

Procedure 5020-PR(1): Personnel Disciplinary Actions - Due Process

Original Date:

Status:

DISCIPLINARY ACTION AND PROCEDURES

When personnel actions or concerns extend beyond supervisory coaching, verbal warnings, or written warnings, or are suspected to involve one or more of the serious behaviors noted in SCCPCCD 5020, supervisors are strongly encouraged to communicate with Human Resources in a timely manner to discuss options and possible next steps.

If the responsible administrator and/or Human Resources determines behaviors, actions, or other violations of District Policies and Procedures are serious enough to warrant severe disciplinary measures, i.e., suspension or termination, a timely recommendation should be made to the Interim CEO/CEO. Termination or Suspension without pay disciplinary actions shall follow notice and appeal processes set forth below.

Suspension

The CEO or designee may suspend any District employee for alleged inappropriate behaviors and/or actions. Such suspension may be accomplished verbally to the employee and will within five (5) calendar days be confirmed by written notice to both the employee and the District Governing Board setting forth the grounds for the suspension. A suspended employee will be paid regular wages until further action is determined by the CEO after the investigation.

Investigation

When an employee is suspended for alleged inappropriate behaviors and/or actions, the CEO shall appoint an investigator within 24 hours of receiving the notice of suspension to research the pertinent information and prepare a written report of the investigation. This report will be presented to the CEO within five (5) business days from appointment.

Termination

Behaviors or actions, determined by District administration to be a violation of a policy, procedure, contract terms, or law may be sufficient cause for termination. A disciplinary involuntary termination of an employee by a responsible administrator requires approval of the CEO and the DGB.

Decision and Right to Appeal (Due Process)

After reviewing the information provided through the investigation, the CEO may take several different actions regarding the suspended employee including, but not limited to the following:

- If the determination is to reinstate the employee, a timely written notice is delivered to the employee. The reinstatement notice will define the terms and conditions of the reinstatement.
- If a determination is made to continue the suspension for a period without pay, a timely written notice including the length and any other conditions of the continued suspension period and a statement of the right to appeal in writing to the District Governing Board within three (3) business days of the notice being issued.
- If the determination is to terminate employment, the Interim CEO/CEO issues a termination decision notice that provides a summary of evidence in support of the determination; a copy of the applicable District policy and/or procedure violated; the end of employment terms and conditions; and a notice of the right to appeal in writing to the District Governing Board within three (3) business days of the notice being issued.

Appeal

In the event of a written appeal, the District CEO coordinates with the District Governing Board to place the matter on the agenda for the earliest available board meeting. A notice will be provided to the employee informing them of the date, time, and place of the DGB meeting scheduled for their appearance. The notice shall also describe the process and conditions applicable to the employee's participation in the board meeting under their appeal. Notice is given at least five (5) business days prior to the hearing. If an appeal is properly initiated, the effective date of the unpaid suspension or termination is postponed, and the employee remains on paid suspension while the appeal is processed.

Decision by the District Governing Board

The District Governing Board may affirm, modify, or reverse the decision to implement unpaid suspension or to terminate. Notification of the decision of the DGB will be issued

within five (5) business days of the appeal being heard at the board meeting. The Decision of the District Governing Board is final and cannot be appealed.