

D.10.2.3 (Procedure) Nonrenewal: Non-Tenured Contract Employees

Responsible Department: Talent, Organization and Strategic Innovation

Based on Board Policy: [D.10.2](#) - Separation from Employment

Approved: 4-29-09

Last Amended: 7-1-12, 9-27-22

This procedure applies only to nonrenewal of contract faculty and administrators who are full-time, benefited, regular-status, and are not tenured.

Nonrenewal

Contracted employment does not create any entitlement to employment beyond the current term of the current contract. Renewal of a contract is not automatic. Nothing herein shall prevent the Board from deciding, by vote or by inaction, not to offer a term contract employee further employment with the College District beyond the current term of the current contract, for any legal reason or for no reason.

Nonrenewal shall not be based on an employee's exercise of rights guaranteed by the Constitution; or, or the employee's opposition to discrimination participation in any complaint process on campus or before a government agency ; or, on an employee's race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, transgender status, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state or federal law.

Written notice of nonrenewal of a non-tenured full-time faculty or administrator appointment shall be given to the employee in advance of the expiration of the appointment, according to the following minimum periods of notice: by March 31 during the academic year. The written notice of non-renewal shall specify employment ends on the date the contract ends and state the right to appeal

Grievance for Faculty Filed Under Education Code 51.960

Full-time faculty members may present a grievance on an issue related to nonrenewal pursuant to Education Code 51.960. This provision does not include employees who hold faculty rank but who spend the majority of their time engaged in managerial or supervisory activities.

The Board designates the Chancellor or designee as the person to whom a faculty member may present a grievance under Education Code 51.960.

Within ten (10) business days after receiving notice of nonrenewal, a faculty member wishing to present a grievance under Education Code 51.960 shall file a request with the Chancellor's office to present the grievance. Within five (5) business days, the Chancellor will acknowledge in writing the request to grieve and give the employee the opportunity to have the nonrenewal decision reviewed by a peer committee under before the Chancellor hears the grievance. Within three (3) days of the Chancellor's notice, the employee must communicate to the Chancellor whether the employee opts for peer review or opts to be heard by the Chancellor without peer review.

If the faculty member elects peer review, the AVC TOSI (Associate Vice Chancellor TOSI for Talent, Organization and Strategic Innovation) will form the peer review committee comprised of the five (5) college faculty senate presidents, schedule committee interview sessions with the faculty member and the administrator(s) recommending nonrenewal. If a faculty senate president has a conflict of interest, the vice

president of the faculty senate will serve. The committee will review and consider evidence and statements of witnesses presented during the interview. The peer review committee will deliberate and render a written recommendation to the Chancellor, within fifteen (15) business days following completion of the party interviews, to sustain the nonrenewal or continue the employment. The AVC TOSI will provide a copy of the recommendation to the employee.

Within five (5) business days of receiving the committee's recommendation, a conference for the Chancellor to hear the grievance within ten (10) business days will be scheduled.

The Chancellor or designee shall hear the grievance at the conference and may or may not take-action or make a recommendation as a result of the conference. If the Chancellor or designee does not take-action or make a recommendation on the grievance within fifteen (15) business days after the conference, the lack of action upholds the employee's nonrenewal.

In both cases, the Chancellor shall render a written decision, affirming or overruling the nonrenewal decision and adopting, modifying or rejecting the committee's recommendation if there was committee review, in accordance with Level III of D.3.3.1 (Procedure).

Grievance on Nonrenewal for Administrators

Administrators may present a grievance on an issue related to nonrenewal to the Chancellor or Chancellor's designee. Within ten business days after receiving notice of nonrenewal, an administrator wishing to present a file a request with the Chancellor's office to present the grievance.

A conference shall be scheduled within fifteen (15) business days after the request to present a grievance has been filed.

The Chancellor or designee shall hear the grievance at the conference and may or may not take-action or make a recommendation as a result of the conference. If the Chancellor or designee does not take-action or make a recommendation on the grievance within fifteen (15) business days after the conference, the lack of action upholds the employee's nonrenewal.

The administrator may grieve at least one level beyond the level of the administrator recommending non-renewal.

Legal Reference - TACC Policy Reference Manual
DMAB(LEGAL) - Term Contracts: Nonrenewal