APPOINTMENT AND TERMINATION

Employees are appointed by administrative personnel or the Board of Trustees. Full-time professional employees are appointed by the Board of Trustees. Full-time paraprofessional employees are appointed by the College President, or his/her designee. Part-time employees are appointed by the College President, or his/her designee.

All employees are appointed on either a regular or temporary basis, and are appointed on a full time or part time basis. Moreover, full-time professional employees appointed to regular positions are first appointed on an initial contract basis and subsequently on a continuing contract basis, depending on the action of the President or the Board of Trustees.

See following pages for procedure.

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APPPOINTMENT AND TERMINATION

This procedure covers seven areas: Appointment Authority, Term of Appointment, Appointment and Termination Provisions, Appointment Rate, Contract Termination other than renewal of Contract, Tendering and Acceptance of Contract, and physical Examinations.

APPOINTMENT AUTHORITY

Professional Employees

Less Than One-half Time Professionals
Professional employees in this category are appointed by College officers designated by the President.

One-half Time, But Less than Full-time Professionals
Professional employees in this category are recommended by the advisory screening committees to the designated College officer who makes the appointments.

Full-time Professionals
Professional employees in this category are recommended by the Professional Standards Board to the President. The President will carefully review the recommendation of the Professional Standards Board and will make them available to the Board of Trustees. The President shall make a recommendation for appointment to the Board of Trustees. The Board of Trustees makes the appointment.

Paraprofessional Employees

Less Than One-half Time Paraprofessionals
Paraprofessional employees in this category are appointed by the appropriate College officer.

One-half Time, But Less than Full-time Paraprofessionals
Paraprofessional employees in this category are recommended by advisory screening committees to the designated College officer, who makes the appointments.

Full-time Paraprofessionals
Paraprofessional employees in this category are appointed by the President upon the recommendation of the advisory selection committees and College officers. The President may delegate this appointment authority.
TERM OF APPOINTMENT

College members are appointed as follows:

- **Regular Part-time**
  These appointments are for positions which normally continue from year to year.

- **Regular Full-time**
  These appointments are for positions which normally continue from year to year.

- **Temporary Part-time**
  These appointments are for positions which normally last six months or less. Part-time faculty are appointed on a course-by-course, semester-by-semester or year-by-year basis. Because the demand for part-time faculty is often subject to extensive fluctuation, part-time faculty members should not expect continuing employment beyond the term of any executive agreement.

- **Temporary Full-time**
  These appointments are for positions which normally last approximately one year.

APPOINTMENT AND TERMINATION PROVISIONS

**Full-time WWCC Employees Length of Initial Contract Status – Position Changes**

- Full-time paraprofessional employees working in positions which are reclassified from the paraprofessional category to the professional category are immediately granted continuing contract status.

- Full-time paraprofessional employees entering a professional position are first appointed on an initial contract basis. Continuing contract status shall be granted upon the completion of two contract years of service in the professional-level position and reappointment for the third contract year.

- Professional employees who voluntarily transfer to or are promoted to another position, are first appointed to the new position on an initial contract basis. Continuing contract status shall be granted upon the completion of two contract years of service in the new position and reappointment for the third contract year.

**Full-time Professional Employees Initial Contract Status – Non-renewal of Contract**

Except as provided above, all full-time professional employees are first appointed on an initial contract basis, and shall remain on this status until appointment to continuing contract status, as may be granted by the College.
The employment contract of an initial contract professional employee must be non-renewed by the Board of Trustees, upon the recommendation of the President, upon notification in writing of such recommendation by registered or certified mail to last known address of such initial contract professional employee no later than March 15th of a given year. Proof of such written notice together with the proof of mailing, shall be kept and retained in the records of the College. An initial contract professional employee shall not be entitled to appeal the non-renewal decision through the College grievance and appeal process. Reasons for the non-renewal decision shall not be given, other than outlined below.

