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I. RIGHT OF APPEAL

A. In case of dismissal pursuant to Policy 3.3.4 - Discipline Action, Suspension, and Dismissal or reduction in force pursuant to Policy 3.3.9 - Reduction in Force & Involuntary Leave Without Pay, an eligible employee (as outlined in each Policy) has a right to appeal the President's decision and must do so within ten (10) business days of the action taken.[1] Appeals must be submitted in writing to the President who shall forward the appeal to the chair of the Board of Trustees. The employee must articulate the grounds for the appeal in the notice as found in Policy 3.3.4 - Discipline Action, Suspension, and Dismissal or Policy 3.3.9 - Reduction in Force & Involuntary Leave Without Pay. Further, the employee shall state in the notice whether the employee has or is seeking legal counsel for the appeal.

B. No later than ten (10) business days from the President's receipt of the employee's written appeal, unless mutually agreed by the parties, the Personnel Committee ("Committee") of the Board of Trustees shall conduct a hearing pursuant to Section II. The employee's failure to inform the President that they have retained legal counsel for the appeal at least three (3) business days prior to the hearing shall be automatic grounds for a continuance of the hearing if so desired by the College.

C. No later than ten (10) business days from the date of the hearing, the Committee shall provide the employee with its written determination to uphold, reject or modify the President's decision. The determination shall be included in the employee's personnel file. If the employee is reinstated, they shall receive all lost wages from the date of the suspension without pay and/or dismissal unless otherwise decided by the Committee.

D. At the next regularly scheduled Board of Trustees meeting, the Committee shall report its determination to the full Board of Trustees.

II. HEARING PROCEDURE

[1] Appeals for reduction in force will only be allowed if the employee is alleging that the action is based on Impermissible Grounds, as defined in Policy 3.3.9 - Reduction in Force & Involuntary Leave Without Pay.

A. The hearing shall be conducted with only the members of the Committee, the employee, the President and other appropriate College administrators and relevant witnesses. The employee, the Committee, and the President may also be represented by legal counsel. The President may also elect to be represented by an appropriate designee. If an employee chooses to have counsel present, the employee is responsible for retaining and paying for those services. The Board may hire legal counsel to act as a procedural officer during the hearing and give advice to the Committee regarding necessary rulings and matters of due process. A Committee member who has a significant conflict of interest or bias should disqualify himself/herself or be excused by the Committee's adoption of a motion to disqualify. For purposes of the appeal, a majority of the Committee members must be present. The Committee will make an audio recording of the hearing and a copy of the audio will be made available to the employee upon request. If the employee wants a transcription of the proceeding, the employee is responsible for the cost of and to arrange for the transcription.

B. Strict rules of evidence or procedure do not apply to appeal hearings before the Committee. The Committee may consider any and all evidence that it determines to be fair and reliable. All witnesses may be questioned and cross-examined by the Committee members, the employee, and the President. The Committee will be the sole judge of the weight given to specific evidence and the credibility of all witnesses. The conduct of the hearing shall be under the Committee chair's control.

C. The burden is on the employee to demonstrate that they did not violate the Employee Code of Conduct or engage in the conduct underlying the disciplinary action or employment termination or, in appropriate cases, that the President's determination was based on illegal discrimination.

D. At least five (5) business days prior to the hearing, the parties shall exchange all documentary evidence that the parties plan on using at the hearing. The President, or designee, shall be responsible to assemble all the documents and make each Committee member and the parties a packet for the hearing. The packet must contain the following in this order: a) a copy of these Procedures; b) a copy of the President's written determination that is being appealed; c) a copy of the employee's request for appeal to the Committee; d) the President's documents for the hearing, if any; and e) the employee's documents for the hearing, if any. The President shall provide the employee a copy of the packet prior to the hearing.

E. The hearing shall begin with the President's presentation of evidence. The President's presentation of evidence is limited to one (1) hour unless extended by the Committee Chair. The President, or their legal counsel, shall present and examine their witnesses and evidence. The Committee will have an opportunity to question the witnesses and review the submitted evidence. The employee may cross-examine the President's witnesses and the time used by the employee to cross-examine witnesses shall not count against the President's one (1) hour of time.

   At the conclusion of the President's presentation of evidence, the employee will present their evidence. The employee's presentation of evidence is limited to one (1) hour unless

extended by the Committee Chair. The employee, or their legal counsel, shall present and examine their witnesses and evidence. The Committee will have an opportunity to question the witnesses and review the submitted evidence. The President may cross-examine the employee's witnesses and the time used by the President to cross-examine witnesses shall not count against the employee's one (1) hour of time.

F. At the conclusion of the employee's presentation of evidence, the President will be given five (5) minutes to present a closing statement. Following the President's closing statement, the employee shall be given five (5) minutes to present a closing statement.

G. At the conclusion of the hearing, the Committee will deliberate in closed session and will inform the parties, in writing, of its determination to uphold, reverse or modify the President's decision no later than ten (10) business days from the hearing.

H. The Chair of the Personnel Committee shall notify the full Board of Trustees of the Committee's decision. Either the President or Employee may appeal the Personnel Committee's decision to the full Board of Trustees. The Board of Trustees shall determine whether to hear the matter and any hearing will be set in a timely manner. Any appeal hearing before the Board will be based on the record established at the Personnel Committee hearing and no new evidence will be allowed unless the evidence was unavailable at the time of the Personnel Committee's hearing and with approval of a majority of the present Board of Trustees members. The Chair of the Board of Trustees may set reasonable time limitations on the appeal presentations. After the hearing, the Board shall deliberate in closed session and provide its decision in writing to both the President and employee. The Board of Trustees' decision is final.

REFERENCES

Statutory References	None
Regulatory References	None
Relevant Guidance	None
Policy Manual Cross-References	Referenced by: ● Policy 3.1.2 - Employment ● Policy 3.3.4 - Discipline Action, Suspension, and Dismissal ● Procedure 3.2.21.1 - Special Approved Leave Procedures Referencing: ● Policy 3.3.4 - Discipline Action, Suspension, and Dismissal ● Policy 3.3.9 - Reduction in Force & Involuntary Leave Without Pay

POLICY HISTORY

January 1, 2025	Adopted.

September 24, 2025	Technical changes to reflect repeal of Policy 3.3.5 - Contract Non-Renewal and Resignations.