

B-3: DUE PROCESS PROCEDURES

General Complaint Procedure:

The procedure for processing an official complaint is as follows:

1. The employee/complainant should first talk to his/her supervisor. Should an employee/complainant feel after oral discussion with his/her supervisor that a resolution has not been reached, the employee should present the facts in writing to the next level of supervision in the chain of command. At this point in the process, this level supervisor should share the written complaint with his/her supervisor, the Human Resources Director, and the highest level administrator in this area of reporting. The supervisor receiving the written complaint will respond in writing within five (5) college working days after receipt of the written grievance.
2. Should the employee/complainant decide that the reply of this level of supervisor is unsatisfactory the matter may be taken to the next level of supervision. This individual will also respond to the employee/complainant within five (5) college working days after receipt of the written complaint.
3. When the matter reaches the Executive Council level position for resolution, this individual will also respond in writing to the employee/complainant within five (5) college working days after receipt of the written complaint.
4. In the event that the matter is not resolved at the Executive Council level, the employee/complainant may file a notice of appeal to the college president within five (5) college working days after receipt of the Executive Council members' decision.
5. Upon the receipt of the written notice of appeal, the college president makes the final decision on the matter within five (5) college working days.

Hearing Procedure:

The Hearing Procedure may be requested by a tenured employee who is being recommended for dismissal or by a contract employee who is to be dismissed before completion of the term of contract.

1. The employee shall be given reasonable notice of the action in writing. If, upon receiving written notification the employee desires to be heard in order to contest the proposed action of the Board, he/she shall give the Hearing Committee written notice within 10 college working days of receipt of the notice of proposed dismissal.

If a request for hearing within the ten college working days prescribed is not submitted, the employee shall be deemed to have waived any right to a hearing.

2. In the event that the employee shall file a timely request for hearing, said hearing shall be set within 10 college working days of the date the request for the hearing is received by the Hearing Committee.
3. The Hearing Committee may conduct the hearing in closed session unless the employee requests a public hearing, in which case the hearing shall be open to the public. In matters where the conduct of individuals, other than the faculty member or employee filing the grievance, will be at issue and will require testimony from those individuals, or evidence of the conduct of those individuals, then the affected individuals shall have the right to petition the Board to close to the public either the entire hearing or those portions of the hearing at which the affected individual's conduct will be discussed or at which they will testify.
4. At the hearing, the employee shall have the right to hear the evidence upon which the dismissal is based, to cross-examine all adverse witnesses, and to present evidence in his/her behalf. The Committee shall determine the existence of good cause for dismissal, which determination shall be based solely upon the evidence presented in the hearing.
5. The employee may be suspended with pay by the College President pending the outcome of the dismissal hearing.
6. In the event that the decision of the Hearing Committee is unsatisfactory to the employee or the supervisor, either may within five college working days after receipt of the decision of the Hearing Committee file a written notice of appeal to the President. Upon receipt of the notice of appeal, the President will schedule within five college working days a hearing with the employee and the supervisor. The President will issue a written decision within ten college working days following the hearing.
7. If the employee or supervisor is not satisfied with the decision, each may request a hearing with the governing board within five college working days of the receipt of the decision of the President. The governing board will conduct the hearing within thirty college working days from the date of the request for a hearing. The governing board will make the final decision regarding the matter.