

STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

DUE PROCESS FOR ADMINISTRATORS HIRED PRIOR TO DECEMBER 8, 1985

BP 3-23

APPROVED: December 8, 1988
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REFERENCE(S): C.R.S. 23-5-117

APPROVED:

The Honorable S.R. Heath, Jr., Chair

Policy Statement

It is the purpose of this policy to promote excellence within the System, to recognize the responsibility of the presidents to provide leadership and sound fiscal management, and to inform employees of their rights in cases of involuntary termination of employment.

Scope

This policy applies to college employees hired as administrators prior to December 8, 1985.

Definition

The term "administrator" shall mean any continuously employed regular full-time contractual employee of a college whose duties are more than 50 percent administrative or supervisory except the president. The term shall not include persons with temporary or limited appointments, employees within the State Personnel System, or faculty members; further, for those persons employed after July 1, 1986, the term shall not include employees in a position whose funding is solely or partially dependent upon sources other than state-appropriated funds such as those hired specifically to work on grant-funded projects, unless they have been involuntarily or temporarily assigned to such position.

Reassignment

At the discretion of the president any employee covered by this policy may be reassigned by changing job title, job description, and/or assignment, provided that there is no reduction in salary or contractual benefits during the term of the contract. There shall be no appeal of the president's decision.

Non-renewal

Employees covered by this policy may be non-renewed for cause on any of the grounds for dismissal set forth in this policy.

Employees shall be given notice of nonrenewal by the president no less than ninety (90) days prior to the expiration of the contract. The notice shall state the ground(s) and the effective date of the action, and shall inform the employee that appeal rights are contained in this policy.

Reduction in Force

Employees covered by this policy may be reduced in force if there is a lack of funds, a lack of work, or if there is a reorganization of the administrative structure.

Notice of reduction in force will be given by the president ninety (90) days prior to the effective date, except that when the reason is lack of non-state funds, notice will be given as soon as possible but no later than the effective date of the reduction in funding. The notice shall state the ground(s) and the effective date and shall inform the employee that appeal rights are contained in this policy.

Dismissal, Suspension or Other Disciplinary Action

The following shall constitute grounds for dismissal, suspension, or other disciplinary action:

1. Insubordination;
2. Neglect of duty;
3. Conviction of a felony or acceptance of a guilty plea or a plea of *nolo contendere* to a felony;
4. Moral turpitude;
5. Incompetence after notice and opportunity to improve.
6. Mental or physical disability which, even with reasonable accommodation, substantially interferes with the person's ability to perform the essential functions of the job in question. Termination under this ground shall be in compliance with Federal law which prohibits discrimination against handicapped persons;
7. Failure to fulfill the provisions of the employment contract;
8. Below standard evaluations for two consecutive years; or
9. Other good and just cause as determined by failure to meet reasonable written and published standards.

Notice of dismissal may be given by the president at any time. The notice shall state the ground(s) and the effective date and shall inform the employee that appeal rights are contained in the Appeal Process section of this policy.

Appeal Process

An employee covered by this policy may appeal a nonrenewal, reduction in force, dismissal, suspension, or any disciplinary action which adversely affects the employee's salary and/or benefits by submitting to the president within ten working days of service of notice a written request for review of the action.

The review will consist of a meeting between the System president or his designee, the president, and the employee, at which time the employee will be given an opportunity to be heard concerning the facts which support the action and to offer facts in mitigation.

The decision of the System president will be final and will not be subject to further review.

Procedures

The System president and the college presidents shall promulgate procedures as needed to implement this policy.