

### 3.12. Faculty Member Dismissal—Probationary and Appointive

A Faculty member who is recommended, by the College President, through the [Vice Chancellor for Human Resources](#), for dismissal shall have access to the following due-process procedures.

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#### 3.12.1.

A written statement of charges, formulated by the College President, shall be forwarded to the Vice Chancellor for Human Resources. After review of the charges, the Vice Chancellor [for Human Resources](#), in consultation with the MCCCDC Legal Office, may recommend to the Chancellor that there exists prima facie cause for the dismissal of a Faculty member. The [Vice Chancellor for Human Resources](#) shall inform the [Chancellor](#) in writing, with a copy of the recommendation being sent (U.S. certified or registered mail) to the Faculty member at his/her place of residence as recorded in the MCCCDC records. The [Vice Chancellor for Human Resources'](#) recommendation will give notice to the Chancellor, and the Faculty member of the intention to formally recommend dismissal, which shall not be sooner than thirty (30) days from the date of the letter, nor later than the end of the current academic year.

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#### 3.12.2.

A written statement of charges shall be provided to the [Vice Chancellor for Human Resources](#) and the Faculty member as an attachment to the notification outlined in the preceding paragraph. The statement of charges shall state, if applicable, the statutes, policies, rules, or written objectives of the College that the Faculty member is alleged to have violated. The statement of charges shall be of such specificity that the Faculty member will be able to prepare a defense based on the statement.

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#### 3.12.3.

The Faculty member shall have the right to a hearing by filing a written request with the [Vice Chancellor for Human Resources](#) within five (5) business days after being served with a notice of intent to dismiss. The filing of a timely request shall suspend the dismissal procedure, pending the completion of the hearing.

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#### 3.12.4.

Upon request, a Hearing Committee shall be constituted within five (5) business days and shall be composed of three (3) Appointive Residential Faculty members in active paid status: one (1) appointed by the [Vice Chancellor for Human Resources](#), one (1) selected by the District Faculty Association President, and one (1) selected by the member. The committee member selected by the [Vice Chancellor for Human Resources](#) and the District Faculty Association President will be from colleges other than the college where the Faculty member recommended for dismissal is assigned. Prior to submitting the name of the committee member selected by the Faculty member to the District Faculty Association President, the Faculty member will ensure that the recommended committee member is available and eligible to serve. The committee shall be considered constituted when the Hearing Committee

and the Faculty member have been informed by the District Faculty Association President of the committee's formation.

**3.12.5.**

The Hearing Committee shall select a Chair. Unless the parties stipulate to extend the time beyond that which is set forth below, the Chair shall conduct a meeting with the attorney representing the MCCCCD and the Faculty member and/or his/her attorney/representative no later than twenty (20) business days after the formation of the committee for the purpose of exchanging exhibits, witness lists, and summaries of witness testimony. The Chair may choose to deny admission of an exhibit(s) or witness testimony for failure to comply with this Section.

**3.12.6.**

Unless the parties otherwise agree, the Hearing Committee shall conduct the hearing no later than ten (10) business days after the exchange of information detailed in Section 3.13.5. Prior to the hearing, the Faculty member must declare, in writing, whether he/she wishes the hearing to be public or in executive session. The member may attend the hearing; present any testimony, evidence, or statements, oral or written, in his/her behalf; and be represented by legal counsel or other representative. It is expressly understood the act of testifying will not be subject to reprisal by the MCCCCD.

**3.12.7.**

Within five (5) business days after completion of the hearing, the Hearing Committee shall provide the [Vice Chancellor, for Human Resources](#) and the Faculty member with a summary of the evidence that was presented during the hearing. In addition, the Hearing Committee shall render binding written findings of fact and conclusions of law and forward these along with its recommendation regarding dismissal to the [Vice Chancellor for Human Resources](#). The above deadline may be extended up to fifteen (15) business days after completion of the hearing, if the Hearing Committee requests briefs and/or recommended findings of fact and conclusions of law from the parties.

**3.12.8.**

After receiving the Hearing Committee's summary of evidence, findings of fact, conclusions of law, and final recommendation in regard to dismissal, the [Vice Chancellor for Human Resources](#) may meet with the Hearing Committee to clarify any questions he/she may have. The [Vice Chancellor for Human Resources](#) shall have ten (10) business days in which to review the recommendation regarding dismissal. The [Vice Chancellor for Human Resources](#) may adopt the Hearing Committee's recommendation regarding dismissal or make his/her own recommendation and forward the recommendation along with the summary of the evidence, a copy of the findings of fact, conclusions of law, and final recommendations of the Hearing Committee to the [Chancellor](#).

**3.12.9.**

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The [Chancellor](#) will meet with the Faculty member and/or his/her representative and a representative of the administration to hear arguments regarding the [Vice Chancellor for Human Resources](#)' and the Hearing Committee's recommendation regarding dismissal. This meeting will be an executive session unless the Faculty member chooses to have this meeting in public. The parties shall have no less than one-half hour to present their respective cases. The length of the meeting shall not exceed one (1) hour.

**3.12.10.**

The [Chancellor](#), at a public meeting, shall render a final decision for retention or dismissal of the Faculty member. A copy of the final decision shall be sent (U.S. certified or registered mail) to the Faculty member at his/her place of residence as recorded in MCCCCD records. It is expressly understood that the [Chancellor's](#) decision does not diminish the Faculty member's right to seek other legal remedies under local, state and federal law.

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