

ARTICLE 11 DISCIPLINE

11.1 General

The parties recognize that unit members do not accrue permanency under California law. Unit members not hired at the start of a semester shall not be considered to have been dismissed.

Unit members may receive disciplinary notice, at various levels, for any reason that the supervisor and District find appropriate. However, dismissal after the start of a semester or session should occur for one of the following causes:

- Immoral or unprofessional conduct.
- Dishonesty.
- Unsatisfactory performance.
- Evident unfitness for service.
- Physical or mental condition that makes him or her unfit to instruct or associate with students.
- Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the board of governors or by the governing board of the community college district employing him or her.
- Conviction of a felony or of any crime involving moral turpitude.
- Conduct specified in Section 1028 of Government Code.

11.2 Progressive Discipline

Although any of the following may be issued based on the type of issue(s) and determined severity, disciplinary action generally follows the process below:

Step 1: Written Warning

Step 2: Suspension (either with or without pay)

Step 3: Dismissal

At any step during a disciplinary action meeting, the unit member may request that a representative of the Association be present or the unit member may choose to employ legal counsel on his/her behalf, at his/her own cost.

At steps 2 or 3 the unit member may choose to respond in writing to the accusation and have such response attached to the District's paperwork.

Unit member shall be provided copies of all relevant information/paperwork upon which the decision to suspend or dismiss was reached in order to prepare a response in his/her defense. A unit member may request (in writing) to meet with the CHRO to present their defense (including evidence), who shall arrange for a meeting within fifteen (15) work days of the disciplinary issuance. The CHRO shall make a final written determination based on all evidence provided and notify the unit member of that determination with five (5) work days

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Disciplinary action may result in a loss of seniority placement or contract non-renewal depending on the severity or pervasiveness of the infraction(s).

Disciplinary action for unsatisfactory performance must include the most recent evaluation or documentation of the unsatisfactory performance. Unit members will have an opportunity to correct the unsatisfactory performance prior to a loss of seniority placement or non-renewal of contract.

Disciplinary action which leads to a loss of seniority placement or non-renewal may be appealed to the appropriate Vice President within 15 work days of the notification of loss of seniority placement or non-renewal of contract. If the unit member believes that the process has been violated, they may pursue a grievance.