

TERM CONTRACTS  
DISMISSAL

DMAA  
(LOCAL)

SUSPENSION WITH  
PAY

A term contract employee may be suspended with pay or placed on administrative leave by the Chancellor or designee during an investigation of alleged misconduct by the employee or at any time the Chancellor or designee determines that the College District's best interest will be served by the suspension or administrative leave.

SUSPENSION  
WITHOUT PAY

A term contract employee may, for good cause, be suspended without pay for a definite period of time set by the Board, provided that the employee has been given written notice of the allegations constituting good cause for the suspension and, before the suspension is imposed, has been afforded an opportunity for a hearing that complies with the time lines and procedural requirements set out above.

INVOLUNTARY—  
FACULTY

Termination procedures for faculty members shall ensure due process of law. Excellence in instruction and quality education generally require that faculty members be periodically evaluated to determine whether or not their employment with the College District shall continue. Faculty personnel may be terminated only in accordance with the principles set forth in the following procedures:

If a faculty member serving on a one-year contract is terminated for either academic or disciplinary reasons prior to the expiration of the contract term, he or she shall be afforded the notice and hearing rights described below. These rights would apply to anyone on a contract.

DUE PROCESS  
PROCEDURES

Due process procedures for faculty members for terminations during a contract term, for suspension without pay, or for nonrenewal of faculty members on three-year contracts are as follows:

WRITTEN REQUEST  
FOR HEARING

1. Upon written notification, the employee may, within ten days, submit to the College President or Chancellor, as appropriate, a written request for a hearing. A hearing officer shall be selected as described below.

HEARING PANEL  
SELECTION

2. Each academic year, the Chancellor shall, with the advice and consultation of the faculty council, select a panel of not less than five potential hearing officers. Members of this panel shall be persons who are qualified in their understanding of hearing procedures and who are not College District employees. The hearing officers so selected shall have the power to administer an oath, and the testimony from all witnesses shall be under oath. Additionally, the Chancellor shall, with the advice and consultation of the faculty council, name no less than three alternate members of this panel. The names of the panel members and of the alternates shall be provided to the college presidents and to the members of the faculty council no later than February 15 of each academic year.

3. When a hearing is requested, the faculty member shall be provided with a list of the hearing officer panel members and hearing officer alternate panel members.

Within five days after the day when the list of potential hearing officers has been delivered to the faculty member, the faculty member and the College President shall meet in the presence of a notary public and shall select the hearing officer in the following manner: The faculty member shall first strike off a name from the list; then the College President shall strike off a name, and so on, in this fashion until only one name remains.

The notary public shall provide this information to the Chancellor, who shall notify the hearing officer whose name was not stricken. In the event such hearing officer is unable to serve within the prescribed time period, the potential hearing officer whose name was stricken last shall be requested to serve.

HEARING

4. The hearing shall be held at a place and time named by the hearing officer, in consultation with the College President, and the faculty member; provided however, that the hearing shall not be held on the campus of any of the colleges of the College District, or in the college District offices. The hearing shall be convened within a reasonable time after the selection of the hearing officer.

Expenses of the hearing shall be borne by the College District, with the exception of any fees charged the faculty member by legal counsel.

The hearing shall be closed unless the faculty member requests that it be open. If the faculty member wishes the hearing to be open to the public, he or she shall make this wish known by delivering such a request, in writing, to the hearing officer, not less than 72 hours prior to the scheduled time for the hearing to begin. Upon receiving this request, the hearing officer shall promptly notify the College President, in writing, that the hearing shall be open to the public. The hearing shall be conducted by the hearing officer in the manner which he or she deems most appropriate, within the guidelines specified herein including the provisions that:

- a. The faculty member and the College President shall have the right to be represented by counsel if they choose;
- b. The faculty member shall have the right to face and to question those persons on whose judgments and opin-

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- ions the recommendation against reemployment is based;
- c. The faculty member and the College President shall have the right to present facts and to bring forward witnesses;
  - d. Witnesses shall be placed under oath by the hearing officer; and
  - e. The burden of proof is upon the College President to show facts, by a preponderance of the evidence, that support the termination or nonrenewal.
- RECORDS AND FINDINGS 5. The proceedings of the hearing shall be tape recorded, and the recordings shall be held by the hearing officer for his or her own examination. A copy of the tapes shall be provided to the faculty member and to the College President upon request. The hearing officer shall base his or her findings solely upon the record of the hearing. Following the conclusion of the hearing, the hearing officer shall, within seven days, deliver a finding of fact in writing to the College President, to the faculty member, and to the Chancellor. In addition to the findings of fact, the hearing officer shall include a conclusion based on the facts that the reasons supporting the contemplated termination or nonrenewal have or have not been sustained.
- CHANCELLOR CONSIDERATION 6. The Chancellor shall consider the written report of the hearing officer in determining his or her recommendation to the Board concerning the reemployment or nonreemployment of the faculty member. With ten days after delivery of the report of the hearing officer to him or her, the Chancellor shall deliver to the faculty member a copy of his or her judgment in writing.
- BOARD REVIEW 7. The Board may accept the recommendation of the Chancellor after examination of the hearing officer's report and the judgment of the Chancellor. If the Board determines to review the appeal further, the proceeding is appellate in nature (not de novo) and is limited to the evidence presented at the hearing provided in item 5 above.
- PUBLICITY CONCERNING TERMINATION PROCEDURES 8. In all proceedings, confidentiality of testimony shall be preserved in keeping with applicable state law. In the event a public statement from a District spokesman is deemed appropriate, such statement shall be issued by the College President or the Chancellor.
- SUSPENSION When the welfare of the institution or its students is deemed to be endangered by the presence of a faculty member, the Chancellor

or College President may suspend such employee pending further study to determine appropriate action. The faculty member shall be notified of the suspension and the cause or reason for such suspension. The faculty member, upon receipt of said notice, shall have the right to request a hearing, which shall follow the procedure prescribed in the section on DUE PROCESS PROCEDURES in this policy.