

# Article 27

# Just Cause and Formal Complaints

## 27.1 Just Cause

27.1.1 A faculty member shall not be reprimanded, suspended, or dismissed without just cause

27.1.1.1 The purpose of this article is to provide additional guidance and oversight for a faculty member experiencing difficulties in his/her work and to substantiate efforts at improvement.

27.1.1.2 If a faculty member receives a notice of discipline, the District shall include in that notice the faculty member's right to request LRCFT representation regarding the issue.

27.1.1.3 Any discipline related to a demonstrated failure to meet professional expectations as defined in Sections 11.2.3, 11.2.4 and college/district service responsibilities as defined in Section 4.1.3 must follow the due process procedures outlined below.

27.1.1.4 If a faculty member receives a written recommendation for a suspension or dismissal, the District shall include in the written recommendation the faculty member's right to request LRCFT representation prior to any further meeting(s) regarding the issue. In addition, the District shall notify LRCFT at the same time as the faculty member of the written recommendation for a suspension or dismissal.

27.1.2 The following just cause guidelines shall be recognized:

- a. The faculty member shall be adequately informed of the potential consequences of his/her conduct.
- b. A fair and objective investigation should reveal the necessity for disciplinary action.
- c. Rules and penalties should be applied fairly and equitably.
- d. Disciplinary action should be appropriate and reasonably related to the nature of the offense.
- e. Progressive discipline shall be utilized except for conduct which is of such a nature that progressive discipline normally would not result in corrective conduct. The elements of progressive discipline shall be administered in a timely manner.

27.1.2.1 Steps in the discipline process include (exceptions to the due process steps may occur when the nature of the conduct warrants an exception):

27.1.2.1.1 *Step 1:* If discipline/corrective action is being considered, the manager shall discuss with the faculty member his/her actions/omissions for further fact finding prior to issuing an oral reprimand.

27.1.2.1.2 *Step 2:* If an oral reprimand does not result in corrected conduct, a counseling letter may be issued.

27.1.2.1.3 *Step 3:* Prior to administering subsequent discipline, a faculty member shall be provided notice and an opportunity to be heard. Notice shall include a statement of the incident(s) or misconduct which form the basis for the disciplinary action and a statement of the discipline to be imposed. Such notice shall be given within five (5) working days of the decision to administer the discipline.

27.1.2.1.4 *Step 4:* If suspension without pay is recommended as a disciplinary action, the offense shall be severe or preceded by at least two (2) related written reprimands issued within the last two (2) years prior to the proposed suspension.

## 27.1.2 Corrective Action

27.1.2.1 Throughout the progressive discipline process, when supporting information indicates that improvement is needed, the District may initiate a work plan that should set forth observable and measureable performance goals. Such goals are to be met within a specific, achievable time frame. If such a plan is contemplated, the LRCFT shall be notified. At the faculty member's request, the LRCFT shall participate in developing the work plan.

## 27.2 **Discrimination Complaint Procedures**

27.2.1 The District shall adhere to the procedures outlined in District Administrative Regulation 2423 in the investigation and resolution of unlawful discrimination complaints, including complaints of sexual harassment. Violations of these procedures may be subject to the grievance procedures as outlined in Article 13.

27.2.2 The Federation shall be informed of any proposed changes in the procedures of Administrative Regulation 2423 and such proposed changes shall be negotiated upon request.

- 27.2.3 Employees who are the subject of discrimination/sexual harassment complaints shall have the right to request representation by LRCFT in the investigation. LRCFT shall have the right, upon request, to represent employees in such investigations. Those employees who are involved in the investigation of discrimination/sexual harassment complaints may request to be accompanied by a representative of LRCFT.
- 27.2.4 If LRCFT is representing an employee who is the subject of a discrimination/sexual harassment complaint investigation or who has lodged such a complaint, the Federation shall be provided all information, including documents, provided to the employee within a reasonable time.
- 27.2.5 The District shall, upon request, provide to employees who are the subject of an investigation an opportunity to confer with the Federation prior to any investigatory interview.
- 27.2.6 If LRCFT is representing an employee who is the subject of a discrimination/sexual harassment investigation in which no formal complaint has been filed, the District shall, upon request, share with the LRCFT the same information as noted in Section 27.2.4.
- 27.2.7 Upon completion of any investigation into discrimination/sexual harassment complaints in which the Federation has represented the employee, the District will provide a copy of the summary investigation report to the Federation.

### **27.3 Student Complaints (General, Non-Formal)**

- 27.3.1 General, non-formal complaints (exclusive of student reviews) to a dean that may be used for purposes of supporting items in a performance review are to be shared with the faculty member within two (2) weeks of the time they are received by the dean.
- 27.3.1.1 No such complaints may be used in any performance review unless they have first been shared with the faculty member under review and the faculty member has been given an opportunity to respond.

### **27.4 Student Grievances (Formal)**

- 27.4.1 Formal complaints (excluding discrimination / sexual harassment) against a faculty member shall be handled according to the procedures outlined in Board Policy and Administrative Regulation 2412.
- 27.4.1.1 The District (generally the campus Student Grievance Officer or Human Resources manager) will notify the faculty member within seven (7) days when a formal complaint, excluding discrimination / sexual harassment (addressed in Section 27.2 of this article) is filed by a student. The notification will include a statement that the faculty member has a right to request LRCFT representation. (See Board Policy 2412 and Education Code 76224)