Should the professional employee believe that the non-renewal recommendation was based on the exercise of his or her constitutional rights, that he or she has a reasonable expectancy of re-employment or that the non-renewal action would stigmatize him/her, the following procedure will take place:

1. A professional employee on Initial Contract Status may request a hearing before the Administrative Hearing officer by requesting same in writing within ten (10) days of receipt of the President’s non-renewal recommendation. The request shall be made to the College President.

2. The College President shall immediately notify the College’s legal counsel of the request and shall forward the written request for a hearing to him/her. The College’s legal counsel shall then arrange for an Administrative Hearing officer to conduct a pre-hearing conference as soon as practical.

3. At the request of the Administrative Hearing officer, the College President shall submit to the Administrative Hearing officer his/her reasons for non-renewal. At the same time, the Administrative Hearing officer shall request the professional employee to submit to the Administrative Hearing officer substantial evidence that the recommendation was based upon an exercise of his/her constitutional rights and/or that he/she was a reasonable expectancy of re-employment, and/or how the non-renewal action would stigmatize him/her.

4. After reviewing the reasons for contract non-renewal and any evidence submitted by the professional employee, the Administrative Hearing officer shall determine that:
   a) Sufficient evidence has been presented by the professional employee to warrant a formal hearing by the Administrative Hearing officer. In such case, a hearing will be scheduled and, at the conclusion of the hearing, the Administrative Hearing officer will submit a written copy of his/her findings, conclusions, and recommendations to the Board of Trustees for a final decision.

OR

Western Wyoming Community College
b) Insufficient evidence has been presented by the professional employee to warrant a formal hearing by the Administrative Hearing officer. In such a case, the Administrative Hearing officer will inform both the College President and the professional employee of his/her findings. The College President shall discuss these findings with the College attorney and will subsequently make a recommendation to the Board of Trustees.

5. a) If the Administrative Hearing officer determines that a formal hearing shall be held, he/she will immediately provide the professional employee the College President's reasons for contract non-renewal and will immediately provide the College President with any evidence submitted by the professional employee.

OR

b) If the Administrative Hearing officer determines that a formal hearing is not warranted, upon request, he/she will immediately provide the information as described in “a” above.

6. Every reasonable effort will be made by the College to ensure that these due process proceedings are conducted in a timely manner. The Administrative Hearing officer shall make a determination as to whether or not a formal hearing is warranted within thirty (30) days from receipt of notice by the College’s legal counsel. Should the Administrative Hearing officer determine a formal hearing be conducted, it shall be held within thirty (30) days from the time of his/her decision. Should the Administrative Hearing officer determine a formal hearing is not warranted, a recommendation regarding the disposition of the case shall be made to the Board of Trustees within thirty (30) days of the Administrative Hearing officer’s determination.

As a professional employee on Initial Contract Status, employment with the College is “at will”. It is understood that no consideration has been furnished to the College for the employment of a professional employee other than the professional employee’s services. Any professional employee on Initial Contract Status has the right to terminate his or her employment with the College at the end of a contract period, and the College has the same right.

**Full-time Professional Employees Continuing Contract Status – Non-renewal of Contract**

Continuing contract status shall be granted to the full-time professional employee upon the completion of three consecutive contract years of service to the College and reappointment for the fourth contract year, except as provided above. For the purposes of this procedure, a contract year is defined as two
semesters of instructional employment in a nine-month position. For a professional employee in a ten, eleven, or twelve month position, a contract year is equivalent to the full length of the position.

Professional employees on continuing contract status shall be notified by March 15 of a given year if their contract will be non-renewed for the following year. A professional employee whose contract is non-renewed will be given written notice by the President setting forth reasons for the non-renewal of contract. Written notice shall be given by registered or certified mail to the last known address of such continuing contract professional employee. Proof of such written notice together with the proof of mailing shall be kept and retained in the records of the College. A continuing contract professional employee shall be entitled to appeal the termination decision by requesting a hearing before the Board of Trustees within forty-five (45) days after receipt of notice of recommendation of non-renewal, provided that a written request for such hearing is made by the professional employee to the President or Secretary of the Board within ten (10) days of receipt of said notice. The College grievance and appeal process is not available in contract non-renewal actions.

