

FANSHAWE COLLEGE BOARD OF GOVERNORS' POLICY MANUAL

CATEGORY C – BOARD-PRESIDENT RELATIONSHIP

TITLE: *TERMINATING THE PRESIDENT'S CONTRACT*

POLICY NUMBER: C-40
EFFECTIVE DATE: 2019 02 28
REFERENCE: 41406, 46406, 52001, 56701

BACKGROUND INFORMATION:

Assessing the President's performance is one of the most important responsibilities of a Board of Governors. A situation may arise where it is in the College's best interest to terminate a President's contract before its expiry date. The purpose of this policy is to ensure the termination process is done fairly, honestly and with dignity.

THE POLICY:

1. The Board may consider terminating the President's contract, with or without cause, under the following circumstances:
 - 1.1 unsatisfactory performance
 - 1.2 conduct unbecoming of a President
 - 1.3 breach of contract
2. The process for terminating the President's contract for unsatisfactory performance shall be in accordance with the Board's policies concerning the assessment of the President's performance (Board Policies C-15 and C-15.05). There may be conclusions drawn from that process requiring corrective action plans which may require more frequent follow-up performed by the Board. Ultimately, termination may be a necessary course of action where expected outcomes continue to be unachieved.
3. The process for terminating the President's contract for conduct unbecoming of a President shall be as follows:
 - 3.1 Individual Board members who have significant and legitimate concerns with conduct unbecoming of a President should relay those concerns directly to the Board Chair.
 - 3.2 The Board Chair shall advise the President the matter will be brought forward to the Board Process Committee for discussion with any additional commentary provided from the President.

- 3.3 The President shall address the matter directly with the Board Process Committee and then will be asked to leave the room. The Board Process Committee shall then determine the next steps of the process as appropriate:
 - 3.3.1 the matter is resolved with no further action.
 - 3.3.2 the matter will be brought forward to the whole Board for further consideration with one of the following recommendations:
 - 3.3.2.1 The matter is resolved with no further action.
 - 3.3.2.2 The President should be suspended with pay until a more thorough investigation has been undertaken.
 - 3.3.2.3 The President should be terminated.
 - 3.3.3 The President will be provided the opportunity to address the whole Board.
 - 3.3.4 Time may be of the essence, so a special Board meeting may be required.
 - 3.3.5 The Board Process Committee shall lead any investigation, if necessary. The outcome of any investigation shall be brought to the whole Board for resolution.
 - 3.3.6 The Board Process Committee shall consider consulting legal counsel.
4. The process for terminating the President's contract, with or without cause, for unsatisfactory performance, conduct unbecoming of a President, or a breach of contract, may result in the conclusion to terminate the President.
5. The Chair is solely responsible for all correspondence and communications regarding the President's performance. The Board or any member of the Board shall refrain from any and all comment.