

## **Policy IV.4002.B, Termination or Demotion of Contractual Employees**

### **Purpose**

This policy establishes uniform standards for termination or demotion of an employee during the term of the employee's contract. This policy does not apply to the non-renewal of Faculty, Staff or Administrator contracts at the end of the contract term. Non-renewal is addressed in [Policy IV.4002.D, Renewal and Non-Renewal of Contractual Employees](#).

This policy does not apply to the appeal of a termination or demotion due to a Reduction in Force (RIF). Terminations and demotions occurring in conjunction with a RIF are subject to [Policy IV-G-5: Policy on Reduction in Force](#).

### **Policy**

Termination or demotion decisions will be made without regard to the employee's race, creed, color, national origin, citizenship status, age, disability, pregnancy and pregnancy-related conditions, religion, gender/sex, sexual orientation, gender expression or identity, genetic information, marital status, or veteran status.

Additionally, the College will not discriminate or retaliate against employees who exercise rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

A decision to terminate employment or demote an employee will not be based on an employee's exercise of rights guaranteed by the Constitution or based upon an employee's exercise of rights conferred by statute, including, but not limited to, federal or state statutes pertaining to medical leave, military leave, and protection of whistleblowers.

Only the Chancellor, or designee, is authorized to approve a termination or demotion.

#### **1. Administrative Leave**

While a termination or demotion proposal is pending, or during the course of an on-going investigation, the Chancellor, or designee, may suspend or reassign the affected employee with pay if it is determined that suspension or reassignment is in the best interest of the College.

#### **2. Appeal of Termination or Demotion**

An employee whose employment contract is recommended for termination during the term of the contract, or who is recommended for demotion during the term of the

contract, will be afforded constitutional due process in accordance with published guidelines approved by the Chancellor.

**Definitions**

**Employment contract:** A formal, signed agreement between the employee and the employer. It explains the rights, responsibilities, and obligations of both the employee and the employer.

**Contractual employee:** An employee that enters into an agreement with the College through an employment contract to complete a specific job for a period of up to twelve months for a predetermined salary.

**Termination:** A decision by the College to cease employing an individual before the expiration date in the individual’s contract. Non-renewal of a contract is not a termination.

**Demotion:** A reduction in position, responsibilities, and pay.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

**Associated Procedure**

Procedure IV.4002.B.a, Termination or Demotion of Contractual Employees

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Date of Board Approval	November 6, 2023
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Effective Date	November 7, 2023
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Primary Owner of Policy Associated the with Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
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Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources
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