

Human Resources
DRAFT as of 3/28/14

BP 7360 DISCIPLINE AND DISMISSAL – ACADEMIC EMPLOYEES

References:

Education Code Sections 87669 and 87732

NOTE: *The following language in red ink is legally required.*

A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Education Code Section 87732. If the employee is to be penalized, the Board shall determine the nature of the penalties. If the Board decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

- The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;
- The Board has received all statements of evaluation which considers the events for which dismissal or penalties may be imposed;
- The Board has received a recommendation from the Chancellor.
- The Board has considered the statements of evaluation and the recommendations in a lawful meeting.

If the Board decides it intends to dismiss or penalize a contract or regular employee, it shall take the actions required by the Education Code, and the Chancellor or designee shall thereafter assure that the employee is afforded the full post-termination due process required by the Education Code Sections 87666-87681 and 87740.

The Chancellor shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.

Further information on discipline and dismissal for represented employees can be found in the collective bargaining agreement.

NOTE: *The red ink signifies language that is legally required and recommended by the Policy and Procedure Service and its legal counsel. The language in green ink was added on September 24, 2013 during the review with Kit, David, and Lydia and on March 28, 2014 with Wyman, David, and Kit.*

Date Adopted:

*(This is a new policy recommended by the
Policy and Procedure Service)*

Legal Citations for BP 7360

Education Code Sections 87669 and 87732

87669. The governing board shall determine whether a contract or regular employee is to be dismissed or penalized. If the employee is to be penalized, the governing board shall determine the nature of those penalties. If the employee is to be dismissed or penalized, the governing board shall determine whether the decision shall be imposed immediately or postponed in accordance with Section 87672.

87732. No regular employee or academic employee shall be dismissed except for one or more of the following causes:

- (a) Immoral or unprofessional conduct.
- (b) Dishonesty.
- (c) Unsatisfactory performance.
- (d) Evident unfitness for service.
- (e) Physical or mental condition that makes him or her unfit to instruct or associate with students.
- (f) Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the board of governors or by the governing board of the community college district employing him or her.
- (g) Conviction of a felony or of any crime involving moral turpitude.
- (h) Conduct specified in Section 1028 of the Government **Code**.