TO: State College Presidents
FROM: Glenn S. Dumke, Chancellor
SUBJECT: Executive Order No. 113, Disciplinary Action Procedures for Academic Personnel of the California State Colleges

September 30, 1970

I am pleased to attach five copies of Executive Order No. 113, relating to the establishment of Disciplinary Action Procedures for Academic Personnel, along with the following documents:

1. Disciplinary Action Procedures for Academic Personnel of the California State Colleges (Attachment A);

2. Appendix of Code Sections (Attachment B).

Please arrange distribution to the various areas concerned with this matter.

GSD:rh
Enc. (Attachments A & B)

Copies to: Chancellor's Staff
Disciplinary Action Procedures for Academic Personnel of the California State Colleges

Executive Order No. 113

This Executive Order is issued pursuant to Section 43525 of Title 5 of the California Administrative Code.

1. Except as provided in this Executive Order, the Disciplinary Action Procedures for Academic Personnel of the California State Colleges are established effective this date, for the California State Colleges, and shall govern disciplinary action proceedings for academic employees according to its terms. A copy of these Procedures is attached to, and made a part of, this Executive Order.

2. These Procedures supersede all other Disciplinary Action Procedures for Academic Personnel previously in force in the California State Colleges.

3. These Procedures shall be made available to all academic personnel covered by its terms.

4. If, in the judgment of the President of a new or small State College, there are particular provisions in these Procedures which appear impractical to institute during an identified period of time, he may request the Chancellor to waive such requirements in the case of the particular State College. The Chancellor shall review such requests and take action as appropriate.

5. Hearing officers will be designated by the Chancellor for each State College, as provided in Section 6.1 of these Procedures. Until further notice, hearing officers appointed by the Presiding Officer of the Office of Administrative Procedure (Government Code Sections 11370-11370.4) are hereby designated as Hearing Officers under these Procedures. Arrangements have been made whereby such Hearing Officers will be assigned upon request of the President to the Presiding Officer, at his office in Sacramento.


Glenn S. Dumke
Chancellor
Disciplinary Action Procedures For
Academic Personnel of the California
State Colleges

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PREAMBLE

These Procedures apply only to those actions or conduct that exert a harmful effect upon the academic functions of the College, those that adversely affect the students, the administration, or other faculty members, and those that adversely affect the teaching process or the proper administration of the College.

The American Association of University Professors' Statement of Professional Ethics which has been adopted by the Academic Senate, CSC provides, "As a member of his community, the professor has the rights and obligations of any citizen. He measures the urgency of these obligations in the light of his responsibilities to his subject, to his students, to his profession, and to his institution. When he speaks or acts as a private person, he avoids creating the impression that he speaks or acts for his college or university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom." At the same time, faculty enjoy the rights of citizens in the community, and it is not intended that these Procedures should reach into and control the personal actions or conduct of faculty members where those actions, or that conduct, do not exert a harmful effect upon the academic functions of the College.

Section 1.0 Coverage and Scope

1.1 These Procedures are applicable to determinations of charges which may result in disciplinary action pursuant to Education Code Section 24306.

1.2 These Procedures are established pursuant to, and in order to implement, Sections 42701, 43522, 43525 and 43526 of Title 5 of the California Administrative Code, and Education Code Section 22505.1/

1.3 These Procedures are applicable to all full-time tenured and probationary academic employees, including those on leave of absence with or without pay.

1.4 Disciplinary action proceedings under Executive Orders 67 or 81 which were commenced but not concluded by September 30, 1970, shall continue under the procedures of the respective Executive Order, except that the Chancellor's Review Panel shall be

1/Specific code sections referred to in these Procedures are set out in the Appendix.
advisory to the Chancellor, and the Chancellor shall make the final decision. A proceeding shall be considered to have been commenced under Executive Order 67 or 81, as the case may be, on the date a request for disciplinary action was filed with the Initiator or appropriate faculty agency under such Executive Order.

Section 2.0 Authority of the President

2.1 All determinations and findings under these Procedures made by anyone other than the President are in the nature of recommendations to the President, who shall have final authority at the college level.

2.2 The functions of the President as described in these Procedures, may be delegated by him to individual designees who are employees of the College, and who shall exercise those functions in his name. However, the President shall be responsible for any action taken under his authority. All references in these Procedures to the President include such designees.

