

**THREE RIVERS COLLEGE
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4700 Separation	
Title: PR 4730 Suspension or Termination	Page 1 of 5
Primary Policy: PP 4730 Suspension or Termination	
Supersedes: NA	
Responsible Administrator: College President; Director of Human Resources	
Initial Approval: 08-19-2010	Last Revision: 09-18-2019

At Will Employment

Three Rivers College offers employment at will. Employees who do not have a separate, individual employment contract with the college for a specific, fixed term of employment are employed at the discretion of the college for an indefinite period. These employees may resign from the college at any time, for any reason, or may be terminated at any time, with or without cause. Nothing contained in the handbook or in any other statement of college policies or regulations, including statements made in the course of performance evaluation(s), should be taken as constituting an expressed or implied promise of employment.

Contracted Employees

Employees who have separate and individual employment contracts with the college for a specific, fixed term of employment are considered contracted employees. Contracts are signed and approved by the College President and the Board of Trustees.

Authority

No one other than the College President, as the Board of Trustees' designee, has the authority to enter into any agreement, oral or written, with an individual for employment.

Suspension or Termination Procedure (All Employees)

1. The College President determines progressive discipline to include; but not limited to, suspension or demotion where appropriate; however, the College President may determine to proceed with termination without pursuing lesser sanctions. At the discretion of the College President, the employee may be given the opportunity to resign. Should the employee elect to resign, the College President will accept the resignation effective immediately, and report same to the Board of Trustees for formal approval at the next regularly scheduled meeting. Employment ends as of date of resignation.
2. Upon notice of the College President to move forward with suspension or termination, the employee shall be placed on immediate administrative leave with pay.
3. The employee will be allowed to present formal evidence to the College President in his/her defense in writing, to the College President. All evidence must be received by the College President within three (3) business days of being placed on administrative leave.

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If not provided in a timely fashion, the College President shall proceed with the sanction and report the same to the Board of Trustees at their next regularly scheduled meeting. If not timely, employee pay will end after the three business days and the date of separation will reflect the same date.

4. If the employee submits written evidence for consideration, it shall be submitted directly to the College President. At the discretion of the College President, a meeting may be scheduled with the employee to present the evidence. This meeting will be scheduled within five (5) business days. Should the employee request the presence of a third party, the request may be granted at the discretion of the College President and with the advisement and/or presence of College Counsel. The College President will render a decision in writing within three (3) business days of receipt of the evidence OR within three (3) business days of the scheduled meeting, whichever is later.

For non-contracted employees, the decision of the College President is final. Pay will end on the day the final decision is made. The College President will report the action to the Board of Trustees at their next regularly scheduled meeting for formal action. Date of separation will reflect the date of the President's final decision.

Contracted employees have the right to appeal as outlined below. Administrative leave with pay will end as of the date of the College President's decision and shall not extend past the three (3) days without written instruction to the Office of Human Resources by the College President.

Appeal Procedure (Contracted Employees Only)

1. Only a contracted employee has the right to appeal the decision of the College President to the Board of Trustees regarding a suspension or termination.
2. Said appeal must be in writing, stating the conditions for the suspension or termination, and be filed with the recording secretary to the Board of Trustees within two (2) working days of receipt of the decision of the College President.
3. The Board of Trustees will review evidence associated with the case in a closed session, and shall render its decision during their next regularly scheduled meeting. The decision of the Board of Trustees is final. Employee separation date will remain as the date of the decision

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by the College President unless altered by action of the Board of Trustees.

4. If the evidence and appeal process is not filed as outlined above, the employee forfeits his/her right to an appeal, thus the decision of the College President shall be considered final, and will be reported to the Board of Trustees at its next regularly scheduled meeting for formal action. Upon forfeiture of the right to appeal, date of separation will reflect the date of the College President's decision.

Provisions for Conduct of Appeal

The appeal shall be conducted by the Board of Trustees in accordance with the following provisions:

- The appeal shall be conducted during the next regularly scheduled meeting of the Board of Trustees during the closed session of the board. In extraordinary circumstances, the Board of Trustees, at its sole decision, may call a special meeting of the board.
- The hearing shall not be conducted as a trial but rather as an opportunity for the complaining party to meet with the Board of Trustees and express his/her views.
- The complaining party may be accompanied by an attorney during the presentation to the Board of Trustees, not to argue the position but to provide legal advice to the complaining party should it be warranted.
- The final decision of the Board of Trustees shall be made in a closed session with written notification of the decision being furnished to the complaining party thereafter.
- Copies of all proceedings shall be kept by the Office of Human Resources and remain confidential.

Non-Renewal of Contract Employees

Employees on an annual contract have no expectation of employment past the end of the contract period. In cases where a contracted employee will not be offered a new contract, the College President shall submit to the Board of Trustees the names prior to the employee being notified. Non-renewal of a contract is not subject to appeal.

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Return of Property

Before the employee leaves employment, the supervisor is responsible for completing the Employee Exit/Transfer Checklist. All equipment and materials paid for by the college is property of the college and must be returned. The checklist requires collection of college property including but not limited to identification card, equipment, keys, files, parking permit, credit card, and department material. Files created in service as a work product: any and all documents or products as part of or in relation to your work are and remain the property of the college.

For all terminating college employees, the Office of Human Resources will notify computer services to terminate all access. The Exit Checklist should be completed and submitted with the Personnel Action Form to separate employment and must be completed in the pay period in which separation occurs.

The supervisor is responsible for ensuring all college property, equipment, and keys are collected prior to or on the employee's last day of work. The supervisor can request the presence of the Director of Public Safety or the School Resource Officer if the supervisor so chooses.

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DOCUMENT HISTORY

- 08-19-2010:** Initial approval of policy PR 4730 Suspension or Termination
- 04-15-2012:** Revision to section regarding college property added and section regarding At-Will employment added.
- 09-21-2016:** The College Board of Trustees approved the name change of the college from Three Rivers Community College to Three Rivers College.
- 04-19-2017** Addition of non-renewal statement.
- 09-18-2019:** Addition of definition of Contracted Employees, clarification of Appeal and Suspension or Termination Procedure, and removal of "at will" employee status list.