

**Cochise College
District Board Policy**

Category: All Employee Groups

Policy Number: 643

Title: Suspension/Demotion/Termination

Any employee of the College may be suspended without pay, reassigned to another position affecting his or her pay, demoted or terminated. Any employee of the College may be terminated for, but not limited to: repeated failure to meet established performance standards; failure to comply with official directives or established Board policies; conviction of a felony; moral turpitude, neglect of job responsibilities; failure to maintain and update skills, proficiencies and credentials necessary to meet a position's requirements; and for reasons as listed in Policy 640.

The College has established a process to assure the employee's ability to appeal such decisions. In the event of an action affecting the employee's employment status or a demotion resulting in loss of pay, the employee shall be given reasonable notice of the proposed action and reason(s) thereof set out in sufficient detail to fairly enable the employee to show that the action is unreasonable or capricious.

Procedure 643.1

Action Affecting Employment Status; Pay

1. An employee may be immediately terminated with a pre-action hearing for exceptionally serious offenses that require emergency action in order to protect the College's interests, including but not limited to:
 - a. Serious acts of dishonesty, including theft;
 - b. A violation of the College's drug and alcohol policy;
 - c. Conviction of a felony; and/or
 - d. Conduct that jeopardizes the health or safety of College employees, students or others on College property.
2. An employee who wishes to challenge a notice of termination is placed on Administrative Leave with Pay for a period of ten business days pending review of the proposed action with the appropriate Vice President.
3. A review shall be conducted in accordance to provisions as outlined below.
4. Terminations, suspensions without pay or demotions shall not become final until approved by the Governing Board.

Procedure 643.2
Suspension/Demotion/Termination Process

1. Except in emergency situations, the Supervising Administrator who has recommended suspension without pay, demotion or termination of the employee shall provide the employee with a written copy of the recommendation by delivering to the employee in person or by first class mail. (The original document shall be filed in the employee's personnel file in the Human Resources Office.) The recommendation shall contain specific reasons for the recommended action; provide relevant documentation if appropriate; and set a meeting with the employee, the Associate Vice President for Human Resources and the appropriate Vice President, Dean or designee within five business days from the date the employee receives the notice.
2. Prior to or at the hearing, the employee may provide the appropriate Vice President, Dean or designee a written explanation as to why the recommended action should not be taken.
3. At the hearing, the Vice President, Dean or designee shall discuss the reasons for the recommended action and shall provide the employee with any relevant evidence or copies of documentation not already provided. The Vice President, Dean or designee shall conduct the hearing in an informal manner, without adherence to the rules of evidence or procedures applicable in judicial proceedings.
4. The Vice President, Dean or designee shall notify the employee of his or her decision within five business days after the hearing. If the decision is to terminate employment or otherwise impose discipline, written Notice of Action shall be included. The Notice of Action shall inform the employee that the discipline will be imposed on a specified date pending Presidential approval unless a written request for review by the President is filed with the Associate Vice President for Human Resources within five business days of receipt of the Notice. The written decision and Notice of Action shall be served on the employee by personal delivery or by mailing it by first class mail to the address shown in the employee's personnel records.
5. If a written request for the President's review is not filed with the Associate Vice President for Human Resources within five business days as required above, the Vice President, Dean or Designee shall forward to the President a copy of the written Notice of Action, along with written findings and all documentation supporting the decision. The President shall review the action and approve it if the action is supportable.
6. If a written request for the President's review is filed with the Associate Vice President for Human Resources within five business days as required by paragraph 5, the President shall, within five business days, meet with the

employee and review all facts and information relating to the appeal, conduct further investigation as deemed applicable, and provide a written response to the employee within ten business days after the employee's filing of the written request for review.

7. If the President concurs with the recommendation to terminate the employee or suspend or demote the employee, the employee will be placed on leave without pay until the matter is presented to the Governing Board.
8. Termination, suspension or demotion shall not become final until approved by the Governing Board. The Governing Board shall review the recommendation and take such action as it deems appropriate. The employee shall be provided written notice of the Governing Board's decision.
9. The decision of the Governing Board shall be final.

Note: Prior to consideration of termination, suspension or demotion, the supervisor or manager shall consult with the Associate Vice President for Human Resources.