



## **415 POLICY - Employee Due Process**

### **415.1 Statement of Policy**

Redlands Community College provides appropriate due process to employees in connection with termination of employment, suspension, and demotion. The nature and extent of an employee's due process rights in any particular situation are determined by many factors, including the employee's status, position and length of employment, the underlying cause or precipitating incident, and the proposed employment action. The College is committed to providing employees with such due process as is required by law. The due process procedures that are made available to employees are published in the Procedures section of the Policies and Procedures Manual.

Adopted 1970

Revised 1991

Revised March 1995

Revised February 2001



## 415 PROCEDURE - Employee Due Process

### 415.1:1 Definitions

Adverse action - Termination of employment, suspension, or demotion.

Board or Board of Regents - The Board of Regents of Redlands Community College.

Business days - The days of Monday through Friday, excluding those days when the College is officially closed.

Delivery - Handing a document to the addressee; placing the document in a message/mail box on the College campus where the addressee customarily receives messages or mail; or mailing the document to the addressee's last known address via the United States Postal Service, or similar delivery service, with all postage and fees prepaid. For other than personal delivery, the date of delivery shall be deemed to be two (2) business days after placement in the campus message/mail box or after mailing.

Demotion - Reassignment of an employee to a position which is at a lower level within the College organizational structure and which results in a decrease in salary, wages, or other compensation.

Employee - An individual who is employed by Redlands Community College in a regular full-time or a regular part-time position. An individual who works for the College in a temporary or an adjunct position or positions shall not be considered an employee for purposes of this procedure.

Last known address - The most current address reflected in an employee's official personnel file, maintained by the College.

Recommending Supervisor - The supervisor or administrator with supervisory authority over an employee, who recommends adverse action as to that employee.

Suspension - Removal of an employee from his or her regular work assignment or duties, either with or without pay, for a specified period of time.

Termination - Complete severance of the employer/employee relationship, through action initiated by the College, during the term of the employment contract. Non-reemployment of an individual following expiration of an employment contract term shall not be considered termination. Severance of the employer/employee relationship due to a reduction in force, shall not be considered termination, but shall be subject to the Reduction in Force policy of the College.



#### **415.1:2 Initial Notice and Decision on Proposed Adverse Action**

An employee shall be given advance notice of any proposed adverse action. The recommending supervisor may give such initial notice orally or in writing, and must state the reason(s) for the recommended action. The employee may respond, orally or in writing, within two (2) business days from receipt of the initial notice. Within five (5) business days after giving the initial notice of proposed adverse action, the recommending supervisor shall notify the employee of his or her decision on proceeding with the recommendation.

#### **415.1:3 Appeal from Initial Decision**

An employee may appeal the initial decision, by giving written notice to the recommending supervisor, within two (2) business days after receipt of the initial decision. The recommending supervisor shall give notice of the appeal to the College staff member who reports directly to the President and who has supervisory authority over the employee. Within five (5) business days from the delivery of the notice of appeal, the employee and the recommending supervisor shall submit to the staff member who reports directly to the President, all documentation relevant to the recommended adverse action.

The staff member who reports directly to the President shall review the documentation and may meet with the employee, the recommending supervisor, and any other individuals with relevant information, to discuss the proposed adverse action. Within fifteen (15) business days after receipt of the notice of appeal, the staff member who reports directly to the President shall deliver written notice of his or her decision to the employee and to the recommending supervisor.

If the staff member who reports directly to the President's decision is to proceed with the recommended adverse action, the staff member who reports directly to the President shall deliver a copy of that decision and the relevant documentation to the College President.

#### **415.1:4 Recommendation to President/Request for Pre-Decision Evidentiary Hearing**

The employee and the staff member who reports directly to the President shall have three (3) business days from delivery of the decision, in which to submit to the President any additional relevant documentation. If the employee desires an evidentiary hearing prior to the President's decision, the employee must submit to the President a written request for hearing within the same three (3) day period. Failure to timely submit a written request for hearing shall constitute waiver of any right to such a hearing.



If an evidentiary hearing is not requested, the President shall review all relevant documentation, and shall decide whether to proceed with the recommended adverse action. The President shall give written notice of the decision to the employee and to the staff member who reports directly to the President within ten (10) business days after expiration of the time to request a pre-decision hearing.

In the absence of an appeal from the President's decision, the decision shall then be submitted to the Board for approval and implementation.

#### **415.1:5 Pre-Decision Evidentiary Hearing**

If a pre-decision evidentiary hearing is requested in accordance with this policy, the President shall schedule such a hearing as soon as practical. Notice of the hearing shall be given to the employee and to the staff member who reports directly to the President.

The President may preside over the hearing, or may designate an impartial individual to preside. The hearing shall be conducted in accordance with the Evidentiary Hearings policy. Within ten (10) business days after conclusion of the hearing, the President shall deliver the decision to the parties. In the absence of an appeal from the President's decision, the decision shall then be submitted to the Board for approval and implementation.

#### **415.1:6 Appeal from President's Decision**

The decision of the President shall be the final College decision on recommendations of adverse action as to Professional Staff and as to Support Staff. Administrative Staff and Faculty/Instructional Staff may appeal the decision of the President to the Board. Written notice of such appeal must be delivered to the President within three (3) business days after delivery of the President's decision.

An employee who is entitled to appeal the President's decision and for whom a pre-decision evidentiary hearing was not conducted may request an evidentiary hearing before the Board. Such request must be in writing and must be submitted with the notice of appeal.

The President shall notify the Board Chair of any appeal, and, if a hearing has been requested, the Chair shall schedule the hearing as soon as practical. The Chair shall cause notice of the hearing to be given to the parties. The Chair may serve as Hearing Officer or may designate an impartial individual to serve as Hearing Officer. The hearing shall be conducted in accordance with the Evidentiary Hearings policy. Notice of the Board's decision shall be given within ten (10) business days after conclusion of the hearing.



An employee who is authorized, under the terms of this policy, to request an evidentiary hearing before the Board, may request that the hearing be closed. Any request for a closed hearing must be submitted with the request for the hearing. Closed hearings may be conducted only if permitted under applicable state law.

If no hearing is requested, the President shall submit to the Board the notice of appeal, the President's decision, the record of any pre-decision evidentiary hearing, and all relevant documentation. The Board shall consider the appeal as soon as practical and shall give written notice of its decision to the employee and to the President within ten (10) business days after the appeal is considered by the Board.

The decision of the Board shall be the final institutional decision on any appeal from the President's decision.

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