

<p>Involuntary Separation of Employment Policy</p>	<p>BOT Approved: January 21, 2020 Updates approved by Board June 16, 2020.</p>
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PURPOSE:

Separation from employment at Garrett College (the “College”) may be voluntary or involuntary. In both cases, the College is committed to fair and equitable policies and procedures in support of the transition and the rights of employees. This policy covers the involuntary separation from employment. Voluntary separation is covered in the Human Resources Manual (See *Part Two: Employment, III. Resignation*).

POLICY:

Involuntary Separation of Employment may be due to cause – behavior, actions or inactions that are continuously or grossly unacceptable – due to position elimination, including non-renewal of employment, which is a result of reorganization or fiscal challenges. It is the policy of the Board of Trustees to encourage high standards of service; confront unacceptable employee behavior; act swiftly, fairly, and equitably; and provide constructive counseling. Employees whose behavior, actions or inactions are continuously or grossly unacceptable will be subject to disciplinary action for cause, up to and including suspension or dismissal. Continuously in this regard refers to a situation in which an employee continues to violate College policies or procedures or continues to neglect his or her employment obligations despite successive warnings.

DEFINITIONS

- **Regular Employee:** A regular employee, whether full-time or part-time holds a continuing employment relationship with the College in positions that are included in the classification system. This individual is paid through the College payroll system to perform a service for the College.
- **Faculty:** Full-time faculty member that is hired on a continual basis. This does not include any adjunct faculty.
- **Staff:** A regular employee that is not a faculty member (which includes direct reports to the President and Deans).

PROCEDURES:

Notification of Non-renewal of Employment:

The Notification of Non-Renewal of Employment process is intended to provide all regular employees with reasonable notice of non-renewal of employment each fiscal year. This process replaces the notice parameters set forth for staff and faculty members that had been classified with tenure.

Contracts and payroll authorizations for regular employees are issued at the beginning of each fiscal year. This process provides the parameters for reasonable notification to employees if the college does not intend to renew their contract or pay authorization in the upcoming fiscal year.

Any regular employee will be given the following notification of non-renewal of their employment relationship with Garrett College for any reasons unless the College is ending the employment relationship immediately for cause due to behavior, actions or inactions that are continuously or grossly unacceptable.

Employee Classification	Notification Parameters	Status through FY End
Faculty	October 1 of current FY	Work out contract to the end of the spring semester
Staff	90 days before end of current FY	Paid through June 30 with applicable benefits; the employee is not required to work past notification date.

If a faculty employee fails to work out the rest of their contract to the end of the spring semester, the employment relationship will end. No further compensation or benefits will be paid.

In an effort to streamline operations, letters of intent will no longer be sent to regular employees for the next fiscal year. If a regular employee does not receive notice of non-renewal in the time frame per this process, their continued employment into the next fiscal year is assumed.

Notification of Position Elimination:

The College may find it necessary to eliminate regular positions due to budgetary and fiscal challenges at any point during a fiscal year. The Notification of Involuntary Separation of Employment process due to position elimination is intended to provide all regular employees with reasonable notice in the event their position is eliminated during a given fiscal year. This process replaces the notice parameters set forth for staff and faculty members that had been classified with tenure.

Any regular employee will be given the following notification of involuntary separation of employment due to position elimination:

Employee Classification	Notification Parameters	Status through FY End
Faculty	October 1 of current FY to take effect after Fall Semester	Work out contract to the end of the fall semester; with salary and benefits through the end of February*
	February 1 of current FY to take effect after Spring Semester	Work out contract to the end of the spring semester; with salary and benefits through the end of fiscal year*

Staff	60 days' notice	Paid for 60 days from date of notification with applicable benefits; the employee is not required to work past notification date.
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*** The ability to eliminate faculty positions between fall and spring semesters is a direct response to the coronavirus pandemic and associated economic implications. This specific section of the policy will be reviewed by the Board of Trustees at such time as the fiscal impact of the coronavirus pandemic has been addressed, but no later than the October 2021 Board of Trustees meeting.**

If a faculty employee fails to work out the rest of their contract to the end of the spring semester, the employment relationship will end. No further compensation or benefits will be paid.

There is no appeal process if an employee's position is eliminated.

Disciplinary Action:

Disciplinary action taken by supervisors should be timely and progressive, including, but not limited to, a warning, reprimand, or suspension prior to dismissal. However, in certain cases it may be impractical to give warnings, such as when the employee's behavior is of so grave a nature that a first occasion violation is cause for a recommendation for the employee's discharge.

Disciplinary action may always be taken against an employee, when warranted, regardless of whether the employee may have a satisfactory performance rating or regardless of the lack of previous disciplinary actions against the employee.

Disciplinary Action Process:

The process by which suspension and dismissal decisions are made is confidential to the employee, the supervisor, the respective Dean, the Director of Human Resources and any other individual directly involved. Reasons for these decisions are not made public, unless extraordinary circumstances require disclosure.

The supervisor of the employee to be dismissed meets with their direct supervisor along with their Dean. The supervisor presents the group with a letter confirming the reason for dismissal of the employee. The Dean reviews the letter with the Director of Human Resources. If both the Dean and the Director of Human Resources believe that there is just cause for dismissal, a meeting is held between the employee's supervisor, the supervisor's Dean, the Director of Human Resources, and the employee to be dismissed. The Dean explains the reason for the dismissal and gives the letter to the employee. The Director of Human Resources explains the next steps in the process.

In most cases, the employee to be dismissed will be placed on suspension with pay. In circumstances of gross misconduct, the employee may be placed on suspension without pay.

A hearing will be conducted by a college trained hearing officer that is outside the chain of command of the employee being dismissed. It is the responsibility of the Director of Human Resources to choose the hearing officer from members of the Executive Council. The Director of Human Resources will give the dismissal letter and any other documentation to the hearing officer at the time the hearing is scheduled.

The hearing will be no later than 10 working days from the date of the initial meeting in which the employee was notified of the dismissal. The employee can respond in writing to the dismissal letter at least 24 hours before the scheduled hearing. All correspondence must be done via the employee's college email, unless otherwise specified. The employee may bring witnesses that he/she wishes to the hearing; however, the employee must notify the Director of Human Resources of the witnesses that will be present at the hearing. Witnesses are to be limited to individuals directly involved in the matter that initiated dismissal. Notification should be by email or phone call within 24 hours of the scheduled hearing. In most cases, the employee's direct supervisor and Dean will attend the hearing along with the Director of Human Resources and a person to record notes of the hearing. The hearing will be recorded and the recording will be made available to the employee upon their request. If the dismissed employee's written request for either the transcript or recording is not received within 5 working days of the final decision, the recording will be deleted.

At the conclusion of the hearing, the employee will be informed by the hearing officer that he/she will review the materials and make a determination as to the employee's dismissal. The hearing officer will make the final decision on the matter and will notify the employee in writing. If the employee was suspended with pay, they will remain on suspension with pay until the date of the hearing officer's letter. The hearing officer's letter will be sent to the employee via their official college email, unless otherwise specified.

Within five (5) working days of the notice of dismissal being sent, the employee may submit an appeal in writing to the Office of the President. The President will review the appeal and the determination from the hearing officer and make the final decision on the matter. The President will notify the employee in writing, sent to the employee via their official college email, unless otherwise specified. If the employee was suspended with pay, they will remain on suspension with pay until the date of the President's final determination letter.

For direct reports to the President and Deans, the same process will be followed with the President involved in the hearing process. Appeals would then be sent to the Board of Trustees for review.

If an appeal is not submitted within five (5) working days of the notice being sent, the notice of dismissal from employment shall be considered final.