Section 3.0 Temporary Suspension; Withdrawal of Consent to Remain on Campus

3.1 The President may order the temporary suspension of any academic employee as provided in Section 43522 of Title 5 of the California Administrative Code, an interim suspension pursuant to Education Code Section 22505, or both. In the case of interim suspension pursuant to Education Code Section 22505, or of withdrawal of consent to remain on campus pursuant to Penal Code Section 626.4, the academic employee shall be afforded an opportunity for a hearing on that issue within ten days of the respective action. If that hearing should occur prior to his disciplinary hearing under these Procedures, the issue shall be whether a continued withdrawal of consent pending such disciplinary hearing is required in order to protect lives or property and to insure the maintenance of order, and on any issues presented by a request for hearing pursuant to Penal Code Section 626.4(c).

Section 4.0 Effect of Other Proceedings

4.1 Action under these Procedures shall go forward regardless of possible or pending other administrative, civil, or criminal proceedings arising out of the same or other events.

4.2 The President may reopen disciplinary proceedings on the basis of new evidence developed in proceedings arising out of the same events as gave rise to the college disciplinary proceedings. The President shall cause campus action to be initiated on the basis of the criminal conviction of an academic employee whenever applicable statutes or regulations require it.
Section 5.0 Administrative Officer

5.1 General

a. The President shall designate an academic administrative officer, who shall have general charge of the administration of these Procedures, the duties described in these Procedures, and such other duties as the President may determine. The person so designated shall serve in this assignment at the pleasure of the President.

b. The person so assigned may use such local, administrative title as the President may determine. For convenience, he is referred to herein as the "Administrative Officer."

c. All references in these Procedures to the Administrative Officer shall include such other persons as are authorized by the President to assist the Administrative Officer and act in his name.

d. The Administrative Officer shall investigate all alleged misconduct within the scope of these Procedures. All requests for disciplinary action within the scope of these Procedures shall be filed with him.

e. The Administrative Officer shall submit allegations of such misconduct to the person charged, who may present a written answer within three college working days of receipt. The Administrative Officer shall conduct an investigation of the allegations and any answer to these, including a review of the documentary and other material available to him, to determine whether or not further proceedings are warranted. Such determination shall normally be made within seven college working days after the person charged has been initially informed by the Administrative Officer of the allegations against him.

f. As a result of his investigation, the Administrative Officer shall make a recommendation to the President as to whether the matter should proceed. A hearing shall be held whenever the President determines that it is warranted, and whenever required by statute, action by the Board of Trustees, or the Chancellor.

g. If it is determined that the matter should not proceed, then, unless new evidence sufficient in the opinion of the President to warrant reopening the case is subsequently discovered, the disciplinary proceeding shall be considered closed.

2/"College working day" is defined in subdivision c of Section 5.2
5.2 Notices.

a. The Administrative Officer shall prepare and mail notices as appropriate to the person charged. Notices addressed to him at the last address posted on the records of the Personnel Officer of the College, and deposited in the United States mail, first class and postage prepaid, shall be presumed to have been received and read by the person charged.

b. The Administrative Officer shall initiate hearing procedures against a person charged, by mailing or personally delivering a notice letter to him, by registered or certified mail, return receipt requested, which:

(1) Contains a statement of the charges against him, in terms of the appropriate subdivisions of Education Code Section 24306, or such other statutes or regulations as may be applicable, and a brief factual description, stated with reasonable particularity, of the conduct upon which the charges are based.

(2) Notifies him of the time and place of hearing.

(3) Refers to or encloses a copy of these Procedures.

(4) Includes such other information as the Administrative Officer may wish to include, such as notice of temporary suspension and withdrawal of consent to remain on campus where such action has been decided upon.

c. As used in these Procedures, "college working day" shall mean any day other than a Saturday, Sunday or holiday as defined in Government Code Section 18025.

5.3 The person charged may waive a hearing and accept a sanction as recommended by the Administrative Officer and approved by the President. The person charged may accept this sanction without admitting that he engaged in the conduct charged. Should he not accept the sanction, the matter shall proceed to hearing, and no cognizance shall be taken of the recommendation made pursuant to this Section 5.3.

5.4 The Administrative Officer shall make physical and scheduling arrangements for the hearing of cases.

5.5 The Administrative Officer shall attend the hearing and shall marshal and present the evidence against the person charged.
Section 6.0 Hearing Officer

6.1 The Chancellor shall designate one or more Hearing Officers, who shall serve for terms as determined by the Chancellor.

