SUBJECT: Due Process for Disciplinary Action For Contract Employees

I. Introduction

The Board provides the following due process procedure for discipline and termination of contract employees, who are not faculty members.

Before disciplinary action or termination of contract employees, the administration shall have documented sufficient cause therefore, including but not limited to failure to comply with Midland College’s policies, incompetence, indolence, insubordination, dishonesty, neglect or abandonment of duty, illegal, unethical, unsafe, or abusive conduct, or any of the conduct of the type listed in Policy No. 05:09:03. All disciplinary actions shall be reviewed by a Dean, Vice President, or the President. If a warning is issued, the contract employee will be given a written explanation of the reasons for the actions and a copy will be placed in his/her file.

Termination for cause can occur without prior disciplinary action. At the President’s discretion, a contract employee may be suspended with or without pay in appropriate circumstances pending the final termination decision.

II. Appeal Process

A. The appeal process applies only to written disciplinary actions, including, but not limited to, written warnings, suspensions, and terminations. The appeal process is not available for verbal warning or counseling.

B. Within ten (10) days after receiving formal written notice of disciplinary action, the contract employee may appeal in writing to the appropriate Vice President.

C. The Vice President shall review the disciplinary action and within ten (10) days after receiving the appeal, the Vice President shall deliver to the contract employee and the President a written recommendation.

D. Within ten (10) days after receiving the Vice President’s written recommendation, the contract employee may appeal in writing to the President. The President shall review the disciplinary action and within ten (10) days after receiving the appeal, the President shall deliver a written decision to the contract employee.

E. Within ten (10) days after receiving the President’s recommendation, the contract employee may appeal in writing, through the President, to the Board.
F. The Board shall hear the appeal at its next regular or called meeting. In the event of termination of the contract employee, he or she shall have the opportunity to appear in person before the Board, and each party may present or cross-examine witnesses. Legal rules of evidence will not apply to this procedure.

G. The Board shall direct the President to deliver its response in writing to the contract employee within ten (10) days after a decision has been made.