Full-time Paraprofessional Probationary Period-Termination

All new paraprofessionals must serve a twelve month probation to acquaint them with the position and to allow appropriate school officials time to evaluate their ability and aptitude for the job. Internally-promoted paraprofessionals must serve a nine month probationary period. A probationary employee can be dismissed with a written notice at any time. The termination decision may not be appealed through the College grievance and appeal process. Reasons for the termination shall not be given, other than outlined below.

Should the probationary employee believe that the termination was based on the exercise of his or her constitutional rights, that he or she has a reasonable expectancy of continued employment or that the termination would stigmatize him/her, the following procedures will take place:

1. A probationary paraprofessional employee may request a hearing before an Administrative Hearing officer by requesting same in writing within ten (10) days of receipt of the President’s notice of termination. The request shall be made to the College President.

2. The College President shall immediately notify the College’s legal counsel of the request and shall forward the written request for a hearing to him/her. The College’s legal counsel shall then arrange for an Administrative Hearing officer to conduct a pre-hearing conference as soon as practical.
3. At the request of the Administrative Hearing officer, the College President shall submit to the Administrative Hearing officer his/her reasons for termination. At the same time, the Administrative Hearing Officer shall request the probationary employee to submit to the Administrative Hearing officer substantial evidence that the recommendation for termination was based upon an exercise of his/her constitutional rights, and/or that he/she has a reasonable expectancy of re-employment, and/or how the termination would stigmatize him/her.

4. After reviewing the reasons for termination and any evidence submitted by the probationary employee, the Administrative Hearing officer shall determine that:
   a) Sufficient evidence has been presented by the probationary employee to warrant a formal hearing by the Administrative Hearing officer. In such a case, a hearing will be scheduled and, at the conclusion of the hearing, the Administrative Hearing officer will submit a written copy of his/her findings, conclusions, and decision to the Board of Trustees for a final decision.

   OR

   b) Insufficient evidence has been presented by the probationary employee to warrant a formal hearing by the Administrative Hearing officer. In such a case, the Administrative Hearing officer will inform both the College President and the probationary employee of his/her findings. The College President shall discuss these findings with the College attorney and will subsequently make a recommendation to the Board of Trustees.

5. (a) If the Administrative Hearing officer determines that a formal hearing shall be held, he/she will immediately provide the probationary employee the College President’s reasons for termination and will immediately provide the College President with any evidence submitted by the probationary employee.
   (b) If the Administrative Hearing officer determines that a formal hearing is not warranted, upon request, he/she will immediately provide the information as described in “a” above.

6. Every reasonable effort will be made by the College to ensure that these due process proceedings are conducted in a timely manner. The Administrative Hearing officer shall make a determination as to whether or not a formal hearing is warranted within thirty (30) days from receipt of notice by the College’s legal counsel. Should the Administrative Hearing officer determine a formal hearing be conducted, it shall be held within thirty (30) days from the time of his/her decision. Should the Administrative Hearing officer determine a formal hearing is not warranted, a recommendation regarding the disposition of the case shall be made to
the Board of Trustees within thirty (30) days of the Administrative Hearing officer’s determination.

As a paraprofessional on probationary status, employment with the College is “at will”. It is understood that no consideration has been furnished to the College for the employment of a paraprofessional employee other than the employee’s services. Any paraprofessional on probationary status has the right to terminate his or her employment with the College, and the College has the same right.

**Full-time Paraprofessionals**
**Regular Status – Termination**

Regular status shall be granted to a full-time paraprofessional upon the successful completion of the probationary period.

Paraprofessionals on regular status can be dismissed with a written notice at any time. The termination decision may not be appealed through the College grievance and appeal process. A paraprofessional whose employment has been terminated will be given written notice by the President setting forth reasons for the termination. Written notice shall be given by registered or certified mail to the last known address of such paraprofessional. Proof of such written notice together with the proof of mailing shall be kept and retained in the records of the College. A paraprofessional on regular status shall be entitled to appeal the termination decision by requesting a hearing before the Board of Trustees within forty-five (45) days after receipt of notice of termination, provided that a written request for such hearing is made by the paraprofessional to the Board President or Secretary within ten (10) days of receipt of said termination notice.