6.2 Hearing Officers shall be attorneys, admitted to the practice of law in California, who are qualified by professional experience in presiding at judicial or quasi-judicial adversary proceedings, or who have been members of the California State Bar for at least five years. They will not hold any employment, or other contract (other than as a Hearing Officer) with any California State College during the period of their service.

Section 7.0 General Provisions for Hearings

7.1 Both the person charged and his advisor, and the Administrative Officer and his advisor may:

a. Be present at all proceedings of the hearing whenever any evidence is being presented.

b. Examine all documents or other evidence presented to the Hearing Officer.

c. Present relevant evidence and question witnesses presented by the other.

d. Present an oral or written summary of arguments at the conclusions of any hearings.

7.2 Evidence

a. Formal rules of evidence shall not apply.

b. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that there are statutory bases for their application, and irrelevant and unduly repetitious evidence shall be excluded.

c. No evidence other than that received at the hearing shall be considered by the Hearing Officer.
7.3 The person charged will not be required to give self-incriminating evidence, and no inference of his guilt shall be drawn by reason of his declining to give evidence on this ground.

7.4 Times Within Which Hearings are to Proceed

a. Matters preliminary to hearings shall be decided, hearings conducted, and cases determined under these Procedures as quickly as possible, consistent with reasonable notice.

b. Normally, matters preliminary to hearings shall be decided and notices of hearings given, within ten college working days of the time the Administrative Officer is informed that a probable conduct violation or other basis for a hearing has occurred, and of the identity of the person or persons apparently responsible.

The person charged and the General Counsel (in the event the person charged elects to be represented by counsel at the hearing as provided in Section 7.7-a) shall each have not less than five college working day's notice of commencement of a hearing. Each of them may waive this requirement.

c. Hearings will normally be held within ten college working days of the date notice pursuant to Section 5.2-b is sent to the person charged.

d. Other than as required for the convenience of the Hearing Officer, extensions of time for hearings shall be authorized only for good and compelling reasons. The possibility or pendency of other administrative, civil or criminal proceedings against the person charged is not such a reason, unless the other trial or hearing is scheduled for the same day as the College hearing, or unless it is physically impossible for the person charged to attend the College hearing. Prior to the commencement of a hearing, the Administrative Officer shall decide requests for extensions. After that, should any further requests be made, the Hearing Officer shall rule on them.

7.5 The Hearing Officer shall:

a. Make all rulings on matters relating to the conduct of the hearing, including matters regarding admission of evidence.

b. Maintain an orderly hearing and permit no person to be subjected to abusive treatment. He may eject or exclude anyone who refuses to be orderly. Should he exclude the person charged, he shall make such provision as is practical in his behalf.
c. Recognize the person charged or his adviser, and the Administrative Officer or his adviser, for the purpose of questioning witnesses or presenting argument, evidence or requests to the Hearing Officer. The Hearing Officer may also question witnesses.

d. Make such further rules for the conduct of the hearing as he deems appropriate, not inconsistent with these Procedures.

7.6 A person charged may challenge the Hearing Officer for cause by submitting a written statement to the Chancellor, with a copy to the President, setting forth facts which establish that:

a. The Hearing Officer was a participant in the events out of which the action arose, other than events connected with the conduct of a hearing.

b. The Hearing Officer is related to or has had past association with the person charged or his adviser, the Administrative Officer or his adviser, or another person who has been adversely affected by the events giving rise to the action, which past association is of a kind which would prejudice his judgment to the degree that it appears that a fair hearing could not be had. "Past association" does not include an association acquired in connection with a previous hearing.

The Chancellor shall determine whether the facts present grounds for disqualification and his decision shall be final. The Hearing Officer may disqualify himself on his own motion. No peremptory challenges may be made.

7.7 Advisers; attorneys.

a. The person charged may be accompanied by one adviser of his choice, who may act on his behalf. If he desires that his adviser be an attorney, the person charged must give written notice of the name and office address of the attorney to the Administrative Officer at least four working days before the time set for commencement of the hearing; if there are less than five working days between that time and the date of the notice of hearing, then the notice that his adviser will be an attorney must be given at the earliest reasonable time. Otherwise his attorney will not be admitted to the hearing.

b. Should a person charged advise that he will be accompanied by an attorney, the Administrative Officer shall immediately advise the Office of General Counsel, so that
an attorney may be present to present the case on behalf of the Administrative Officer.

7.8 Persons Who May Attend Hearings; Confidentiality.

a. Hearings shall be closed to everyone other than the person conducting the hearing, the person charged and the Administrative Officer, a single adviser for each of them, the person designated to record the hearing pursuant to Section 7.9., witnesses while they are presenting evidence, and the representatives of not more than two recognized faculty organizations as provided in this Section.

