

ARTICLE 19
DISCIPLINARY ACTION

19.01 Disciplinary Action

A. Pre-Disciplinary Action

The College may counsel a faculty member to correct behavior and/or warn that disciplinary action may follow if improvement is not noted.

B. Disciplinary Action

1. Except as provided in applicable statutes or State Board of Education rules, discipline of any type shall be based only on a faculty member's work-related performance, conduct, or duties and administered by an appropriate administrator. A faculty member's conduct is subject to disciplinary action a) when the faculty member is acting as an agent of the College, regardless of time or location; or b) when the faculty member is on College premises.
2. All formal discipline shall be timely, fair, and only for just cause, and shall include the following steps: written warning, written reprimand, suspension with or without pay, return to annual contract, and dismissal. If the circumstances warrant, discipline may begin at a higher level than the first step or progress to a higher level than the next sequential step.
3. Faculty members shall be notified in writing of the subject matter at least 24 hours in advance of any meeting at which disciplinary action may be discussed or which may result in disciplinary action. Such notice shall be provided at the time the meeting is requested. Faculty members shall have the right to have Association representation present at such meeting, if the faculty member so desires.
4. Anonymous complaints shall not be used as evidence in support of disciplinary action(s). However, although student feedback surveys are designed primarily for the improvement of teaching and learning and a faculty member's self-improvement, the results may be used by the College in support of personnel decisions.
5. All disciplinary action shall be subject to Article 10 of this Agreement.

C. Disciplinary Procedure

Discipline shall begin at and proceed to the level of discipline appropriate to the action(s) under consideration. Warnings and reprimands shall be discussed with the faculty member in person.

1. Written Warning

A written warning notifies the faculty member that inappropriate behavior or violation of a rule, policy, or procedure has occurred and outlines the steps that must be taken to correct the problem. It should include notice that more serious disciplinary action will

take place if corrective action is not taken or repeat violations occur. Documentation for a Written Warning shall be made by the administrator in accordance with Appendix N which shall be placed in the faculty member's privacy folder of the personnel file.

2. Written Reprimand

A written reprimand is a formal notice that inappropriate behavior or a violation of a rule, policy, or procedure has occurred and outlines the steps which must be taken to correct the problem. It should include notice that more serious disciplinary action will take place if correct action is not taken or repeat violations occur. Documentation for a Written Reprimand shall be made by the administrator in accordance with Appendix N which shall be placed in the faculty member's privacy folder of the personnel file.

3. Suspension

A faculty member may be suspended with pay pending the investigation of a possible infraction. If, after investigation, just cause for disciplinary action is determined, the President may suspend the faculty member without pay provided that notice of intent is provided pursuant to 17.03.D. below. A record of the suspension will be placed in the privacy folder in the employee's personnel file.

4. Return to Annual Contract or Dismissal

A faculty member who is under continuing contract may be returned to annual contract status or may be dismissed only with just cause and upon written recommendation by the President to the Board to that effect, provided the recommendation is approved by the Board.

D. Notice of Intent

When the President or his or her designee has reason to believe that a suspension without pay, return to annual contract, or termination should be imposed, the President or his or her designee shall provide the faculty member with a written notice of the proposed action and the reasons therefore.

1. Such notice shall be sent certified mail, return receipt requested, or delivered in person with written documentation of receipt obtained.
2. The faculty member shall be given ten (10) College business days in which to respond in writing to the President or his or her designee before the proposed action is taken. The President or his or her designee then may issue a Notice of Disciplinary Action under 17.3.6 below.
3. The faculty member has the right to Association representation during investigatory questioning that may reasonably be expected to result in disciplinary action.
4. If the President or his or her designee does not issue a Notice of Disciplinary Action, the Notice of Intent shall be retained only in the faculty member's privacy folder in the personnel file.

E. In the event that return to annual contract or dismissal is recommended, the faculty member shall have the right to an informal hearing before the Board, or its designee(s), prior to the action. A faculty member may elect to proceed with a hearing before the Board or challenge the disciplinary action through the grievance process but not both.

F. Notice of Disciplinary Action

All Notices of Disciplinary Action as referenced in 17.03.D.2 shall include a statement of the reasons therefore and a statement advising the faculty member that the action is subject to Article 10 of this agreement. All such notices shall be sent certified mail, return receipt requested, or delivered in person with written documentation of receipt obtained.

G. Nothing in this Article shall be deemed to give any faculty member not on continuing contract status any property interest in his or her employment.

H. During all disciplinary proceedings, a faculty member shall have the right to consult with, and be represented by, a representative of his or her choice.

I. The faculty member shall have the right to respond to disciplinary action in writing and have that response attached to the report of the discipline. If any material is found, through mutual agreement, grievance process, or court proceedings, to be inaccurate or inappropriate, that finding shall be documented in the official personnel file of the faculty member.