

## ARTICLE IV DISCIPLINE

1. The Intent of this article is twofold:
  - 1.1. To provide for procedures for the administration of constructive and progressive discipline in accordance with the due process rights of the members of the bargaining unit.
  - 1.2. To supplement, and for the purpose of disciplinary suspensions without pay, to replace the provisions of Section 44944 of the California Education Code, but not the provisions of Sections 44939, 44940, and 44942 of that code.
2. **The District's Right to Discipline** - The District has the right to discipline members of the bargaining unit for just cause.
3. **The Teachers' Right to Due Process** – The members of the bargaining unit have a right to basic due process when the District disciplines them for just cause.
4. **The Principle of Progressive Discipline** – Except where the nature of the employee's offense requires immediate and more severe disciplinary action, the District will discipline the members of the bargaining unit in accordance with the principle of progressive discipline.
  - 4.1. In all instances, the unit members shall first be made aware of the applicable rules and regulations and the behavior expected of them.
  - 4.2. The severity of discipline must match the severity of the offense and will occur in a timely manner.
5. **Steps of Progressive Discipline** – Discipline includes verbal warnings, written warnings, written reprimands, and suspensions without pay. The bargaining unit member shall be advised by the administrator calling the meeting of the right to be represented by the Association in any meetings relating to potential steps of progressive discipline.
  - 5.1. **Verbal Warnings** – Verbal warnings will not be given to bargaining unit members unless he/she have first been made aware of what is expected of him/her. Verbal warnings shall not be documented in unit members' personnel files.
  - 5.2. **Written Warnings** – Normally, written warnings will not be given to bargaining unit members unless he/she has been given a verbal warning about his/her alleged misconduct within the last twelve (12) months. Written warnings shall not be placed in unit members' personnel files.
  - 5.3. **Written Reprimands** – Normally, written reprimands will not be given to bargaining unit members unless he/she has first been given a written warning about his/her alleged misconduct within the last twelve (12) months.

- 5.3.1. Each bargaining unit member who has been given a written reprimand shall acknowledge receipt of the original by signing a copy.
- 5.3.2. A copy of the written reprimand will be placed in the bargaining unit member's file if not appealed within ten (10) working days.
- 5.3.3. In the absence of another written reprimand for the offense, any written reprimand in a bargaining unit member's personnel file will be nullified within twenty-four (24) months from the date of issue. Upon receipt of the bargaining unit member's written request, a nullified reprimand will be removed from his/her personnel file.

6. **Suspension without Pay** – Normally, suspensions without pay will not be assessed against a bargaining unit member unless he/she has first been given a written reprimand for his/her alleged misconduct, a copy of that written reprimand was placed in his/her personnel file, and that written reprimand has not been automatically nullified by the passage of time and the absence of a repeated offense.

- 6.1. No suspension without pay will be assessed against a member of the bargaining unit without a written notice from the District of his/her alleged offense and a disclosure by the District of all of its evidence to support its charges.
- 6.2. No disciplinary suspension without pay shall exceed ten (10) working days.
- 6.3. Any disciplinary suspension of a bargaining unit member must be assessed by the District's superintendent in writing.

7. **Relationship of this Article to the Grievance Procedure** - Because verbal warnings or written warnings are not documented in the employee's personnel file, they shall not be subject to the grievance procedure.

- 7.1. Written reprimands and disciplinary suspension without pay are subject to the grievance procedure, provided a grievance is filed within ten (10) working days by the bargaining unit member or the Association.
- 7.2. Grievances for written reprimands will be initiated by the principal, and for suspensions by the superintendent.
- 7.3. At the written reprimand and suspension levels, the unit member shall be notified in writing of his/her right to appeal the decision to the grievance procedure. If appealed, penalties shall not be applied until a decision is rendered.

8. **The Right of Privacy** – All information or proceedings regarding any actions pursuant to this article shall be kept confidential.

## **GLOSSARY**

**Discipline** – Action intended to teach, instruct, or ensure behavior consistent with the Code of Ethics of the Teaching Profession and other responsibilities outlined in Board Policy and Administrative Regulation 4165.

**Due Process** – Protection of an employee’s right to be heard; to know the reasons for a disciplinary action; to defend himself/herself and present evidence; to face adverse witnesses; to retain an attorney; to an impartial decision-maker; to a statement describing the reasons for discipline and a decision based on evidence presented at a hearing.

**Just Cause** – Procedures designed to assure that a disciplinary action is based on; a clear warning of the consequences of misconduct; link between the District’s rule and the necessity of safe and efficient operations; objective investigation which precedes disciplinary action; an investigation which yields evidence of misconduct; a ruling applied evenhandedly and a penalty which matches the offense.