

## SOLANO COMMUNITY COLLEGE DISTRICT

### DISCIPLINARY ACTION

4770

**POLICY:** A probationary employee may be released at any time by the Governing Board upon recommendation of the appropriate administrator or supervisor.

A permanent employee shall be subject to dismissal for cause as determined by the Governing Board and by procedures as established by the respective collective bargaining agreements, if applicable. The policies and procedures relating to dismissal are outlined under "Causes for Suspension, Demotion, Dismissal."

### Causes for Discipline

4770.1

The Superintendent-President may for cause, dismiss, suspend, or demote any permanent or promotional probationary employee in the classified service.

Suspension: Temporary removal of an employee from his/her position with or without loss of pay as a disciplinary measure or removal of an employee preliminary to investigation of charges pending demotion or dismissal.

Demotion: Reduction of an employee from a given class (or group of similar positions combined under a common title) to a class having a lower salary rate. This does not apply to the reclassification of an entire group of employees.

Dismissal: Separation, discharge or permanent removal of an employee from his/her position for cause in accordance with the provisions of the California Education Code and Governing Board policies.

### Causes for Suspension, Demotion, Dismissal

4770.2

One (1) or more of the following causes may be grounds for suspension, demotion, or dismissal of any person employed in the classified service:

A. Incompetency or inefficiency in the performance of duties of the position.

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### DISCIPLINARY ACTION (Continued)

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- B. Insubordination (including, but not limited to, refusal to do assigned work).
- C. Carelessness or negligence in the performance of duty or in the care or use of District property.
- D. Discourteous, offensive, or abusive conduct or language toward other employees.
- E. Dishonesty.
- F. Drinking on the job, the possession of alcoholic beverages on the job, or reporting for work while under the influence of alcoholic beverages.
- G. Addiction to the use of narcotics.
- H. Personal conduct unbecoming to an officer or employee of the District.
- I. Engaging in political activity during assigned hours of employment.
- J. Conviction of any crime involving moral turpitude.
- K. Conviction for sex offense as defined in California Education Code, Section 88022.
- L. Repeated and unexcused absence or tardiness.
- M. Absence of three (3) or more days without authorization.
- N. Abuse of any leave privileges.
- O. Falsifying any information supplied to the District, including but not limited to, information supplied on application forms, employment records, or any other District records.
- P. Persistent violation or refusal to obey safety rules or regulations made applicable to public schools by the Governing Board or by an appropriate state or local governmental agency.
- Q. Willful or persistent violation of the California Education Code or rules of the Governing Board
- R. Offering of anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
- S. Any willful failure of good conduct tending to injure the public service.
- T. Abandonment of position.

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U. Advocacy of overthrow of federal, state, or local government by force, violence, or other unlawful means.

**REFERENCES/**

**AUTHORITY:** California Education Code, Section 88013

RDC/zg

**ADOPTED:** May 19, 1982

**REVISED:** February 18, 1987  
April 16, 2008

**SOLANO COMMUNITY COLLEGE DISTRICT  
HUMAN RESOURCES PROCEDURES**

**DISCIPLINARY ACTION**

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**Notice of Disciplinary Action**

The District will administer discipline progressively, which means that actions such as warnings and/or reprimands would precede suspension or dismissal except in cases where the seriousness of the problem justifies immediate suspension or suspension leading to dismissal.

Any permanent employee who is suspended, demoted, or dismissed from the classified service shall be given immediate written notice of the specific charges against him/her executed by the Superintendent/President or designee, a statement of his/her right to a hearing on such charges and shall be given notification of the date of such hearing in sufficient time to permit the employee to obtain counsel and prepare an appeal.

Attached to the notice shall be a card or paper, the signing and filing of which shall constitute a demand for hearing, and a denial of all charges. The burden of proof shall remain with the District.

The discipline imposed by the notice shall commence on the workday immediately following the day of service of said notice unless otherwise designated in said notice.

The notice of disciplinary action shall contain a statement in ordinary and concise language of the specific acts and omissions upon which the disciplinary action is based, a statement of the cause for the action taken and, if a claim has been made that an employee has violated a rule or regulation of the District, such rule or regulation shall be set forth in said notice.

**Right of Appeal**

An employee served with a notice for disciplinary action shall be entitled to appeal to the SCCD Governing Board by filling out, signing, and filing with the Office of the Superintendent/President, the card or paper attached to said notice not later than the fifth (5<sup>th</sup>) day succeeding the giving of the notice to the employee. Should the fifth (5<sup>th</sup>) day fall on a day on which the offices of the District are not open for business, the time within which said notice of appeal may be filed shall be extended until 4:00 p.m. of the next following day when the offices of the District are open for business.

**Time of Hearing – Notice**

A hearing by the Governing Board of the District relating to the validity of the charges upon which the disciplinary action was based shall be commenced not later than thirty (30) days after the date of the filing of the notice of appeal.

The appellant employee shall be given not less than ten (10) days of written notice of the date, time, and place of said hearing of the Governing Board.

Conduct of the Hearing

At the time and place designated, the Governing Board shall hold a hearing for the purpose of determining the validity of the charges brought against the appellant employee and of the reasonableness of the discipline imposed pursuant to said charges. Such hearing shall be closed to the public unless otherwise requested by the appellant employee. The appellant employee may be present and have the right to be represented by counsel or employee organization representative.

Decision of the Governing Board

The decision of the Governing Board shall designate express findings of the charges upon which the disciplinary action was based and may wholly reverse or affirm the disciplinary action imposed by the Superintendent/President or modify the severity of same.

Loss of Salary

If the disciplinary action of the Superintendent/President is wholly reversed by the Governing Board, or the severity of discipline imposed is partially reversed, the appellant employee shall be entitled upon the decision of the Governing Board to complete or partial reinstatement as the case may be and shall be entitled to reimbursement from District funds of that salary forfeited by virtue of that portion of the disciplinary action which was overruled by the Governing Board.

JW/cw  
8/88

BP 4770

**Governing Board Review: 8/88**