



## **AP 7360 Discipline and Dismissal - Academic Employees**

### **References:**

RCC and RCCEA/OEA/NEA Faculty collective bargaining agreement

### **Causes for Discipline and Dismissal**

- a) Inefficiency;
- b) Insubordination;
- c) Neglect of duty;
- d) Physical or mental incapacity;
- e) Conviction of a felony or of a crime involving moral turpitude;
- f) Inadequate performance;
- g) Failure to comply with such reasonable requirements as the District may prescribe to show normal improvement and evidence of professional training and growth;
- h) Lack of continuing qualification to teach a course for which the State of Oregon has prescribed minimum instructional qualifications; and
- i) Fraud or deception in submitting reports or information required by the Agreement

No regular faculty members will be reprimanded in writing, suspended, or reduced in compensation without just cause.

### **Notice**

Faculty members shall be notified in writing of proposed disciplinary action and the summary of facts giving rise thereto and shall receive due process.

### **Termination for Cause (Dismissal)**

Probationary faculty members shall be subject to dismissal for any cause the college may deem in good faith sufficient. Probationary members shall be provided a written statement of the cause for dismissal and the summary of facts giving rise thereto, and shall receive due process. Upon dismissal, a full-time probationary member shall be entitled, upon request, to an informal hearing before the President or the Board at a date to be set by the President/Board. Such dismissal shall not be subject to the grievance procedure. The substantive reasons or grounds for dismissal are not subject to the grievance procedure.

Regular faculty members shall be subject to dismissal for sufficient cause as listed above. Except for termination for conviction of a felony or crime involving moral turpitude, a regular member, at the time of suspension from duty pending termination, shall be given



a statement of the cause of the proposed dismissal and a summary of the facts giving rise thereto, and shall receive due process. This suspension shall become termination unless within five (5) working days thereafter, the suspended member shall file with the Office of the President, a Demand for Hearing. If such demand is timely filed, then the suspended regular member shall receive a due-process hearing before the Board of Education or a committee thereof. The Board of Education may reverse or affirm the proposed dismissal or may modify the sanction imposed.

### **Board Hearing Procedure**

The following procedure is applicable when a regular full-time faculty member who receives notice of proposed dismissal files a timely demand for hearing pursuant to Article 10.4.B.2 of the Faculty collective bargaining agreement.

1. The regular faculty member shall be notified in writing of the proposed dismissal, provided a summary of the facts giving rise thereto, and shall have five (5) working days from the date of the notice file a written demand for hearing with the Office of the President for a hearing before the Board or a committee thereof.
2. The College President or designee shall set a time and place for the hearing before the Board or a committee thereof.
3. The Chair of the Board, or their representative, shall conduct the hearing.
4. At the time and place of the hearing, the following procedure shall be followed:
  - a) The administrator and/or their representative shall present the basis for the proposed dismissal and may call witnesses and introduce the documentary and evidentiary material.
  - b) The faculty member and/or their representative may present testimony and witnesses and introduce the documentary and other evidentiary materials.
  - c) The administrator and/or their representative may submit testimony or other evidence in rebuttal to matters submitted by the faculty member.
5. Witnesses need not be sworn and must submit to cross-examination. For good cause shown, the testimony of a witness who is unavailable for attendance at the hearing may be submitted and received in writing.
6. Documentary evidence must be an original or true copy thereof.
7. All testimony of the hearing shall be electronically recorded. A written transcript shall be prepared from the electronic record upon request at the expense of the party requesting the transcript.
8. All hearings before the Board of Education or a committee thereof will be Executive Session unless a public hearing is requested in writing by the faculty member. The request for a public hearing shall constitute a waiver of confidentiality of all matters in the faculty member's personnel file.



9. Following closing statements and conclusion of the hearing, the Board of Education shall take final action in public session, and the Board's decision in said matter shall be final.

In the event the Board concludes the termination should be affirmed, such termination shall be deemed effective, as follows:

- a) For dismissals for the causes in (a), (c), (d), (f), (g), and (h) above, the dismissal shall be effective as of the date of the due-process hearing.
- b) For dismissals for the causes in (b) and (i) above, the dismissal shall be effective as of the date of the suspension.

Conviction of a felony or a crime involving moral turpitude shall constitute grounds for dismissal without due process hearing, the conviction shall be deemed conclusive as to the cause or grounds for dismissal, and termination shall be effective as of the date of the conviction.

A Board decision affirming the dismissal of a regular member upon grounds other than conviction of a felony or crime involving moral turpitude, may be appealed to arbitration pursuant to the Grievance Procedure contained in Article 25 of the Faculty collective bargaining agreement.

**Rescinds: Board Hearing Policy (Appendix 2)**

**Approved: March 3, 2020**

**Revised: May 2, 2023**