(1) The person charged and the President may each authorize one person who is a representative of a recognized professional faculty organization or of the academic senate or council of the College to attend the hearing as an observer.

b. It is the policy of the California State Colleges that evidence, proceedings, findings and recommendations (but not the final decision of the President) are confidential and shall not be made public by the College or by any participant in a hearing, including the person charged and the faculty organization observers, except as any of the foregoing may be filed in court or introduced as evidence in an administrative or court proceeding brought to review as action taken pursuant to these Procedures. In the event these matters should become public, however, the College may authorize such public statements as are appropriate. This policy of confidentiality shall not preclude the College from taking any action following appropriate procedures against any person or entity on the basis of evidence developed at the hearing.

7.9 The Administrative Officer shall arrange for making an audio tape of any and all proceedings conducted by the Hearing Officer.

7.10 Consolidated Hearings

a. Where more than one academic employee is charged with conduct arising out of a single occurrence, or out of connected multiple occurrences, a single hearing may be held for all of the academic employees so charged.

The Administrative Officer shall make determinations regarding consolidation. All such determinations shall be subject to revision by the Hearing Officer. In the event of such revision, all cases affected shall be rescheduled for hearing.
7.11 If the person charged does not appear, without satisfactory explanation for his absence having been made to the Administrative Officer in advance, or should he leave the hearing before its conclusion or adjournment, the hearing shall proceed without him and the Hearing Officer shall make his findings and report based on the available evidence, just as though the person charged had been present throughout the hearing. The Hearing Officer shall determine whether any reason given for nonappearance, or for leaving the hearing before its conclusion or adjournment, is satisfactory. However, the pending of an administrative hearing or a civil or criminal trial to which the person charged is a party shall not be considered a satisfactory explanation unless the actual hearing or trial date conflicts with the College hearing date.

Section 8.0 Recommendations of the Hearing Officer

8.1 Following presentation of evidence, the Hearing Officer shall privately consider the evidence and shall prepare a written decision and report. The decision and report shall contain as to each person charged:

a. Findings of fact with respect to the evidence presented.

b. In cases in which the provisions of any of the following subdivisions of Education Code Section 24306 are charged as a cause for discipline, a finding of whether the cause is established by the evidence: "(g)" (conviction of a felony or conviction of any misdemeanor involving moral turpitude); "(h)" (fraud in securing appointment); "(i)" (drunkenness on duty); and "(j)" (addiction to the use of narcotics or habit forming drugs).

8.2 Findings shall be based upon a preponderance of the evidence, as determined by the Hearing Officer.

8.3 Within three college working days of the conclusion of the hearing or as soon thereafter as possible, the Hearing Officer shall submit his findings and report to the President.

Section 9.0 Disciplinary Action Panel

9.1 Each College shall have a Disciplinary Action Panel.
9.2 The Disciplinary Action Panel shall consist of all tenured academic employees of the College holding the rank of associate professor or professor, who are assigned at least two-thirds time to teaching, research, or both.

9.3 Service as a member of the Disciplinary Action Panel, and as a member of a Disciplinary Action Committee, unless excused by the President for good cause, is part of the normal and reasonable duties of every employee designated in Section 9.2 of these Procedures.

9.4 Within three college working days of the receipt of formal written charges from the Administrative Officer, the President shall cause a Disciplinary Action Committee of three members to be selected by lot from among the members of the Disciplinary Action Panel. The person charged and the Administrative Officer shall each be informed of the Panel members selected for the Committee.

9.5 The person charged and the Administrative Officer shall each have the right to excuse up to two persons from those selected for the Committee, without cause. Each may challenge any person from membership on the Committee, but only for cause as provided in Section 7.6. Actions to excuse or to challenge must be exercised by the close of the college working day following the day information as to the persons selected for the Committee is given, pursuant to Section 9.4. The Hearing Officer shall rule on all challenges for cause of a person selected for the Committee.

9.6 Vacancies on the proposed Disciplinary Action Committee caused by challenge or excuse shall be filled by lot from among other members of the Disciplinary Action Panel, and shall be subject to excuse or challenge as provided in Section 9.5, except that the aggregate number of persons who may be excused without cause pursuant to Sections 9.5 and 9.6, shall not exceed two each for the person charged and the Administrative Officer.

