

HARTNELL COMMUNITY COLLEGE DISTRICT

AP 7362 Discipline and Dismissal

16. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an administrator for the performance of his or her official duties.
17. Falsification of any information supplied to the District, including but not limited to application forms, employment records, or any other District record.
18. Personal conduct unbecoming to an agent or employee of the District. An agent is someone who represents the District to the student or the public.

B. Placement on Involuntary Paid Administrative Leave Pending Investigation of Misconduct

4. Dismissal – An administrator may be dismissed for cause at any time. Formal written notice of dismissal may be made after considered action during a period of suspension.

Although the above steps are sequential, the nature of the conduct may warrant skipping the previous step or steps and such decision will be in the sole discretion of the superintendent/ president or his/her designee. If material will be placed in an Administrator's personnel file, he/she shall be given an opportunity to prepare a written response to such materials. The response will be attached to the materials in the personnel file.

D. Procedure for Disciplinary Action

The District may, for disciplinary purposes, suspend, demote, or dismiss any administrator.

In order to suspend, demote, or dismiss an administrator, the District shall follow these pre-disciplinary procedures:

1. Notice of Charges: The administrator shall be given a written notice of discipline which sets forth the following:
 - a. The disciplinary action intended;
 - b.

4. Record of Proceedings and Costs: All disciplinary hearings may, at the discretion of either party or the Board of Trustees, be recorded by a court reporter. Any hearing which does not utilize a court reporter shall be recorded by audio tapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter.
5. Conduct of the Hearing: The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses but hearings shall be conducted in a manner most conducive to determination of the truth.
6. Burden of Proof: In a disciplinary appeal the District has the burden of proof by a preponderance of the evidence.
7. Testimony under Oath: All witnesses shall be sworn in for the record prior to offering testimony at the hearing.
8. Deliberation upon the Case: The Board of Trustees or presiding officer should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching their decision. The Board of Trustees or presiding officer may deliberate at the close of the hearing or at a later fixed date and time. In those cases where the Board of Trustees has received a proposed decision from an Administrative Law Judge, the proposed decision, the record of the hearing and all documentary evidence shall be available for review by the Board of Trustees when it deliberates.
9. Written Findings, Conclusion, and Decision: The Board or presiding officer shall render its findings, conclusions and decision as soon after the conclusion of the hearing as possible. The Board of Trustees or presiding officer may sustain or reject any or all of the charges filed against the administrator. In those cases where the Board of Trustees has received a proposed decision from a hearing officer or Administrative Law Judge, the Board of Trustees may adopt the proposed decision, modify the proposed decision or render a new decision. If the Board of Trustees recommends reinstatement of the terminated administrator, the administrator is only entitled to back pay minus the sum the administrator has earned during the period of absence.
10. Decision of the Board of Trustees to be Final: The decision of the Board of Trustees in all cases shall be final.
11. Emergency Suspension: If an administrator's conduct presents an immediate threat to the health and safety of the administrator or others, the administrator may be suspended without compliance with the provisions of this procedure. However, as

