

## ARTICLE 21: DISCIPLINE

- 21.1 Disciplinary action as contained in this article shall be imposed for just cause. The District shall use progressive disciplinary procedures unless conduct warrants otherwise.
- 21.1.1 The employee shall be notified within ten (10) working days of the inception of any investigation (Except in cases where notification would compromise, impede, or otherwise impair an investigation of alleged criminal activity or is prohibited by law or governmental order).
- 21.1.2 Any disciplinary actions, verbal or otherwise, shall not be conducted in the presence of students or parents or others unless the bargaining unit member gives consent.
- 21.2 Suspension(s) may be imposed as provided for in this article and in accordance with California Education Code or the California Administrative Code. Suspension(s) will be reserved for repetitive or serious violations.
- 21.3 This article is not designed to limit the District's right to evaluate unit members in accordance with the provisions of this Agreement. This disciplinary article is not intended to replace or limit the District's rights under the California Education Code or the California Administrative Code to institute dismissal proceedings or to institute immediate suspension or mandatory leaves of absence when so called for under California law. Discipline under this article shall not be regarded as a pre-condition to proceedings under the California Education Code.
- 21.4 Prior to any disciplinary conference, the unit member will be provided the reason for the conference in advance and the possible action to be taken. Except where the conduct warrants otherwise, the District shall utilize a "progressive disciplinary" procedure, which includes the following:
- 21.4.1 Oral warning(s).
- 21.4.2 Conferences with written memorandum of summary.
- 21.4.3 Reprimand(s) in written form with the unit member having the right to respond in writing and have such response attached to the original reprimand.
- 21.5 Notice of Suspension
- 21.5.1 The Superintendent or designee shall give a written Notice of Proposed Suspension to the unit member within forty-five (45) calendar days of the act or occurrence giving rise to the disciplinary action.
- 21.5.1.1 The Notice of Proposed Suspension shall include the cause(s) on which the suspension is based, the length of the suspension not to exceed fifteen (15) days in a fiscal year, the beginning and ending dates of the suspension, and any other relevant information regarding the suspension.
- 21.5.1.2 The Notice of Proposed Suspension shall contain a statement that informs the unit member of his/her rights to request a hearing in accordance with the provisions outlined in this Article.

21.6 Request for Hearing

- 21.6.1 The unit member shall have ten work (10) days following the receipt of the Notice of Proposed Suspension to request a hearing. The request for hearing should be made in writing to the Association and the District.
- 21.6.2 Should the Association agree that a hearing is appropriate, the Association shall have ten work (10) days following receipt of their copy of the Request for Hearing to meet with the District Superintendent or his/her designee to select an arbitrator in accordance with the grievance procedures of this Agreement or to otherwise resolve the matter.
- 21.6.3 If a unit member fails to request a hearing with the timelines called for in this article, or the Association believes the hearing is unnecessary, the proposed suspension may be implemented by action of the Board of Education.
- 21.6.3.1 The suspension will not be implemented earlier than fifteen (15) work days from the receipt of the Notice of Proposed Suspension.
- 21.6.3.2 Unless otherwise agreed between the Association and the District, the terms of the suspension shall be in accordance with the terms of the original Notice of Proposed Suspension.

21.7 Hearing

- 21.7.1 If the unit member and Association have requested a hearing, an arbitrator shall be selected according to the procedure in Article 4.5. The imposition of the suspension shall be stayed until the hearing has been conducted and a decision rendered by the arbitrator.

21.8 Miscellaneous

- 21.8.1 The Association President shall be given a copy of the Notices of Proposed Suspension at the time these documents are served upon the unit member.
- 21.8.2 A unit member may be represented by the Association at all stages of this disciplinary procedure.
- 21.8.3 The parties to this Agreement agree that the disciplinary procedures outlined herein shall not be used in an arbitrary or capricious manner.
- 21.8.4 In imposing discipline, neither the District nor the arbitrator may consider charges or reprimands which have occurred more than four (4) years prior to the date of the charge(s) giving rise to the instant disciplinary action.