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TOPIC: Resignation, Discipline, Termination and Nonrenewal – Procedures Policy Number: AP7

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### Resignation

Employees who voluntarily resign from their position with the College are expected to give twenty business-days written notice of their intent to resign to their immediate supervisor. The notice is to include the employee's anticipated date of departure, reason for resignation, and other relevant information. To receive payment for accrued but unused vacation leave, twenty business-days-notice in writing must be given. Business days are defined as weekdays, Monday through Friday, excluding scheduled College closings. Employees who resign prior to six months of employment will not receive payment for earned but unused vacation days. Employees who are terminated for "gross misconduct" as used by the Kansas Unemployment System or whose voluntary resignation date is escalated for "gross misconduct" as used by the Kansas Unemployment System will not be eligible for payout for accrued but unused vacation leave.

### Grant-Funded Employees

Upon resignation or other reasons for separation of employment, grant-funded employees will not be paid a lump sum of the remaining vacation leave unless the grant provided funding for the vacation leave.

### Discipline

#### Definitions

Verbal Warning – to communicate verbally with the employee the supervisor's observations of policy/procedural violations, work performance, or unacceptable behavior.

Written Reprimand – a statement of the specific performance concerns or observed behaviors that include a warning that failure to correct the job performance and/or behaviors will result in additional discipline up to and including termination of employment.

Suspension – requiring an employee to leave their position for a period of time for a reason that would include, but is not limited to, employee behavior and/or job performance adverse to the college's public education mission and/or detrimental to students and other employees.

Transfer - to change the position and job requirements of an employee.

Termination - employment with the college is severed.

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Causes of Disciplinary Action

The following is a list which may include, but is not limited to valid reasons or causes for disciplinary action including verbal warning, written warning, suspension, transfer, and termination. Cloud County Community College reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense.

- Conviction of a felony. (If an employee with a felony conviction is employed, and it is revealed at the time of employment and made a matter of record in the employee’s personnel file, that conviction shall not constitute a reason for subsequent non-renewal or termination).
- Commission of acts, which cause or result in a disruption of the operation of classes or other activities of the college.
- Failure to maintain required certification and/or licensing.
- Activity which adversely reflects upon the college or impairs effectiveness of the job responsibilities and performance.
- Incompetency.
- Insufficient revenue.
- Mental or physical condition which renders the employee incapable of satisfactorily performing an essential job function.
- Excessive absenteeism.
- Conversion, theft, or use of college property for personal use.
- Violation of terms of contract.
- Failure to comply with reasonable requirements of the job, or reasonable requests from a supervisor.
- Neglect of duties and job requirements.
- Insubordination.
- The unlawful manufacture, distribution, dispensation possession, or use of a controlled substance (as defined in the Drug-Free Workplace Act of 1988) by an employee in the workplace and/or failure of an employee to notify the college of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) business days after such conviction.

Termination

Administrative Personnel may be terminated during the contract term for any good cause. Administrative employees will be notified in writing of any termination. Upon receipt of the Administration’s intent-to terminate the administrative employee’s contract, the administrative employee may request a meeting with the Board in writing with the Clerk within ten (10) days of the receipt of the written notice. The Board shall schedule

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a meeting within ten (10) days after the filing of the administrator’s request. The meeting shall be in executive session; and, the Board shall specify the reason or reasons for the Administration’s intent to terminate the administrative employee’s contract.

The administrative employee shall be afforded an opportunity to respond at a meeting, prior to the Board’s decision. The administrative employee shall have the right to have counsel present. Within ten (10) days after the meeting, the Board shall reconsider its reason or reasons for termination, any responses thereto by the administrative employee, and shall make a final decision. The Board shall provide in writing findings in support of its decision.

Nonrenewal

An administrative employee’s contract may be nonrenewed with or without good cause upon written notice thereof at least thirty (30) days prior to expiration of the contract term. The Board may waive the 30-day notice for good cause.

Reduction in Force (RIF)

A RIF occurs when changing priorities, budgetary constraints, or other conditions require Cloud County Community College to reduce staff, eliminate positions, or eliminate programs. A RIF can also occur when the goals, priorities, and needs of the College change and the administrative employee does not possess the skills, capability, competence, and/or appropriate experience to perform the required essential functions/duties.

Employees selected for a RIF will be terminated with 30-days written notice. Implementation of a RIF will void the employment contract effective on the termination date listed in the written notice, and release the college from its obligation to payout the remaining terms of the contract and without amendment to the contract.

Selection for RIF

A RIF requires an evaluation of the need for a particular position(s) and the employee’s job performance to enable the College to provide the highest level of service possible with a reduced work force. The college will determine priority for a RIF within the following guidelines:

1. The work area and/or department where the reduction is to take place will be designated by the Administration after consultation with supervisory personnel.

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2. Consideration will be given to administrative employee(s) who expresses a desire to voluntarily resign or retire. In the work area and/or department where the reduction is to take place.

3. Temporary or part-time administrative employees performing the same or similar work assigned to full-time administrative employees in the work area and/or department where the reduction is to take place will be terminated before any full-time administrative employee in the area designated, provided the full-time administrative employee(s) has the ability to perform the duties assigned to the temporary employee.

4. Then the RIF of full-time administrative employees will be based on the following factors:

- a. The position(s) essential or most critical to the work area and/or department in the delivery of services will be retained, if possible;
- b. Full-time administrative employees with the greatest skills, knowledge, and productivity as to the position(s) being retained will be considered first for retention; and
- c. If two or more full-time administrative employees are evaluated as having substantially equal demonstrated skills, knowledge, and productivity as to the position(s) being retained, then the full-time administrative employee with the best evaluations or person who has made the greatest contribution to the mission and work of the college as an administrative employee will be retained.

#### Furlough (Involuntary Unpaid Leave)

A furlough occurs when changing priorities, budgetary constraints, or other conditions require Cloud County Community College to reduce staff, positions, and/or programs. The Board may require a period of furlough (involuntary unpaid leave) as determined by the Board. The period and reason for the furlough shall be determined by the Board.

Employees selected for a furlough will be given 30 days written notice whenever possible. Implementation of a furlough will amend the employment contract effective as of the date listed in the written notice. The Board shall not be required to pay any salary or benefits during periods of furlough except as required by law.

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