



SAN DIEGO COMMUNITY COLLEGE DISTRICT

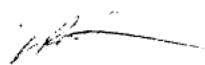
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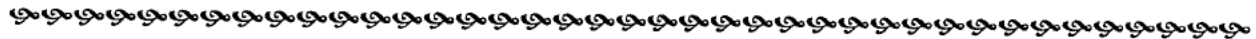
MEMORANDUM

Date: November 29, 2017

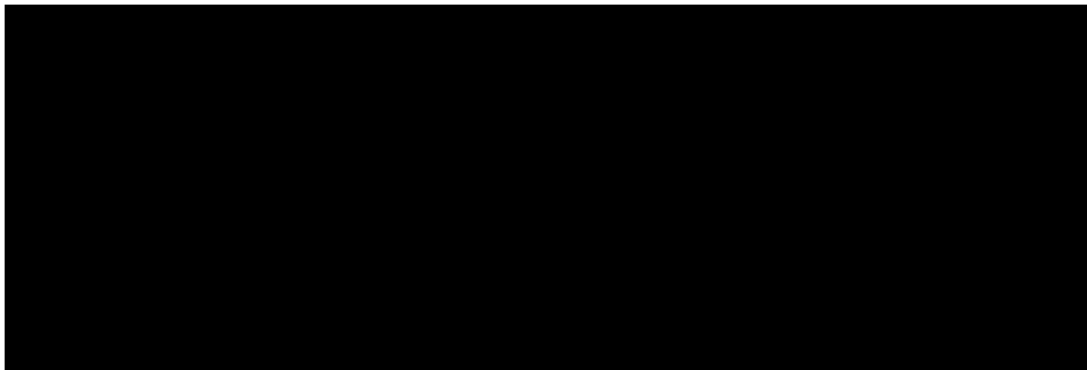


To: Constance M. Carroll, Chancellor
cc: Bonnie Dowd, Executive Vice Chancellor

From: Will Surbrook, Vice Chancellor, Human Resources 

Re: San Diego City College VPA Office Investigation



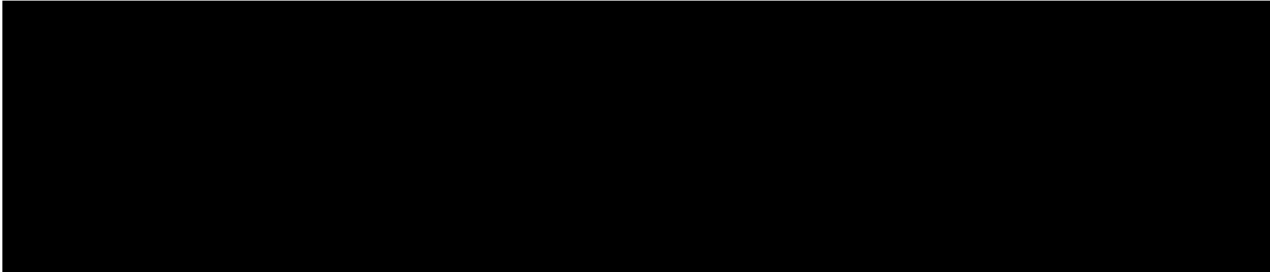
The relevant findings of the investigation regarding Seher Awan (“Awan”) are as follows:

1. 
2.  no Cal Card charges were identified which showed personal use by Awan for her own benefit;
3. 
4. Awan certified call back hours that Solis did not actually work, and based on Awan’s claims that she witnessed the hours, it can be concluded that her actions were dishonest rather than a mistake. 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 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;

5. Awan violated the directives not to discuss the investigation or subjects of the investigation several times. Awan's statements not only violated the directives but could be seen as intimidating and an attempt to interfere with the investigation. Further, Awan's action in re-emphasizing confidentiality could reasonably be concluded to be an attempt to keep employees from participating in the investigation;
6. Awan used questionable judgment in taking actions in her Department to change practices and to set certain restrictions 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; and,
7. 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. She tried to hire him as an independent contractor for an area in which he had no special expertise.

Recommended Discipline



Awan was also complicit in supporting Solis' fraudulent claim for call back time which demonstrates a disregard for the best interest of the District.

Finally, Awan displayed bad judgement and a lack of regard for the authority of District Administration throughout the investigation. The investigation concluded that Awan called meetings with her employees and discussed the subjects of the investigation after she had been specifically directed not to do so. In one meeting after the investigation started, she told her employees that "there were nosy 'a-holes' talking to HR." The investigator concluded that these meetings were intimidating, coercive, and were intended to interfere with the investigation.

These are serious charges that warrant significant discipline to bring about a change in behavior by this employee. Awan has demonstrated that she is more concerned with making her employees happy than doing what is in the best interest of the District. This is unacceptable for someone in her position. For this reason I am recommending that Awan serve a suspension without pay for a period of fifteen (15) working days.

Awan should be informed directly and specifically again that retaliation against any employees who participated in the investigation or who she believed participated in the investigation will not be tolerated and will result in disciplinary action. In addition, based on these findings, I recommend that the District grant the transfer request of Administrative Technician, Carmeter Lard ("Lard"). Lard has made claims of retaliation against Awan and Lard was one of the primary witnesses in this investigation. Based on Awan's actions and prior bad judgement, I recommend that Lard's transfer is appropriate in this case. There are several positions available for this employee outside of her current department. While I don't always advise transfers in cases where a complaint has been filed by the requesting party, I think this situation warrants one given the findings of the investigation. It is the best opportunity for this Department to move forward in a productive manner. Our legal counsel concurs with this recommendation.

The relevant findings of the investigation regarding Solis are as follows:

1. Solis submitted time records for a substantial number of call-back hours in 2015 and 2016, which based upon a review of alarm records for her office; she could not have actually worked. This amounts to dishonesty and falsification of time records;
2. Solis participated in the process to obtain goods and services from "Work or Don't Eat", a company at which Solis' friend worked which although not done for personal gain, demonstrates poor judgment and a failure to act in the best interest of the District;
3. Solis supervised her sister in violation of the Nepotism Policy; and,
4. Solis allowed another employee to sign in as her and approve requisitions, which was outside of the scope of the employee's duties and inappropriate for a Non-Academic Non-Classified Employee (NANCE).

Recommended Discipline

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. This is essentially theft of District funds. Solis' position as Accounting Supervisor works with District funds on a daily basis including approving requisitions and travel request for all departments at San Diego City College. The District can no longer trust Solis in this position. Therefore, I am recommending termination. It is also recommended that Solis be placed on paid administrative leave immediately following service of the notice of termination as this is standard in termination situations.