**Part-time Professional and Paraprofessional Employees – Termination**

Part-time employees serve on an as needed basis and an “at will” basis as defined within this policy and may be terminated by the College as deemed necessary.

**APPOINTMENT RATE**

**Appointment Rate – Part-time Faculty**

For those positions which traditionally require an academic degree, the following guidelines will prevail subject to the discretion of the appropriate College officers.
College Placement | Position Specific Education
--- | ---
I | Bachelor’s Degree
II | Master’s Degree
III | Master’s + 30
IV | Doctorate

For those positions which traditionally do not require an academic degree, the appropriate College officer will determine in which column an instructor will be initially placed.

An employee may receive a rate of pay higher than the maximum allowed for any step within a range only for unusual circumstances pertaining to the nature of the position and/or the local job market and with the express approval of the appropriate College officers, and, if necessary, the President, in accordance with the following:

- Emergency personnel shortage (E.P.S.) funds may be given as follows:
  a) Normal range: 10% - 30%
  b) Exceptional range: 31% - 80%

- Very rarely will E.P.S. monies be paid in the Exceptional range. All positions receiving E.P.S. funding in this range will receive Presidential approval.

- If an instructor turns in a syllabus or course outline, meets the first class, and the class is not taught by the part-time instructor due to lack of enrollment or other reasons beyond the control of the instructor, Western Wyoming Community College will pay the instructor a honorarium of $50.00.

**Appointment Rate – Full-time Professional Employees**

See Policy 4220B

**Appointment Rate – Part-time Paraprofessionals**

Appointment rates for part-time paraprofessional employees are approved by the Human Resources office.

**Appointment Rate – Full-time Paraprofessionals**

See Policy 4310C

**CONTRACT TERMINATION OTHER THAN NON-RENEWAL OF CONTRACT**

Termination of employment of full-time professional employees for reasons other than contract non-renewal shall be in accordance with Policy 4430A (Disciplinary Action For Improper Conduct) or Policy 4230A (Layoff).
Termination for reason other than contract non-renewal may be recommended by the President at any time during the period of the professional employee’s contract.

**TENDERING AND ACCEPTANCE OF CONTRACTS**

By March 15th of each year, the College President shall send a letter to each full-time professional employee whom the College intends to re-employ. The letter shall:

- Indicate that the College President intends to recommend to the Board of Trustees that the employees be issued an employment contract for the ensuing fiscal or academic year, provided neither Policy 4230A nor Policy 4430A are implemented.
- Indicating when, in the President’s best judgment, employment contracts will be tendered by the Board of Trustees.
- The administration and the Board of Trustees shall make every possible effort to tender employment contracts by April 15th. The Board of Trustees must, however, tender employment contracts by:
  - The time of budget adoption which occurs the third Wednesday of July.

Professional employees are required to return signed contracts to the Human Resources office within fifteen (15) days for contracts issued on or before April 15th. In the event that contracts are issued after April 15th, the required date for return will be thirty (30) days from the time of issue.

**PHYSICAL EXAMINATIONS**

A physical examination may be required and must be passed before employment begins for employees in designated work stations covered under Worker’s Compensation. Said examination must be taken within five (5) working days after notification of selection. Refusal to submit to medical examination prior to appoint shall be grounds for rejection.

Annual physical examinations may be required for food services, children’s center, and other designated personnel, depending on the requirements of law and the College.

If the President determines that an employee appears to be physically unable to perform the assigned duties due to an apparent physical disorder, the President may require that the employee submit to a physical examination, the result of which shall be discussed with the employee, the physician, and the President. Depending on the physician’s recommendation, appropriate action may be taken by the President in regards to the continued employment of the person in question.
Reasonable Costs of Said Examination
Will be Borne by the College

The examination information will be recorded by the physician upon a form approved by the College and further, the College shall approve of the physician performing the examination and/or may designate a physician for such services.