The Board may make a decision, but is not required to do so. If the Board does not make a
decision, the decision of the Chancellor, or his/her designee, is upheld. If the Board elects to
render a decision, the decision will be announced orally before the meeting adjourns and a
written decision will be mailed to the employee and the Chancellor within 30 calendar days.

LSCS Policy Manual Section adopted by the Board of Trustees on November 5, 2015
LSCS Policy Manual Section IV.F.10.10 First Level Appeal updated by the Board of Trustees on February 4, 2016

IV.F.10.13 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 terminated during a contract term is
entitled to a pre-termination notice and pre-termination appeal under this policy.

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 paid
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 paid
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 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 one-page 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 at least 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.

5. **Decision:** The Chancellor will make a decision within fifteen (15) working days of the hearing. The decision of the Chancellor shall be final—except where the employee alleges a procedural irregularity that violates the Lone Star College System Board Policy Manual and is therefore appealable to the Board of Trustees under Section IV.F.10.06. The Board of Trustees delegates to the Chancellor the authority to terminate an employee’s employment where no allegation of procedural irregularity is made.

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.

**IV.F.10.14 Timeliness**
The time limits, as provided in this policy, are created in order to ensure that issues are raised and addressed promptly. Timelines for the filing of and response to an appeal 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 this policy constitutes a grievance for purposes of Texas Education Code Section 51.960.