



SAN DIEGO COMMUNITY COLLEGE DISTRICT

3375 Camino del Rio South
San Diego, California 92108-3883
619-388-6500
CITY COLLEGE | MESA COLLEGE | MIRAMAR COLLEGE | CONTINUING EDUCATION

Approved for Personnel File: *Human Resources*

Robyn Egan 1-17-18
Vice Chancellor 619-388-6589
FAX 619-388-6897
HR-EMPLOYEE RELATIONS DEPARTMENT

January 12, 2018

TO: Bonnie Ann Dowd, Executive Vice Chancellor, Business and Technology Services

FROM: William Surbrook, Vice Chancellor, Human Resources *WS*

RE: **Recommendation for Suspension-Seher Awan**

This letter is to recommend that Seher Awan, City College Vice President of Administrative Services, be suspended without pay for a period of ten (10) days.

This recommendation is based on the following grounds as listed in the Human Resources Instruction Manual File#DI-3110, Causes for Disciplinary Action (**Attachment A**).

1. Falsification of personnel records or other documents;
4. Threatening, coercing, intimidating, assaulting, or interfering with employees or supervisors at any time;
8. Making or publishing of false, vicious or malicious statements concerning any employee, supervisor, or manager;
13. Any conduct of such a nature that it causes discredit to the agency, or his or her employment;
15. Inefficiency in the performance of assigned duties;
16. Violation of any lawful or official District policy, procedure, regulation, or order, or failure to obey any lawful and reasonable direction given by the employee's supervisor when such an act results in loss, inconvenience, or injury to the District, the public, or other employees or students;
17. Any other act of an employee which is deemed negligent or unsatisfactory, and is in conflict with the furtherance of organizational goals and objectives;
21. Insubordinate behavior or conduct or insolent behavior.

This recommendation is further based on grounds for discipline stated in Board of Trustees Policy 7365 Discipline and Dismissals Classified Employees (**Attachment B**):

- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervisor, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager;
- Dishonesty involving employment;
- Improper or unauthorized use of District Property.

The above grounds are based on the following:

Background

On or about May 8, 2017, Investigator Alison Alpert (“Investigator”) was requested by San Diego Community College District (“District”), to conduct an independent investigation and prepare a Confidential Investigation Report regarding potential misconduct by City College Vice President of Administrative Services Seher Awan (“Awan”) and City College Administrative Services Manager Roxann Solis (“Solis”). The investigation was initiated when District Controller Charles Rogers (“Rogers”) reported that he had received information of potentially inappropriate and/or fraudulent activities by Seher Awan and Roxann Solis. In particular, it was brought to Rogers’ attention by Fiscal Services’ staff that a large amount of “call-back pay” was paid to Solis that she was not entitled to because she did not return to work (the basis for the call back time) as claimed by Solis and certified by Awan. [REDACTED]

While the investigation was ongoing, employees who participated in the investigation complained to Human Resources that Awan was potentially engaging in acts of retaliation and intimidation related to the investigation. The investigation was expanded to also include these allegations.

The investigation was substantially delayed while Solis was on a leave of absence and not available to be interviewed. The completed investigation report was provided to the District on November 16, 2017. The portions of the investigation report and relevant attachments are attached as Attachment C.ⁱ

Falsification of Time Records (Call-Back Time)

After the completion of the investigation, the investigator made a finding that Awan certified call back hours that Solis did not actually work, and based on Awan’s claims that she witnessed the hours, it was concluded that her actions were dishonest rather than a mistake. The basis for that determination is set forth in the investigation report, Attachment C.

Awan specifically and affirmatively represented that she was aware of Solis’ call-back hours and generally was also working with Solis when she was called back to the campus. The evidence demonstrated that a substantial portion of the call-back hours could not have been worked. This conclusion is supported by the inconsistencies between Awan and Solis’ statements and the alarm records which demonstrate that Solis could not have worked the hours she claims to have worked in her office. In addition, there was a lack of corroboration from other employees of Solis and Awan’s accounts regarding the call back time. Therefore, it was concluded that Awan was dishonest and falsely certified Solis’ call back hours.

The provision that allows call-back time for an exempt employee is found in Section 5.7.9 of the 2014-2017 SPAA Handbook. That provision states:

5.7.9 An exempt employee who has completed his/her shift and is called back to work or requested to report earlier than their normal scheduled work day shall be guaranteed two and one-half (2-1/2) hours work, which includes thirty (30) minutes travel time, and shall receive compensatory time off at the rate of one and one-half (1-1/2) times in lieu of monetary compensation. If the accrued time cannot be scheduled to be taken within six (6) months of accrual, the exempt employee will receive pay for those hours at one and one-half (1-1/2) times their regular rate of pay. (SPAA Handbook, Attachment D).

The investigator reviewed all of the call-back hours Solis submitted in 2015 and 2016 (Attachment C, Exhibit 12) and compared them to the District alarm records for the office in which Solis was working at that particular time. (Attachment C, Exhibit 13). Based on the information received during the investigation, the claims from Solis that she worked all of the call-back time that she requested and received are not credible and inconsistent with both the alarm records and Solis and Awan's initial statements during the investigation regarding the circumstances surrounding the claimed call-back time including the hours the claimed call-back time was generally worked. The alarm records demonstrate that Solis could not have worked a substantial amount of the call-back hours she claims to have worked in her office. In addition, there was a lack of corroboration from other employees of Solis and Awan's accounts regarding the call back time.

