and will also have the opportunity to provide supporting documentation. Neither the supervisor, nor the affected employee, may cross-examine or question each other during their respective 30 minutes.

The Chancellor will notify the affected employee no later than 15 working days following receipt of the appeal of the Notice. The employee may directly appeal to the Board if the employee alleges a Procedural Irregularity of this Section's processes is appealable as allowed by Section IV.E.6.6. The Chancellor will forward to the Board of Trustees all accepted recommendations and recommendations not appealed.

The process permitted by this policy constitutes a grievance for purposes of Texas Education Code Section 51.960.

### **IV.G.3. Employment Termination**

#### **IV.G.3.1. Policy**

An employee's employment may end. This section addresses the College's authority to end an employee's employment and due process issues for contractual employees.

#### **IV.G.3.2. Non-Contractual Employees**

Non-contractual employees are employed at will and have no property interest in their continued employment. A non-contractual employee's employment may be immediately terminated with or without prior notice and with or without a reason. Non-contractual employees have no due process right of notice or opportunity for an appeal hearing.

#### **IV.G.3.3. Contractual Employees**

Contractual employees have a property interest during the term of their employment contract. A contractual employee's employment contract may be terminated during the term of the contract for cause. Termination for cause includes, but is not limited to, misconduct, insubordination, dishonesty, incompetency, negligence, mistreating co-workers or students, misusing College funds, violating civil rights policies, continued performance issues, substantial unauthorized absences that negatively affect the College, misusing authority, failing to complete required training, or violating any Board policy. Employment contracts are terminated in accordance with the Contractual Termination Notice and Appeal Process.

#### **IV.G.3.4. Contractual Termination Notice and Appeal**

An employment contract with the College creates a property interest in the position solely for the contract's period of time. A contractual employee recommended for termination during a contract term is entitled to a pre-termination notice and pre-termination appeal under this policy. If during the process, however, an employee's contract expires, the

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employee loses their property interest and this process ceases immediately. This process applies only to employees with signed and unexpired employment contracts.

**(a) Pre-termination Notice:** A contractual employee's supervising President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor, must deliver a Notice of Forthcoming Termination providing notice of the charges raised against the employee, the nature of the evidence supporting those charges, and an opportunity for the employee to respond in writing.

Or in the case of a President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor, if the Chancellor intends to propose the termination of a contractual employee who is a direct report to the Chancellor the Chancellor will deliver a Notice of Forthcoming Termination providing notice of the charges raised against the employee, the nature of the evidence supporting those charges, and an opportunity for the employee to respond in writing. The contractual employee shall have five working days to respond to the Notice of Forthcoming Termination before it is converted to a Notice of Recommended Termination. If an employee has not already been placed on administrative leave, the Notice of Recommended Termination shall also automatically place the employee on administrative leave during the pendency of any appeal.

Either category of contractual employee shall have five working days to respond to the Notice of Forthcoming Termination before it is converted to a Notice of Recommended Termination. If an employee has not already been placed on administrative leave, the Notice of Recommended Termination shall also automatically place the employee on administrative leave during the pendency of any appeal. If no appeal is filed, the Notice of Recommended Termination will automatically become a Notice of Termination on the 16th day following receipt of the Notice of Recommended Termination. The Board of Trustees delegates to the Chancellor the authority to terminate an employee's employment in such a situation.

**(b) Pre-termination Appeal:** That contractual employee has the right to request a hearing once his or her supervisor delivers a written Notice of Recommended Termination. That contractual employee must file a written request with the Chancellor within 15 working days after receiving that Notice of Recommended Termination. The written request for an appeal must specify whether the employee elects a representative. A contractual employee may elect to use legal representation during a pre- termination proceeding in the notice phase or in the appeal phase. The contractual employee is responsible for the costs of such representation.

1. Appeal: The contractual employee will have an opportunity to present evidence

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before the Chancellor alleging the termination is without cause, and/or would violate state or federal law. The Board of Trustees will hear any appeal from a President, Vice Chancellor, or Chief Area Officer. Every reference to “the Chancellor” below, as it relates to a President, Vice Chancellor, or Chief Area Officer should be interpreted to mean “the Board of Trustees” when the contractual employee being recommended for termination is a President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor at the time of the Chancellor’s recommended termination. Likewise, every reference to the President, Vice Chancellor, or Chief Area Officer below should be interpreted to mean the Chancellor when the subject contractual employee is a President, Vice Chancellor or Chief Area Officer reporting directly to the Chancellor.

2. Hearing Date: A hearing shall take place within thirty (30) working days after the employee files a written request for such hearing with the Chancellor.
  
3. Hearing Records: The employee and the employee’s President, Vice-Chancellor, or Chief Area Officer reporting to the Chancellor, will submit to the Chancellor a statement identifying their concerns in employee’s continued employment. If the employee chooses to present witnesses at the pre-termination appeal hearing, then the employee may present individual witnesses during the hearing and copies of all documentation relied upon and in support of their position. At least ten (10) working days prior to the hearing, both the employee and the employee’s President, Vice-Chancellor, or Chief Area Officer shall furnish at least three copies of the hearing records, the names of witnesses, and name of any representative, to the Chancellor. The Chancellor will review only the hearing records submitted by the employee and his or her President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor, and upon convening the hearing, invite responses to certain questions in order to reach a decision.
  
4. Time Allocation: Both the employee and the employee’s President, Vice Chancellor, or Chief Area Officer reporting to the Chancellor, recommending the termination will each have no more than thirty (30) minutes to present to the Chancellor. During the 30 minutes, the employee and the recommending supervisor may present their respective positions regarding the termination recommendation, including presentation of witnesses. This process does not provide for any cross- examination of the witnesses, or questioning of the employee and/or employee’s supervisor, or designee, from the other party or his or her representatives. The Chancellor will have thirty (30) minutes in which to question the parties present at the hearing, including witnesses.

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5. Decision: The Chancellor will make a decision within fifteen (15) working days of the hearing. The decision of the Chancellor shall be final. An employee may appeal the Chancellor's final decision if the employee alleges a Procedural Irregularity of this policy section, as defined in the Grievance and Review Process, and as allowed by Section.IV.E.6.6.
6. Representation: The employee may choose to have a representative at the hearing. The employee shall bear his or her own costs of any such representation.
7. Notice of Representation: The employee or his or her representative, including the legal representative, must provide at least ten (10) working days' notice of such representation prior to any hearing under this section. The College's General Counsel or a designee must be present at the hearing.
8. Prohibition on Using College Resources: The employee and his or her Representative, including the legal representative, shall not meet during the employee's working hours when preparing for the employee's pre-termination notice response or hearing and shall not use the College's resources when preparing for either.
9. Modification: The Chancellor and his or her designee may modify the pre-termination hearing procedures upon written notice to the requesting employee and prior to the Hearing Date. The Chancellor's modification is not a "Procedural Irregularity."

**IV.G.4. Timeliness**

The time limits, as provided in the Employee Grievance and Review Process and the Contractual Termination and Notice and Appeal policies are created in order to ensure that issues are raised and addressed promptly. Timelines for the filing of and response to appeals under these policies may be extended by the mutual agreement of the employee and the Chancellor's Office. An appeal shall be considered resolved at the completion of any step, if all parties are satisfied or if neither party files a timely appeal to the next step.

The process permitted by these policies constitutes a grievance for purposes of Texas Education Code Section 51.960.

**IV.H. Intellectual Property**

**IV.H.1.1. Intellectual Property Policy**