

TERMINATION OF EMPLOYMENT
TENURE

DMB
(LOCAL)

**Tenure Faculty
Nonrenewals**

Proper dismissal procedures, established in anticipation of their being needed, are essential to an effective tenure system. In the College District, these procedures shall have the following components:

1. These dismissal procedures apply to a faculty member who has tenure or whose term appointment has not expired, or who alleges a prima facie case of violation of academic freedom in the nonrenewal of his or her contract. If the faculty member has tenure or an unexpired appointment extending beyond the date of the proposed dismissal, the burden of proof is upon the administration to show adequate cause why the faculty member should be dismissed. If the faculty member does not have tenure, but contends that the nonrenewal of his or her contract constitutes a violation of academic freedom, he or she may request that those allegations be given preliminary consideration by a faculty association advisory committee. The committee shall then recommend whether a hearing is warranted.
2. The institution's procedure in dismissal cases described above should include, first, a bona fide effort to achieve a satisfactory resolution of difficulties through preliminary inquiry, discussion, or confidential mediation.

Should these efforts fail, presentations of reasonably detailed and formally written charges should be made to the concerned faculty member. Presentation of such charges shall provide for the following:

- a. A written response to the charges by the faculty member, if he or she wishes a hearing by a faculty association advisory committee;
- b. If the President of the College District or the advisory committee recommends a formal hearing, an opportunity by the faculty member to:
 - (1) Exercise his or her right to be represented by counsel of his or her choosing and have a hearing before the regularly elected faculty association hearing committee as established above;
 - (2) Confront and cross examine witnesses and know the name and statement of a witness who for extraordinary reasons does not appear at the hearing; and
 - (3) Respond orally to charges made against him or her, have findings and recommendations made on each

of the charges, and be given a copy of a complete transcript of the hearing, including the findings of the hearing committee.

3. A review of the case, if essential, by the Board to include the:
 - a. Findings and recommendations of the hearing committee,
 - b. Opportunity of the faculty member and College District representative for oral argument,
 - c. Return of the proceedings to the hearing committee if the original recommendations are not sustained,
 - d. Study of the hearing committee's reconsidered findings and recommendations, and
 - e. Rendering of a final decision (which shall be written in the rare case that the hearing committee is overruled).

Due Process Proceedings

Due process as set forth in this statement embodies a course of professional proceedings in line with rules and principles generally recognized in the academic community. Due process carries with it the right a tenured faculty member or teacher with an unexpired term contract to a fair hearing before an elected committee of his or her peers. The following procedure of due process shall be in effect at the College District:

Personal Conference

1. When reason arises to question the fitness of a faculty member, the appropriate administrative officers should discuss the matter with him or her in personal conference. The matter may be terminated by mutual consent at this point. If an adjustment does not result, either the President or the faculty member involved may request that the matter be taken up by the faculty association advisory committee.

Advisory Committee

2. The advisory committee shall be comprised of three members of the faculty association welfare committee:
 - a. One chosen by the faculty member involved,
 - b. One chosen by the President of the College District, and
 - c. One appointed by the President of the faculty association.

The committee's proceedings are informal and flexible. It should make such inquiry as it deems necessary, offer confidential advice to the faculty member and the administration, and attempt to effect an adjustment. This information is privi-

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leged information, and a high standard of ethics must be observed by all parties involved. If no agreement is effected, the advisory committee, the President of the College District, or the faculty member may recommend a hearing before the faculty association hearing committee. If a hearing is to be held, the chief executive officer should formulate a statement of the grounds for dismissal, giving due regard to the advisory committee's report. Those grounds should be reasonably detailed.