

SECTION: PERSONNEL

SUBJECT: Non-reappointment or Termination of Faculty and Other Exempt Employees with Term Appointments (not “for cause”)

Background : This/her policy describes the procedures used when contracts for faculty or exempt staff employees are not renewed.

(Note: [Procedures for Dismissals for Cause](#) can be found in Policy 3.117)

Point of Contact: HRS

Other LCSC offices directly involved with implementation of this/her policy, or significantly affected by the policy: Offices of the President, Provost and Vice President for Finance & Administration

Date of approval by LCSC authority 4/1/10

Date of State Board Approval N/A

Date of Most Recent Review: 10/09

Summary of Major Changes incorporated in this/her revision to the policy: Section 2, “Elimination of Positions – Not under Financial Exigency” removed per legal review; Added SBOE web link to Financial Exigency statement.

Please note: [Procedures for Dismissals for Cause](#) can be found in Policy 3.117

1. Notice of Nonrenewal of Term Appointment or Contract of Employment

Except as provided in 2.0, the President's decision not to renew the appointment or contract of employment of a non-classified, non-faculty employee having a contract of employment or of a non-tenured faculty member (a “non-renewal”) shall be communicated in writing to the employee in accordance with the following standards:

- A. Non-Classified, Non-Faculty Employees (“Exempt/Professional Staff” members): For non-classified, non-tenured employees, notice of non-renewal must be given in writing to the employee at least 60 days before the end of the existing period of employment for annual appointments. For appointments or contracts of employment of less than one year, the written notice of non-renewal must be given at least thirty (30) days prior to the end of the existing period of appointment or contract of employment.
- B. Non-tenured Faculty – For a non-tenured faculty member, notice of non-renewal must be given in writing to the employee, as follows (SBOE Policy II.G):

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http://www.boardofed.idaho.gov/policies/documents/policies/ii/ii_g_policies_regarding_faculty_institutional_faculty%20only_02-10.pdf

- (1) **First Year Of Service** - Not later than March 1 of the first full academic year of service if the appointment is not to be renewed at the end of the academic year or, if a one-year appointment terminates during an academic year and is not to be renewed, at least three (3) months in advance of its termination.
 - (2) **Second Year of Service** - Not later than December 15 of the second full academic year of service if the appointment is not to be renewed at the end of that year or, if the appointment terminates during an academic year and is not to be renewed, at least six (6) months in advance of its termination.
 - (3) **Three Or More Years of Service** –Not later than July 15 preceding the academic year at the end of which the appointment is to be terminated; or, if the appointment terminates during an academic year and is not to be renewed, at least 12 months in advance of its termination.
- C. Failure to give timely notice of non-renewal because of mechanical, clerical, mailing, or similar error is not deemed to renew the contract of employment or appointment for another full term, but the existing term of employment will be extended to the number of days necessary to provide the employee with timely notice or non-renewal.
- D. Non-classified, non-faculty employee and non-tenured faculty members who are notified that they will not be reappointed or renewed or that the succeeding academic year will be the terminal year of appointment are not entitled to a statement of reasons upon which the decision for such action is based. If any reasons for non-renewal are provided to the employee, it does not convert the non-renewal to a dismissal for cause and does not establish or shift any burden of proof. Except as expressly hereinafter provided, the non-renewal decision is not grievable or appealable to the State Board.
- E. The employee may, however, request an investigation or review to establish that written notice was or was not received in accordance with the time requirements set forth in this/her section. In such cases, the investigation or review will be concerned only with manner and date of notification of non-renewal. The employee must request such investigation or review in writing of the President within fifteen (15) calendar days of receipt of the written notice of non-renewal.

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- F. Notwithstanding the provisions of D, above, if the non-renewed employee presents bona fide allegations and evidence in writing to the President within twenty (20) calendar days after receipt of the notice of nonrenewal, that the non-reappointment was the result of discrimination prohibited by applicable law, the employee is entitled to use the internal discrimination grievance procedure to test the allegation. If the President is the subject of the allegations, the employee may present the bona fide allegations and evidence to the Executive Director of the Board. The normal internal grievance procedure for discrimination shall be used, unless changed by mutual consent of the parties. The ultimate burden of proof rests with the employee. LCSC is required to offer evidence of its reasons for nonrenewal only if the employee has made a prima facie showing that the recommendation of non-renewal was made for reasons prohibited by applicable law. Unless mutually agreed to by the parties, the use of the discrimination grievance procedures will not delay the effective date of the non-renewal.
- G. While LCSC’s decision at the conclusion of the grievance process is final, the employee may petition the Board to review the final decision of the institution. Any such petition must be filed in the Office of the State Board of Education within fifteen (15) calendar days after the employee receives written notice of the effectiveness of the final action. Neither the filing nor the granting of a petition for review by the Board will stay the effectiveness of the final action, unless specifically provided by the Board. Board review is not a matter of right.
2. Reduction in Force under Financial Exigency
Per SBOE policy Section II.N., notice of non-reappointment is not required when the Board has authorized a reduction in force resulting from a declaration of financial exigency and an exempt employee with a term appointment is to be laid off. In that event, notice of layoff shall be given as provided under the rules for reduction in force. For more information, visit http://www.boardofed.idaho.gov/policies/documents/policies/ii/ii_n_staff_reduction_procedures_all_employees_02-10.pdf