

TERM CONTRACTS
TERMINATION MID-CONTRACT

DMAA
(LEGAL)

GROUND FOR
DISMISSAL

Any employee may be dismissed for good cause before the completion of the term fixed in his or her contract.

NOTICE

Before any employee is dismissed, the employee shall be given reasonable notice in writing of the proposed action and the grounds, set out in sufficient detail to fairly enable him or her to show any error that may exist.

HEARING

If, upon written notification, the employee desires to be heard and to contest the proposed action of the board, he or she shall give the board written notice. The hearing shall be set on a date that affords the employee reasonable time to prepare an adequate defense.

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985); *Ferguson v. Thomas*, 430 F.2d 852 (5th Cir. 1970); *Bexar Cty. Sheriff's Civ. Serv. v. Davis*, 802 S.W.2d 659 (Tex. 1990)

The board may conduct the hearing in open session or in closed session unless the employee requests a public hearing, in which case the hearing shall be open to the public. *Gov't Code 551.074*

At the hearing before the board, the employee may employ counsel. The employee also has the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence of innocence or extenuating circumstances. Prior to dismissal, the board shall determine the existence of good cause for termination. Such determination shall be based solely on the evidence presented in the hearing. *Ferguson v. Thomas*, 430 F.2d 852 (5th Cir. 1970)

GRIEVANCE RIGHTS
OF FACULTY
MEMBERS

A faculty member at an institution of higher education, including a college district, has a right to present a grievance, in person, to a member of the institution's administration designated by the governing board of the institution on an issue related to the nonrenewal or termination of the faculty member's employment at the institution.

An institution may not by contract, policy, or procedure, restrict a faculty member's right to present a grievance under this section. An institution may adopt a method for presenting, reviewing, and acting on a grievance filed under this section.

"Faculty member" means a person employed full time by an institution of higher education as a member of the institution's faculty, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. The term does not include a person who holds faculty rank but who spends the majority of the person's time for the institution engaged in managerial or supervisory activities, including a chan-

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cellor, vice chancellor, president, vice president, provost, associate
or assistant provost, dean, or associate or assistant dean.

Education Code 51.960

SUSPENSION

The employee may be suspended with pay pending the outcome of
the dismissal hearing. Moore v. Knowles, 482 F.2d 1069 (5th Cir.
1973)