



Date: October 4, 2021

To: Talia Bettcher, Chair
Academic Senate

From: Heidi Riggio, Chair
Faculty Policy Committee

Copies: A. Avramchuk, D. Fazzi, J. Lazo-Uy, R. Roquemore, V. Salcido

Subject: **Proposed Policy Modification for Chapter VI (Section B) of the *Faculty Handbook*: FPC 21-3.5: *Reprimand and Disciplinary Action Procedures for Academic Personnel***

The current Faculty Handbook policy on Disciplinary Action Procedures is largely empty except for reference to Article 19 of the Collective Bargaining Agreement, and does not address procedures involved in Reprimands (which are separate from disciplinary actions and described in Article 18 of the Contract). FPC added language to the policy, including changing the title and including procedures for reprimands, to affirm the right of Cal State LA faculty members to due process in reprimands and disciplinary actions. Specifically, faculty must be notified of the consideration of reprimand(s) and/or disciplinary action(s) before those actions are initiated; that faculty have the right to be informed of any allegations against them and copies of any evidence, statements, or documents (as per Weingarten rights); that faculty have a right to submit information, including evidence and names of witnesses, to Cal State LA administrators before any reprimand(s) and/or disciplinary action(s) are initiated; and that faculty have a right to meet with administrators (and a right to be accompanied by a CFA or faculty representative at such meetings) before reprimand(s) and/or disciplinary action(s) are initiated.

FPC deliberated about FPC 21-3.5 at its meetings of September 18, September 25, and the meeting of October 4, 2021. FPC voted unanimously to approve the policy modification FPC 21-3.5, *Reprimand and Disciplinary Action Procedures for Academic Personnel* on October 4, 2021.

The following points summarize the proposed changes to the policy:

- Line 1: The words “Reprimand and” is added to the beginning of the title.
- Lines 3-6: Reference to governing documents is added, including Articles 18 and 19 of the Collective Bargaining Agreement; CSU Executive Order 1096 (revised), which governs investigations of harassment on campus and mandates that all parties have the opportunity to present information before any decisions are made or actions taken; and the U.S. Supreme Court decision that established Weingarten Rights.
- Lines 7-8: Asserts that Cal State LA faculty have a right to due process in all procedures surrounding reprimands and disciplinary actions.
- Lines 8-11: Language indicates that the appropriate Cal State administrator(s) will notify any faculty person for whom reprimand(s) or disciplinary action(s) are being considered before any actions are initiated.

- Lines 11-14: Language indicates that faculty members have a right to be informed of allegations against them and to receive copies of any evidence and documentation before any reprimand(s) or disciplinary action(s) are initiated.
- Lines 14-17: Language indicates that faculty have the right to provide information and evidence to the appropriate Cal State administrator(s) before any reprimand(s) or disciplinary action(s) are initiated.
- Lines 17-20: Language indicates that faculty have the right to meet with appropriate Cal State administrator(s) before any reprimand(s) or disciplinary action(s) are initiated.
- Lines 20-21: Language indicates that faculty have the right to be accompanied by a CFA or faculty representative(s) when they attend meetings with administrators.
- Lines 21-23: Language indicates that reprimand(s) and disciplinary action(s) should be corrective and not punitive whenever possible.
- Lines 25-26: Language refers faculty members and others to Articles 18 and 19 of the Collective Bargaining Agreement for additional information about these procedures.

1 **REPRIMAND AND Disciplinary Action Procedures for Academic Personnel**

2 (Senate: 11/14/89; President: 12/4/89)

3 GOVERNING AND OTHER RELEVANT DOCUMENTS: ARTICLES 18 AND 19 OF
4 THE COLLECTIVE BARGAINING AGREEMENT; CSU EXECUTIVE ORDER 1096
5 (REVISED); *NATIONAL LABOR RELATIONS BOARD V. J. WEINGARTEN INC., 1975*
6 (WEINGARTEN RIGHTS).

7 CAL STATE LA FACULTY HAVE A RIGHT TO DUE PROCESS IN REPRIMANDS AND
8 DISCIPLINARY ACTIONS. THE APPROPRIATE CAL STATE LA ADMINISTRATOR(S)
9 MUST NOTIFY ANY FACULTY MEMBER FOR WHOM REPRIMAND(S) AND/OR
10 DISCIPLINARY ACTION(S) ARE BEING CONSIDERED BEFORE ANY
11 REPRIMAND(S) OR DISCIPLINARY ACTION(S) ARE INITIATED. FACULTY
12 MEMBERS HAVE A RIGHT TO INFORMATION ABOUT ALLEGATIONS MADE
13 AGAINST THEM AND TO RECEIVE COPIES OF ANY DOCUMENTS, WITNESS
14 STATEMENTS, OR OTHER EVIDENCE. FACULTY MEMBERS HAVE A RIGHT TO
15 PROVIDE STATEMENTS, INFORMATION, NAMES OF POSSIBLE WITNESSES, AND
16 ANY OTHER EVIDENCE TO APPROPRIATE CAL STATE LA ADMINISTRATOR(S)
17 BEFORE REPRIMANDS OR DISCIPLINARY ACTIONS ARE INITIATED. FACULTY
18 MEMBERS HAVE A RIGHT TO MEET WITH APPROPRIATE CAL STATE LA
19 ADMINISTRATOR(S) BEFORE REPRIMANDS OR DISCIPLINARY ACTIONS ARE
20 INITIATED. FACULTY WHO ATTEND SUCH MEETINGS HAVE A RIGHT TO BE
21 ACCOMPANIED BY CFA AND/OR FACULTY REPRESENTATIVE(S). REPRIMANDS
22 AND DISCIPLINARY ACTIONS SHOULD BE CORRECTIVE AND NOT PUNITIVE
23 WHENEVER POSSIBLE.

24
25 MORE This information is found in ArticleS 18 AND 19 of the COLLECTIVE
26 BARGAINING AGREEMENT. **Agreement.**