



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.

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 State 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.

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 Statement of Procedure

Each employee is expected to acquaint themselves with performance criteria for their particular job and with all rules, procedures, and standards of conduct established by the Board of Regents of Redlands Community College and the employee's department. An employee who does not fulfill the responsibilities set out by such performance criteria, rules, procedures and standards of conduct may be subject to adverse personnel action. See Procedure 414.4 for Causes of Termination, Suspension, and Demotion.

These Employee Due Process policies and procedures do not apply to:

1. Decisions not to offer a contract to persons whose appointment for a stated period of one year or less expires at the end of such period.
2. Dismissal of employees
 - A. Who occupy positions that are dependent upon funding from a specific source and such funding is not received.
 - B. As a result of reorganization.
 - C. Because of financial exigency.
 - D. During the one year or three year probationary period depending on the type of appointment.
 - E. Who are not appointed (no contract extended) but who are employed on a per diem or hourly rate and work on an as needed basis.

415.1:3 Investigations

All incidents that involve the potential for disciplinary action shall be investigated by the employee's supervisor or other designated administrative official. If the investigation results in evidence that establishes with reasonable certainty that the employee engaged in conduct which warrants disciplinary action, the supervisor or other designated administrative official shall follow the pre-disciplinary hearing procedures before seeking approval for the proposed disciplinary action.

415.1:4 Pre-disciplinary Hearings

An employee shall be informed of the basis for any proposed disciplinary action resulting in demotion, suspension without pay or dismissal and have an opportunity to respond before a final decision is made to take disciplinary action. This serves as an opportunity to avoid mistaken decisions to impose discipline and is not intended to definitively resolve the propriety of the disciplinary action being considered.

1. There is no prescribed form for informing the employee of the proposed disciplinary action. However, before reaching a final decision to impose discipline, the supervisor or other designated administrator shall.
 - A. Inform the employee, in writing, of the reasons for the proposed disciplinary action, the facts upon which the supervisor or administrator relies, the names of any persons who have made statements about the disciplinary incident and the content of such statements;
 - B. Give the employee access to any documentary material which the supervisor has relied upon; and
 - C. Give the employee an opportunity to respond to the charges, in writing within two (2) business days. If the employee does not respond in writing within two (2) business days, the opportunity is deemed waived by the employee.
2. If the employee does not respond to the supervisor or administrator, the adverse action is upheld. If the employee responds within the two (2) business days, the supervisor or administrator should review the response and decide to drop the adverse action or move forward. The supervisor or administrator will review the evidence and proposed disciplinary action with Human Resources and will obtain the approval of the appropriate department head or administrative equivalent, within two (2) business days, before proceeding to impose the adverse action.

415.1:5 College Decision to Not Impose or Impose the Adverse Action

Upon completing the pre-disciplinary hearing procedures:

1. Not Imposing the Adverse Action
 - A. Notify the employee of your decision to not further pursue the adverse action.
 - B. If stipulations are involved in this decision making, such as putting the employee



on a plan of improvement, lay the stipulations out in detail with a timeline for follow-up. Meet with the employee in person and go over in detail your expectations, if any, going forward.

2. Imposing the Adverse Action

Once you have obtained the approval of the appropriate department head or administrative equivalent, the supervisor or administrator shall inform the employee in writing of the following:

- A. Whether the disciplinary penalty is demotion, suspension without pay or dismissal.
- B. The effective date of demotion or dismissal or a specific period for a suspension without pay, not to exceed five (5) working days. If the employee receives any benefits:
 - a. An employee who is demoted or suspended without pay continues to accrue vacation and sick leave, to be covered by group insurance, and to be entitled to other employee benefit programs.
 - b. If a demotion or suspension without pay is appealed and it is determined that there was not good cause for the demotion or suspension, the employee shall be entitled to payment for wages lost as a result of the demotion or suspension.
 - c. If it is determined upon appeal that a dismissal was not for good cause, the employee shall be reinstated to the same or similar position and shall be entitled to payment of back wages less any unemployment benefits received by the employee after the date of dismissal. Employee benefits such as sick leave shall be credited back to the date of dismissal. Vacation leave shall be credited back to the date of dismissal unless it has already been paid out to the employee.
- C. The specific incident, conduct, course of conduct, unsatisfactory work performance or other basis for the disciplinary penalty.
- D. Any previous efforts to make the employee aware of the need to change or improve work performance or conduct.
- E. Reference to any relevant rule, regulation or policy.
- F. Inform the employee of the right to appeal the disciplinary action and provide them a copy of the appeal procedure.



415.1:6 No Retaliation

Employees shall not be retaliated against for utilizing the Due Process Procedure or for serving as a witness or representative in a Due Process Procedure. Any such retaliation is expressly prohibited and may constitute grounds for discipline, up to and including dismissal, against the retaliatory employee.

Adopted 1970

Revised March 1995

Revised February 2011

Revised April 2019