9.7 The Disciplinary Action Committee shall consider the findings of the Hearing Officer. It may consider other matters in the record. It may not receive new evidence, and it shall be bound by findings of the Hearing Officer made pursuant to Section 8.1. Within five college working days of receipt of the findings and report of the Hearing Officer, the Disciplinary Action Committee shall submit its recommendation to the President.

Based on the findings and the record, the Disciplinary Action Committee shall find as to each person charged whether the facts as found by the Hearing Officer constitute grounds for disciplinary action in all cases in which any of the following subdivisions of Education Code Section 24306 are charged as a cause for disciplinary action: "(a)" (immoral conduct), "(b)"
(unprofessional conduct), "(c)" (dishonesty), "(d)" (incompetency), "(e)" (physical or mental unfitness for the position occupied), and "(f)" (failure or refusal to perform the normal and reasonable duties of the position). If the Disciplinary Action Committee finds any of the foregoing grounds for disciplinary action are established by the evidence, and in all cases in which the Hearing Officer has found a cause for discipline to be established by the evidence as provided in Section 8.1-b, the Disciplinary Action Committee shall recommend to the President what disciplinary action, if any, should be taken as provided below. Otherwise it shall advise the President that no cause for discipline exists.

The Disciplinary Action Committee may refer questions, if any, to the Hearing Officer for clarification.

If a cause for disciplinary action exists, the recommendation of the Committee to the President may include:

a. Dismissal with denial of access to the campus and all college facilities for a period not to exceed one year.

b. Dismissal.

c. Demotion.

d. Suspension with denial of access to the campus and all college facilities for the period of the suspension.

e. Suspension.

f. A written reprimand.

g. An oral reprimand.

h. No action.

9.8 Upon arriving at a recommendation, the Disciplinary Action Committee shall forthwith transmit to the College President, the Hearing Officer, the Administrative Officer, and the person charged, a written statement of its recommendations which may include such justification for those recommendations as the Committee deems appropriate.

Section 10.0 Action by the President

10.1 The President shall decide what disciplinary action should be taken, if any, within five college working days of the time he receives the recommendation of the Disciplinary Action Committee, or as soon thereafter as possible.
10.2 If no disciplinary recommendation is received by the President within the five day period provided in Section 9.7, the President shall nevertheless determine the appropriate disciplinary action to be taken.

10.3 The President may return the matter to the Hearing Officer for clarification or further proceedings as appropriate.

10.4 The decision of the President shall concur with the recommendations of the Disciplinary Action Committee except in rare instances when, in the opinion of the President, compelling reasons exist for a different result. In the event that the President's decision is not in accord with the Disciplinary Action Committee's recommendation, the compelling reasons for his decision shall be stated in detail and in writing to the person charged and to the Disciplinary Action Committee. Copies shall also be sent to the Hearing Officer and to the Administrative Officer. At this time, the President and the Disciplinary Action Committee shall make an effort to resolve their differences regarding disposition of the case. In the event that no such resolution of differences is made, the decision of the President on each case is final at the college level.

10.5 The President shall forward his recommendation for disciplinary dismissal, demotion, or suspension to the Chancellor for appropriate subsequent action. It shall be accompanied by the recommendations made to the President by the Hearing Officer and by the Disciplinary Action Committee pursuant to Section 9.8, except as the latter recommendation may be modified pursuant to Section 10.4.

Section 11.0 Subsequent Action

11.1 The Chancellor or his designee shall take such action on any recommendation of the President, as he considers appropriate.

11.2 Where appropriate, notice of disciplinary action shall be prepared and served pursuant to Education Code Section 24308, in which event the person charged may appeal to the State Personnel Board and, as authorized by law, receive a de novo hearing before that agency.

Section 12.0 Other Provisions

12.1 An academic employee of a State College who is accused of conduct as described in Section 1.1, alleged to have been committed at another State College, shall be subject to disciplinary action at the campus with respect to which the violation is alleged to have occurred, and all references to
APPENDIX

Title 5, California Administrative Code Sections:

42701. Consultative Procedure. Each college shall develop, as soon as practicable, procedures whereby tenured members of the faculty shall be involved in recommendations to the president or his designee relating to academic personnel matters. Such procedures shall be submitted to the Chancellor and the Trustees for approval.

The Chancellor shall make every effort, insofar as practicable, to encourage uniform procedures among the colleges.