Based on the records, Solis falsely reported up to 260 call-back hours in 2015 and 2016 which amounts to over \$10,000 of District funds over a two year period. As a Vice President of Administrative Services, Awan is tasked with ensuring that administrative processes are followed and not abused. Her complicity in supporting Solis' fraudulent claim for call back hours worked demonstrates an abuse of her position and a disregard for the best interest of the District and taxpayers. This conduct alone is cause for significant discipline.

Violation of Directives Involving the Investigation

Awan violated the directives she was given several times to not discuss the investigation or subjects of the investigation. On Friday, June 8, 2017, Awan was provided a Notice Regarding Investigation from Vice Chancellor, Human Resources Will Surbrook. (Attachment C, Exhibit 17.) In the Notice, Awan was notified that it was a confidential personnel matter, and directed to refrain from discussing the investigation, including the existence of the investigation, with any other District employee. Awan was further directed not to engage in any retaliatory actions or behaviors toward witnesses or parties associated with the investigation, or to inquire with any District employee whether they are aware of or have participated in the investigation. When Awan was interviewed on June 21, 2017, she was again told that it was a confidential investigation and that she could not discuss with anyone the fact that there was investigation, the subject matter of the investigation or what was discussed in the investigation. In addition, Awan was told that District employees are protected from retaliation for participating in the investigation or bringing forward a complaint, and that she should not take any action to retaliate against any employee for bringing forward a complaint or participating in the investigation. She was told that any retaliation could subject her to discipline. Awan was again provided written direction on the

confidentiality of the investigation and prohibiting retaliation on July 14, 2017, after concerns were raised by employees. (Attachment C, Exhibit 17.)

During a staff meeting on June 19, 2017, Awan told Business Services staff to keep things said in the office confidential and to watch what they say to people about what happens in the office. During this meeting Awan also made statements that people were saying bad things about Business Services and referenced comments made about her having a half-sister working in the department. The topic of nepotism was part of the investigation.

Awan also violated the written directive and the directive given during her June 21 interview, during a staff meeting on June 26, 2017 meeting when she specifically referenced the investigation. During that meeting Awan stated something similar to, “we have nosy A-holes on campus that have been talking to HR.” She stated they were out to get her. Awan also reiterated her directives regarding keeping things in the department confidential. These statements were clearly referencing the investigation. In addition, during that meeting Awan referred to Vice-Chancellor Surbrook as an incompetent A-hole.

In addition, Awan made statements to Carmeter Lard, Accounting Tech., that the District would not be able to “do anything to her” because Awan did not do anything wrong and the District would not have left her in charge of millions of dollars if she did anything. These statements were made during a meeting between Awan and Lard in August 2017. Awan did not deny making these statements. This was a further violation of the directives not to discuss the investigation.

Awan called meetings with her employees and discussed the investigation after she had been specifically directed not to do so. This amounted to willful disobedience and insubordination. These statements and meetings were intimidating, coercive, and were intended to interfere with the investigation. Awan displayed bad judgement and a lack of regard for the authority of District Administration throughout the investigation. She also made malicious statements regarding Vice Chancellor Surbrook during one of these meetings.

Awan also used questionable judgment in taking actions in her Department to change practices and to set certain restrictions regarding overtime during a pending investigation. While it was determined that Awan’s actions were not retaliatory, her actions clearly showed poor management of her Department during a pending investigation;

Attempting to Hire Previously Terminated Employee

While the investigation was pending, Awan used bad judgement and a disregard for the authority of District Office Administration by attempting to rehire one of her employees who had just been terminated as a probationary employee at the direction of the Human Resources Department.

Following Cody Goddard’s release on probation, Awan attempted to hire Goddard as an independent contractor. Awan sent the contract to be signed by purchasing, and requested that it be rushed. (Attachment C, Exhibit 26.) When Awan was asked why she attempted to hire Goddard, she stated that it was because he had subject matter expertise in web development and computers. Awan’s explanation was disingenuous as it was clear that Goddard did not have any specific skills for this project. (Attachment C, Exhibit 26.) Awan was very upset when Goddard was terminated. Attempting to rehire an employee who was just released on probation shows poor judgment and an attempt to circumvent Human Resources decision on Goddard.

[Redacted]



Recommendation

Based on the totality of these charges which include dishonesty, [REDACTED], malicious and intimidating behavior, willful disobedience and insubordination; I am recommending that Awan serve a suspension without pay for a period of ten (10) working days. These are serious charges that warrant significant discipline to bring about a change in behavior by this employee. [REDACTED]



Thank you for consideration of my recommendation. Please let me know if you need further information to proceed.

Attachments

- Attachment A: Human Resources Instruction Manual, Causes for Disciplinary Action
- Attachment B: Board Policy 7365 Discipline and Dismissals Classified Employees
- Attachment C: Investigation Report and Exhibits
- Attachment D: SPAA Handbook
- Attachment E: Cal Card Guidelines

ⁱ The investigation report includes issues and findings related to another employee that is not relevant to Awan's discipline and have therefore been redacted from Attachment C.