

# **BP 7362 Discipline and Dismissals - Classified Supervisory/ Confidential Management Employees**

## **Reference:**

*Education Code Section 88013*

The Superintendent/President shall enact procedures for disciplinary proceedings applicable to permanent classified supervisory/confidential management employees of the District. Such procedures shall conform to the requirements of the Education Code and the related administrative procedure.

Disciplinary action shall be for just cause and shall be administered in accordance with the provisions of this policy and administrative procedure. The level of severity of the discipline shall be reasonably related to the nature of the offense committed by the employee and should take into account any prior disciplinary action imposed on the employee. No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent or for any cause that arose more than two years preceding the date of the notice of disciplinary action, unless the cause was concealed or not disclosed by the employee when it reasonably could be assumed that the employee should have disclosed the facts to the District.

## Grounds for Discipline

A permanent classified supervisory/confidential management employee shall be subject to disciplinary action, including, but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or dismissal, for any of the grounds listed below. This list is not intended to be exhaustive, and the Board reserves the right to discipline classified supervisory/confidential management employees for any conduct or situations which the Board finds to adversely affect the District and the students thereof.

1. Immoral or unprofessional conduct.
2. Dishonesty.
3. Fraud in securing employment or making a false statement on an application for employment.
4. Intentional falsification and/or alteration of District information or record (including, but not limited to, timekeeping records).
5. Unsatisfactory performance.
6. Incompetence, including but not limited to the inability to comply with minimum standard of an employee's position for a significant period of time.
7. Inefficiency or inexcusable neglect of duty, including but not limited to the failure to perform duties required of an employee in the position and the failure to possess required licenses or failure to pass required tests for the position.
8. Evident unfitness for service.
9. Physical or mental condition that makes him or her unfit to instruct or associate with students.

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*Grounds for Dismissal (continued):*

10. 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.
11. Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of or insulting or demeaning the authority of a supervisor or manager.
12. Possession, distributing, sale, use, or being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty which could impact the ability to do the job or while operating a vehicle leased or owned by the District.
13. Excessive absenteeism.
14. Unexcused absence without leave.
15. Abuse or misuse of sick leave, including, but not limited to, working for another employer or business or developing or working for an employee's own business while on District-paid sick leave.
16. The conviction of a misdemeanor, felony, or any crime involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of *nolo contendere* made to charge of a felony or any offense involving moral turpitude, is deemed to be conviction within the meaning of this Section.
17. Discourteous treatment of the public or other employees.
18. Improper or unauthorized use or removal of District or personal property.
19. Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
20. Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.
21. Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of District property.
22. Mental or physical impairment which renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.
23. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.
24. The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending case of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.

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*Grounds for Dismissal (continued):*

25. Engaging in acts or conduct which constitute a conflict of interest between the District and the employee.
26. Willful violation of policies, procedures, and other rules which may be prescribed by the District, college or departments.
27. Actual or threatened physical violence toward the public or other employees.
28. Violating safety or health rules or practices or engaging in conduct that creates a safety hazard.
29. Sexual harassment or other unlawful harassment of a fellow employee.
30. Bringing on District property dangerous or unauthorized materials such as explosives, firearms, or other similar items.

*See Administrative Procedures [#7362]*