SECTION 183
NONRENEWAL AND DISMISSAL OF NONBANDED, NONACADEMIC STAFF

SOURCE: SBHE Policy Manual, Section 608.2

1. Employees excluded from the broadbanding system who are not members of the academic staff at an institution may be terminated, without cause, pursuant to written notice of termination in accordance with the following schedule:

   a) At least three months, if written notice is given during the first year of service;
   b) At least six months, if written notice is given during the second year of service or thereafter.

As used in this section 1, “service” means employment at the same institution or agency.

2. Employees excluded from the broadbanding system who are not members of the academic staff at an institution may be dismissed based upon financial exigency as determined by the Board, loss of appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses, in which cases the notice requirements of the preceding section shall not apply. If a dismissal is implemented pursuant to this subsection, no less than 90 days notice shall be given the employee.

3. An employee may be dismissed for just cause. Just cause means just cause for dismissal of staff employees as defined in the North Dakota University System Human Resource Policy Manual. (See NDSU 220.2) Notice of intent to dismiss for cause, stating the reasons for the proposed action, shall be given by a department head or other designated official unless the employee is a vice president or other officer who reports directly to the institution's chief executive, in which case notice shall be given by the chief executive. The notice shall be given at least five calendar days prior to the date of dismissal and the employee has the right, within that time, to respond in writing and request a pre-termination review. Following notice of intent to dismiss and, if requested by the employee, the pre-termination review, the department head or other designated individual, if the notice of intent to dismiss was not given by the chief executive, shall forward a recommendation to the institution's chief executive. The chief executive shall make a final decision and give written notice of that decision.

4. An employee who is dismissed for just cause pursuant to this policy may, within 20 days of dismissal, appeal the decision by filing a notice of appeal, accompanied by a specification of the reasons or grounds upon which the appeal is based, with the institution's chief executive. The chief executive shall appoint a hearing officer to conduct an evidentiary hearing and submit recommended findings, conclusions and a recommended decision. The hearing officer shall conduct the hearing according to appeal procedures governing hearings conducted by a staff personnel board that are set forth in Section 27 of the North Dakota University System Human Resource Policy Manual (Policy 231 of the NDSU Policy Manual). The chief executive shall make a final decision and provide written notice of that decision to the hearing officer and the employee within 20 calendar days of receiving the hearing officer's recommendation.

5. Except for positions explicitly exempt as stated in this section 5 or 6, this policy applies to all employees excluded from the broadbanding system who are not members of the academic staff.
and, with respect to their positions as administrators or other non-academic positions, to employees with appointments to the academic staff. This policy applies to coaches unless the employing institution has adopted a different policy governing coaches and that policy is stated or adopted by reference in a coach's employment contract, in which case the institution's policy applies. This policy does not apply to faculty; employees with academic appointments are governed by SBHE Policy Sections 605.1, 605.2, 605.3 and 605.4. Staff employees at the institutions are governed by the North Dakota University System Human Resource Policy Manual.

6. Dismissal actions of regular staff employees are governed by the NDSU Policies 220 and 231.

7. Dismissal actions of temporary staff employees may occur at any time with or without cause (NDUS Human Resource Policy Manual, Section 2).

8. Dismissal or non-renewal actions for faculty are governed by NDSU Policy 350.1-350.4 and 352.

9. This policy does not apply to the Chancellor and institution presidents. Subsections 1 and 2 do not apply to student residence hall assistants, work-study students and other students employed on a part-time basis for a limited term. The terms and conditions of employment for student residence hall assistants shall be stated in a written contract.

HISTORY:

New June 1994
Amended May 1996
Amended February 1998
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Amended December 1999
Amended January 2000
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