

- Suspension with Pay** A term contract employee may be suspended with pay and placed on administrative leave by the College President during an investigation of alleged misconduct by the employee or at any time the College President determines that the College District's best interest will be served by the suspension.
- Grounds for Suspension** Grounds for suspension for all employees shall include, but are not limited to, the following:
1. Theft or unauthorized use of College District property.
 2. Theft of another employee's property.
 3. Theft of a student's property.
 4. Falsification of College District records, which include, but are not limited to, timesheets or timecards, leave forms, expense reports, and employment records. This shall also include "punching out" on another employee's timecard or completing another employee's timesheet without a supervisor's permission.
 5. Possession of an illegal weapon on College District property or property controlled by the College District.
 6. Possession of alcohol or illegal drugs without authority or being under the influence of alcohol or illegal drugs on College District property or property controlled by the College District, or a violation of the applicable prohibitions in accordance with law and College District policy.
 7. Insubordination or intentional neglect of job duties, which include, but are not limited to, sleeping on the job or failure to perform job duties that result or may result in serious injury to persons or property.
 8. Any criminal act, except a traffic offense, which occurs on College District property or property controlled by the College District.
 9. Any act of sexual harassment, except an isolated or unintentional act as described in DIA(LOCAL).
 10. Any violation of the computer use policy.
 11. Any act or threat of an act that would place at risk the health or safety of the students, employees, guests, or other individuals on campus and during off-campus activities.

**Grievance Filed
Under Education
Code 51.960**

The Board designates the director of human resources as the person to whom a faculty member may present a grievance on an issue related to his or her dismissal. If the faculty member wishes to present a grievance under Education Code 51.960, it is recommended that he or she file a request to present the grievance within ten working days after final action on the dismissal proceeding.

Once a request to present a grievance has been filed, the conference shall be scheduled within seven working days.

**Termination of
Contract Employees**

Termination procedures for contract employees shall ensure due process of law. Contract employees shall only be terminated in accordance with the following principles:

1. Upon written notification for termination, the employee may, within ten working days, submit a written request for a hearing to the director of human resources. A hearing shall be conducted by an appropriate hearing panel. The members for the hearing panel members shall be determined based on the employee and the subject matter involved.
2. The hearing shall be held on a date that affords the employee reasonable time to prepare an adequate presentation. The hearing shall be conducted in accordance with DMAA(LEGAL) and the procedures set forth herein.

The hearing shall be conducted in a closed meeting unless the employee requests that it be in open session. If the employee wants the hearing to be conducted in open session, he or she shall notify the College President at least 72 hours prior to the scheduled time for the hearing.

3. The hearing shall be conducted in accordance with the following:
 - a. The employee and the College District have the right to be represented by counsel;
 - b. The employee has the right to face and question those persons on whose judgments and opinions the recommendation against reemployment is based; and
 - c. The employee and College President shall have the right to present facts and to bring forward witnesses.

Unless stated otherwise in Board policy, the College District shall have the burden of proof by the preponderance of evidence.

The hearing panel shall make its decision based on a majority of the panel members present at the meeting.

4. The hearing proceedings shall be audio recorded, if requested by either the College President or employee. A copy of the recording shall be provided to the employee or College President upon request.
5. The hearing panel shall base its findings solely upon the record of the hearing. Following the conclusion of the hearing, the hearing panel shall deliver a finding of fact in writing to the College President and the employee within seven working days. In addition to the finding of fact, the hearing panel shall include a conclusion based on the facts that the reasons supporting the employment action have or have not been sustained.
6. The College President shall consider the hearing panel's written report and make a recommendation to the Board concerning the employee's continued employment with the College District. The employee shall be given a copy of the College President's recommendation within ten working days.
7. After reviewing the hearing panel's report and the College President's recommendation, the Board may accept the recommendation or, in its sole discretion, further review the appeal. If the Board determines that further review of the appeal is necessary, this review shall be of an appellate nature (not de novo) and shall be limited to the evidence presented at the hearing.