

Academic Due Process Procedure

Personnel issues may involve contractual grievances or non-contractual disputes or problems. The former will be resolved through the grievance procedure of the collective bargaining agreement between the District and the appropriation union: CCE/AFT or PFF/AFT. Other conflicts may be addressed through the District's Academic Due Process Policy and Procedure.

Academic Due Process is a system of procedures designed to resolve personnel issues in an academic institution in a clear, fair, and orderly manner. These procedures apply to actions that interfere with and/or exert a harmful effect upon the functions of the College and may involve faculty, administrative staff, classified staff, and/or students. These guidelines are intended to achieve an equitable solution that will resolve the issue with due regard for the rights of all parties involved, the protection of staff and student body, and the interests of the College. The best academic due process is possible only when all involved believe that justice must be based upon orderly procedure.

Preliminary Action

If a non-contractual dispute cannot be resolved through normal personnel procedures, the person with the complaint should request from Human Resource Services an Academic Due Process packet containing (1) the form, Request for Academic Due Process, (2) a copy of Board Policy 177, Academic Due Process, (3) Academic Due Process Guidelines, and (4) Recommendations for Academic Due Process Ombudsperson. The complainant should

submit the form, Request for Academic Due Process, to the Superintendent/President (or designee). Within ten days ("day" defined as a day in which the administrative office of the District is open) of receiving such a form, the Superintendent/President (or designee) shall inform the Governing Board that a request for Academic Due Process has been filed and shall appoint an ombudsperson, a person dispassionate to the dispute and acceptable to both parties, who will preside over the informal conciliation. The ombudsperson may be a representative of the Superintendent/President, of the Faculty Senate, of the faculty, of the classified staff, of the students, or an outside person such as an attorney or a representative from an outside organization. If the Superintendent/President is directly involved in the dispute, the appointment of the ombudsperson shall be made by the President of the Faculty Senate or designee. (See Board Policy 177 for guidelines and principles in the conduct of informal conciliation and of formal hearing.)

Informal Conciliation

Within ten days after appointment, the ombudsperson shall schedule an informal conciliation conference with the parties to the dispute. Prior to the first conference, the ombudsperson shall obtain from the complainant a written statement addressing the charges to the other party and the Academic Due Process Procedure packet from Human Resources. (See Preliminary Action.) It shall be the objective of this conference to resolve the issues of the dispute. If more time is necessary to resolve the dispute, additional conferences may be

scheduled by the ombudsperson only with the explicit consent of all parties to the dispute. If agreement is reached between the parties to the dispute, a written statement prepared by the ombudsperson and signed by both parties shall be filed with the Superintendent/President (or designee), and the matter will be considered closed.

If no agreement is reached, a written request for a formal hearing may be filed with the Superintendent/President (or designee) and with the appropriate body representing the party filing the non-contractual dispute: Staff, Faculty Senate, Students, or Executive Committee of the Associated Student Government. (Refer to Administrative Team Handbook and the Handbook of Policies for the CCE/AFT for application procedures.) The ombudsperson may assist either party in the preparation and submission of this request. If neither party submits a request for a formal hearing within ten days after termination of the conciliatory conference, the matter will be considered closed.

Formal Hearing

Upon notification, the appropriate body representing the parties in dispute (see Informal Conciliation) will establish a list of individuals willing to serve on a Hearing Committee. This committee shall be composed of five members. Each party to the dispute will choose two members to represent their interest. An additional member is chosen who is mutually agreed upon by all to represent the interest of the College community at large. At a meeting scheduled to form the Hearing committee, each party will be permitted challenges for cause (i.e. a

specific reason) and one peremptory challenge. The ombudsperson will serve as the coordinator in the formation of this committee, providing information as needed to assist parties to the dispute in challenges to membership on the committee. If necessary, the ombudsperson will rule on challenges for cause. It is recommended that the Hearing Committee be formed within a ten-day period of time.

The Hearing Committee will select one of its members as chairperson. The committee shall conduct the proceedings according to the procedural guidelines specified in Board Policy 177, Section C. After its deliberation, the Hearing Committee shall submit its written recommendations to each party to the dispute and to the Superintendent/President (or designee) for implementation.

Within 15 days after the presentation of the Hearing Committee's recommendation, either party to the dispute may submit an appeal to the Governing Board.

All proceedings subsequent to the level of informal conciliation shall be accurately recorded and preserved inviolate throughout all levels of process, whether on campus or off. The records will be available on demand to all legitimate parties to the dispute and to their counsel, at every stage, on campus or off. If there is an appeal, the Chair of the Hearing Committee shall make available to the Governing Board the file of records of the proceedings. If final resolution of the dispute is conceded by all parties to the dispute and no appeal has been submitted, all

records will be destroyed by the Chair of the Hearing Committee.

Within 30 days after the presentation of the Committee's recommendation, the Superintendent/President (or designee) shall inform the Governing Board and the bodies representing the parties to the non-contractual dispute of the steps taken to implement the Committee's recommendations.

Appeal

Either party to the dispute may, within a period of 15 days, submit an appeal to the Governing Board. Within 30 days after submission of the appeal, the Governing Board shall complete its review of the records and of the Committee's recommendations and shall make a final determination.

Immediately after such determination becomes final, all records of the hearing will be destroyed by the Chair of the Hearing Committee.