

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

SUBJECT: **Separation From Employment**

EFFECTIVE DATE: **July 1, 2000**

The purpose of this procedure is to establish a uniform method of effecting official separations from employment at the College, to ensure fair treatment of employees leaving the College while preserving institutional authority and discretion, and to ensure that appropriate clearance actions are completed prior to an employee's departure. All persons whose employment is being terminated must complete the appropriate actions listed below.

Supervisors must advise the Payroll Office in writing within forty-eight (48) hours of knowledge of the separation of an employee for any reason. The use of E-mail would be an effective means of sending and documenting the notification.

Resignation

Employees who resign must complete the attached "Final Check-out Sheet from Employees Who Are Terminating".

The employee is responsible for completing the check out process by going to the various offices as listed on the form, and obtaining the proper signatures. Upon completion of this task, the employee is to take the form to the Office of Human Resources for final clearance action. In the event that a resigning employee leaves without completing the "Final Check-out Sheet for Employees Who are Terminating", the administrative department head will be responsible for completing the form and attaching a memorandum stating the circumstances prior to delivery to Human Resources.

Source of Policy: **Transition Team VII**
 Human Resources

Responsible Vice President for Business, Administrator: **Finance & Info Systems**
TBR Policy Reference: **5:01:01:00**
 1:06:00:05

Related Policy: **N/A**

TBR Guideline Reference: **N/A**

Approved: **President**

Date: **July 1, 2000**

Termination

Only the President may terminate the employment of a person holding a position at STCC except as excluded by TBR Policy No. 5:01:00:00. When it becomes necessary to terminate an individual's employment with the college, the following steps will be taken:

1. A letter of termination will be issued by the President to the employee giving the effective date of termination.
2. The employee shall be advised of any right to appeal provided by TBR Board Policy.

Faculty - the termination of faculty will be in accordance with TBR Policy No. 5:02:03:00, *Academic Freedom, Responsibility, and Tenure*.

Regular Clerical/Support and Administrative/Professional Personnel - termination will be recommended by the appropriate supervisor with appropriate documentation to the Director of Human Resources. The Director of Human Resources shall proceed in accordance with the various types of terminations as outlined below. The President of the College is the final terminating official in all instances.

1. Termination for Cause

Gross Misconduct - may include, but is not necessarily limited to: any act or omission which may seriously disrupt or disturb the normal operation of the college; any work-related conduct which would subject the employee to criminal conviction; theft or dishonesty; gross insubordination; destruction of college property; falsification of records; acts of moral turpitude; reporting for duty under the influence of intoxicants; the illegal use, manufacture, possession, distribution, or dispensing of controlled substances or alcohol; disorderly conduct; provoking a fight; and/or such other similar acts involving intolerable behavior by the employee. In determining eligibility for unemployment compensation benefits, the definition of gross misconduct utilized by the Tennessee Department of Employment Security is not affected by the definition outlined in this paragraph.

If termination of employment is due to gross misconduct, the loss of unused annual leave will be determined according to TBR Annual Leave Policy No. 5:01:01:01 and Sick leave Policy No. 5:01:01:07.

An employee being terminated for Gross Misconduct (Cause) may be given an opportunity for a hearing in accordance with TBR Policy No.. 1:06:00:05,

"Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act (TUAPA).

Acts of gross misconduct shall be reported to the President along with a written recommendation for the termination. The President will cause the employee to be informed of the charges and ensure that he/she is given the opportunity to elect an appeal or a hearing under the Tennessee Uniform Administrative Procedures Act (TUAPA).

Only in cases of suspension of employees for cause or termination of employees when the termination is in violation of the employee's contract (i.e., termination prior to the expiration of the contract term) will the employee have the right to a hearing under TUAPA. This election will be made on the Election of Rights Forms. (Attachment E)

NOTE: Should the employee elect a TUAPA hearing, the Vice President for Business, Finance, and Information Systems shall be responsible for arranging such a hearing and providing the President with the results and recommendation of the hearing. After receiving such report, the President shall take action as deemed appropriate.

Poor Job Performance and General Misconduct - In such cases, disciplinary procedures shall be followed. This is a course of action taken by the immediate supervisor and others in the appropriate administrative chain including the Director of Human Resources to encourage the employee to improve his/her performance or job behavior. When this course of action is followed, and the employee's performance and/or job behavior is still not satisfactory, he/she may be terminated without further recourse upon recommendation of the immediate supervisor and approval of the President.

2. Terminations Without Cause

Probationary Period Terminations - Employees in a probationary period may be terminated at any time for any reason without access to a grievance procedure. Non-faculty employees serve in a probationary status for the first six (6) months following their hire date, and may be placed on subsequent probation periods of six (6) months following the date of any promotion. A probationary period also may be imposed on an employee as a disciplinary action resulting from unsatisfactory work performance or behavior.

Temporary Employees - Temporary employees are hired for six (6) months or less, and therefore are considered probationary employees and may be terminated at any time without notice.

Employment at will Terminations - All non-faculty employees serve at the pleasure of the President. Such employees may be terminated without cause at any time their services are no longer desired. The circumstances leading up to this type of termination should first be reviewed with the Director of Human Resources, Affirmative Action Officer, and others in the employee's chain of authority. If the planned action meets with their approval, then the President will, with the concurrence of the appropriate Vice Provost/Campus Executive Officer, carry out the recommended action through a letter to the employee giving appropriate notice in accordance with the employment contract. The College does not encourage this type of employee separation. For this reason, it will only be used in extremely unusual situations.

Attachment E

ELECTION OF RIGHTS

Date: _____

I, _____, having been informed that I have been demoted/terminated from employment at Southwest Tennessee Community College as of _____, and having been advised of my right to a hearing, freely exercise the following option:

(PLEASE CHECK ONLY ONE)

_____ To appeal my demotion/termination in conformity with the procedures proscribed by the Tennessee Uniform Administrative Procedures Act (TUAPA), TCA 4-5-301, et seq., Tennessee Board of Regents Policy 1:06:00:05.

_____ To appeal my demotion/termination pursuant to the institutional grievance procedure, STCC Policy No. 5:02:03:00/30. I acknowledge that I am entitled to a hearing pursuant to the TUAPA but I have knowingly and voluntarily elected to waive my right to such hearing.

_____ To acknowledge that I have knowingly and voluntarily elected to waive my rights to a hearing under either the TUAPA or the STCC grievance procedure.

Signature

Date

NOTE: This form must be returned to the Director of Human Resources at either the Macon Cove or Union Avenue Campus on or before ten calendar days from the date of this form which is _____. Failure to return this form within that time frame will result in waiver of hearing under the TUAPA and STCC Grievance Procedure.