

## **2.8 KCTCS Employee Separation**

At times, it may be necessary for KCTCS or individual employees to initiate a separation of their employment. In addition to KCTCS policies and procedures, separation actions are governed by the employee's personnel system. To protect the interests of both parties, the KCTCS Board of Regents authorizes the KCTCS President to set forth categories of separation and the policies and procedures related to each category identified below.

### **2.8.1 Non-Renewal of Appointment**

*Term contract employment* shall end upon the expiration of the stated term as specified in the contract, without additional notice. For *initial tenure-track appointments on or after July 1, 2005*, notice deadlines for non-renewal of appointment, including subsequent appointments, shall be at least ninety (90) calendar days before the period of appointment ends. For *initial tenure-track appointments prior to July 1, 2005*, notice deadlines for non-renewal of subsequent appointments shall be as set forth in the initial appointment forms. Colleges shall comply with the minimum standards set forth in KCTCS administrative policies and procedures for the deadlines for providing written notice to inform faculty of non-renewal of appointment.

### **2.8.2 Termination for Disciplinary Reasons**

Employees may be terminated for violations of applicable laws, policies, procedures, and regulations governing KCTCS employees.

Any disciplinary measure taken against employees, according to status as defined in Board Policy 2.0.1, shall be for just cause and the employee shall have due process rights. "Just cause" means there is proper and sufficient reason for disciplinary measures. Employees with "at will" employment status may be terminated with or without cause.

The termination of a regular faculty appointment as a disciplinary measure shall, in accordance with KRS 164.360, be for reasons of incompetency, neglect of or refusal to perform duties, or for immoral conduct. For regular staff employees just cause includes, but is not limited to, unsatisfactory work performance relative to performance expectations, misconduct, or violations of any of the workplace rules, policies, or regulations contained in applicable KCTCS policies, procedures, or regulations.

The KCTCS President is authorized to promulgate administrative procedures to implement this policy. Appropriate procedures shall be followed to implement a faculty or staff termination as specified in *KCTCS Administrative Policies and Procedures* regarding termination.

### **2.8.3 Termination for Non-Disciplinary Reasons**

Except for at-will employees who may, consistent with prevailing law, be terminated at any time, employees may be terminated for non-disciplinary reasons only when enrollment, budget, economic, and other critical operating or administrative factors make it financially necessary to do so. Reorganizations of the overall workforce, including reduction in the number of employees, may be

performed at the system level, college level, or in any operating unit or part of the system or a college. The KCTCS President shall implement administrative policies and procedures to carry out necessary reorganizations and/or reductions in an orderly manner that gives appropriate notice and process to affected employees according to status.

Nothing in this Provision 2.8.3 repudiates tenure for current or future faculty as provided in KCTCS Board of Regents policy 1.4 (Internal Governance Structure), KCTCS Policy 2.0.1.1.1 (Faculty Tenured Employment Status), Policy 2.0.1.1.2 (Faculty Tenure-Track Employment Status), Policy 2.15.2 , (Employment Actions), Policy 2.16.2.1 (Faculty Appeals Through KCTCS Senate ACA), Policy 2.18 (Employment Selection), or Policy 2.6 (Promotion in Rank).

### **2.8.4 Resignation**

Employees in all employment status categories shall provide the proper notice of resignation as specified in *KCTCS Administrative Policies and Procedures* in order to not adversely impact KCTCS operations.

### **2.8.5 Retirement**

Eligible KCTCS employees in all employment status categories may retire in accordance with the applicable retirement plan's policies and procedures. Proper notice of retirement shall be given according to *KCTCS Administrative Policies and Procedures* and the applicable retirement plan.

4/30/99  
Date Approved by  
KCTCS Board of Regents

6/15/18  
Date of Last Review

4/30/99; 3/11/05; 6/15/18  
Date of Last Revision  
(Include all dates in  
chronological order)

(SIGNED)  
Chair, Board of Regents

6/15/18  
Date

(SIGNED)  
President, KCTCS

6/15/18  
Date