

**SUBJECT: REAPPOINTMENT, NONREAPPOINTMENT, OR TERMINATION OF
FACULTY AND OTHER EXEMPT EMPLOYEES WITH TERM
APPOINTMENTS**

A. Notice of Nonrenewal of Term Appointment

Except as provided in 1.5, the president's intention to recommend to the board that a term appointment not be renewed must be communicated in writing to the employee concerned in accordance with the following standards:

- 1.0 With the exception of the nontenured faculty members described in 1.1a & b of 3.118, the employee must be notified at least 60 days before the end of the existing period of employment.
 - a. Failure to provide timely notice of nonrenewal because of mechanical, clerical, or mailing error does not extend or renew the letter or contract of employment for another term, but the existing term of employment will be extended to provide the employee with a timely notice of nonrenewal.
- 1.1 A nontenured faculty member must be notified:
 - a. 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 months in advance of its termination.
 - b. 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 months in advance of its termination.
 - c. At least 12 months before the expiration of an appointment after two or more full academic years of service.
- 1.2 Failure to give timely notice to an exempt employee not covered in 1.1 a & b of 3.118 may not be deemed to renew the appointment for another full term, but the existing term will be extended for the length of time necessary to provide the employee the required 60 days' notice.
- 1.3 Reasons for nonrenewal, or recommending nonrenewal, of a fixed-term appointment need not be stated. However, the president has been authorized by the Board to give reasons to the employee and in most cases will choose to do so. Nonetheless, the furnishing of reasons does not convert nonrenewal to dismissal for cause and does not shift any burden of proof to LCSC. As a general rule, nonrenewal or a recommendation of nonrenewal is not grievable within LCSC and is not appealable to the Board.

**SUBJECT: REAPPOINTMENT, NONREAPPOINTMENT, OR TERMINATION OF
FACULTY AND OTHER EXEMPT EMPLOYEES WITH TERM
APPOINTMENTS**

B. ELIMINATION OF POSITIONS--NOT UNDER FINANCIAL EXIGENCY

Circumstances may require the elimination of some positions even though the Board has not directed a reduction in force resulting from a declaration of financial exigency. The departmental administrator, dean, or equivalent administrator makes the determination as to which nonfaculty exempt positions are to be eliminated. This determination is based on considerations of budgetary restrictions, priorities for maintenance of programs and service, employees' fields of specialization and their work performance.

- 1.0 Layoff of an employee due to elimination of his or her position will normally be accomplished by nonrenewal of the term appointment, with notice being given as specified in B.
- 1.1 LCSC will make a good-faith effort to relocate an affected employee in another LCSC position for which he or she is fully qualified. Employees who have been thus laid off will be given consideration for new appointments. The Personnel/Affirmative Action Officer will contact the affected employee when a position is open that he/she is fully qualified for.

C. Reduction in Force under Financial Exigency

Notice of nonreappointment 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.

D. Review of Nonrenewal Decision

Nonreappointment of an exempt employee at the end of his or her term of appointment is not subject to investigation or review, except as provided in F, and with the further exception that the employee may request an investigation and review to establish that written notice was or was not received in accordance with the provisions of B. In such cases, the investigation and review will be concerned only with the manner and date of notification of nonreappointment and will not consider grounds for nonreappointment.

E. Appeal Or Grievance Procedures

An employee may have recourse to the internal grievance procedures under the following circumstances and conditions: (1) the employee alleges that an institutional decision not to recommend renewal of his or her appointment has been made for legally impermissible reasons, (2) the allegation is submitted in writing to the president within 20 days after the employee receives notice of the intention to recommend nonrenewal, and (3) the allegation is made with particularity and supported by such documentary evidence and statements of witnesses as may be

**SUBJECT: REAPPOINTMENT, NONREAPPOINTMENT, OR TERMINATION OF
FACULTY AND OTHER EXEMPT EMPLOYEES WITH TERM
APPOINTMENTS**

reasonably available to the employee under the circumstances. The ultimate burden of proof rests with the employee and LCSC is required to offer evidence of the reasons for nonrenewal only if the employee has made a prima facie showing that the recommendation was made for legally impermissible reasons.

- 1.0 The normal internal grievance procedures will be followed unless changed by mutual agreement of the parties.
- 1.1 Unless mutually agreed by the parties, recourse to the grievance procedures will not delay the Board's consideration of the recommendation of nonrenewal, nor will it delay the effective date of nonrenewal.
- 1.2 LCSC's decision at the conclusion of the grievance procedure is final. Nonetheless, the employee may elect to petition the Board to review LCSC's action. Such petition must be filed at the Office of the State Board of Education within 15 days after the employee receives notice of LCSC's final decision. The Board may grant the petition for review, or it may not, and the Board may set out whatever procedure and conditions for review it deems appropriate. The fact that a petition for review is filed does not stay the effectiveness of LCSC's final decision, nor does the Board's grant of the petition, unless specifically provided by the Board. An employee need not petition the Board for review in order to exhaust administrative remedies for purposes of judicial review.
- 1.3 If a recommendation of nonrenewal is rejected by the Board and the appointment is renewed for another term, the employee may thereafter use the internal grievance procedure to seek to expunge the unfavorable recommendation from LCSC's personnel records. However, under no circumstances will the Board's record of the recommendation and its rejection of that recommendation be expunged.