43522. Temporary Suspension. When there is strong and compelling evidence that the presence of an employee on his job might create serious problems, if such evidence were subsequently proven to be correct, a president or the Chancellor may temporarily suspend an employee pending investigation and/or the furnishing of formal notice of disciplinary action pursuant to Section 24308 of the Education Code. Unless earlier terminated by the president or the Chancellor, as the case may be, such temporary suspension shall automatically terminate upon the furnishing of formal notice of disciplinary action or, unless extended as provided by this section 30 days after its commencement, whichever first occurs.

The date for such automatic termination of the period of temporary suspension, where no furnishing of formal notice of disciplinary action has occurred, may be extended upon the written statement of the employee addressed to the president or the Chancellor, as the case may be requesting such extension.

Suspension under this section shall not prejudice the case of the employee or any rights he may be provided under this article.

43525. Disciplinary Action Procedures for Academic Personnel. The Chancellor shall prescribe, and may from time to time revise, Disciplinary Action Procedures for Academic Personnel of the California State Colleges. These procedures shall be applicable to all full-time tenured and probationary academic employees, including those on leave of absence with or without pay. The Chancellor shall report to the Board on procedures issued or revised pursuant to this section.
Disruption of Campus Activities. Notwithstanding any provision in this Subchapter 6 to the contrary, any employee of the California State Colleges who, following appropriate procedures at the college, is found to have disrupted or to have attempted to disrupt, by force or violence, any part of the instructional program of a state college, or any meeting, recruiting interview or other activity authorized to be held or conducted at the college, may, in the discretion of the President, be disciplined pursuant to Section 24306 of the Education Code.

Education Code Sections:

22505. The chief administrative officer of a junior college, state college, or state university, after a prompt hearing of the facts, shall take appropriate disciplinary action against any student, member of the faculty, member of the support staff, or member of the administration of the junior college, state college, or state university who has been convicted of a crime arising out of a campus disturbance or, after a hearing by a campus body, has been found to have willfully disrupted the orderly operation of the campus. Nothing in this section shall be construed to prohibit, where an immediate suspension is required in order to protect lives or property and to insure the maintenance of order, interim suspension pending a hearing; provided that a reasonable opportunity be afforded the suspended person for a hearing within 10 days. The disciplinary action may include, but need not be limited to, suspension, dismissal, or expulsion. The provisions of Sections 24308 to 24310, inclusive, shall be applicable to any state college employee dismissed pursuant to this section. The chief administrative officer of each such institution shall submit periodic reports as to the nature and disposition of cases acted upon pursuant to this section to his governing board.

24306. A permanent or probationary academic or nonacademic employee may be dismissed, demoted, or suspended for the following causes:

(a) Immoral conduct.
(b) Unprofessional conduct.
(c) Dishonesty.
(d) Incompetency.
(e) Physical or mental unfitness for position occupied.
(f) Failure or refusal to perform the normal and reasonable duties of the position.
(g) Conviction of a felony or conviction or any misdemeanor involving moral turpitude.

(h) Fraud in securing appointment.

(i) Drunkenness on duty.

(j) Addiction to the use of narcotics or habit forming drugs.

24308. Notice of dismissal, demotion or suspension for cause of an academic or nonacademic employee shall be in writing, signed by the Chancellor or his designee and be served on the employee, setting forth a statement of causes, the events or transactions upon which the causes are based, the nature of the penalty and the effective date, and a statement of the employee's right to answer within 20 days and request a hearing before the State Personnel Board.

Notice of the reassignment of an administrative employee pursuant to Section 22607 shall be in writing and shall be served on the employee setting forth a statement of the employee's right to answer within 20 days and request a hearing before the Trustees but only on the question of whether the position to which he is reassigned is commensurate with his qualifications.

Government Code Section:

18025. All employees shall be entitled to the following holidays: the first day of January, the 12th day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the ninth day of September, the second Monday in October, the fourth Monday in October, the 25th day of December, every day on which an election is held throughout the state, and every day appointed by the Governor of this state for a public fast, thanksgiving, or holiday.

When a day herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. Any employee who may be required to work on any of the holidays herein mentioned, and who does work on any of said holidays, shall be entitled to be paid compensation or given compensating time off for such work within the meaning of this article. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, or compensating time off, shall be considered as time worked by the employee.

Penal Code Section: 626.4

(a) The chief administrative officer of a campus or other facility of a junior college, state college, or state university, or an officer or employee designated by him to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such
person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. Such report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. Such written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a junior college, state college, or state university, or by an officer
or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a junior college, state college, or state university to suspend, dismiss, or expel any student or employee at such university or college.

(f) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.