

New Chair Orientation

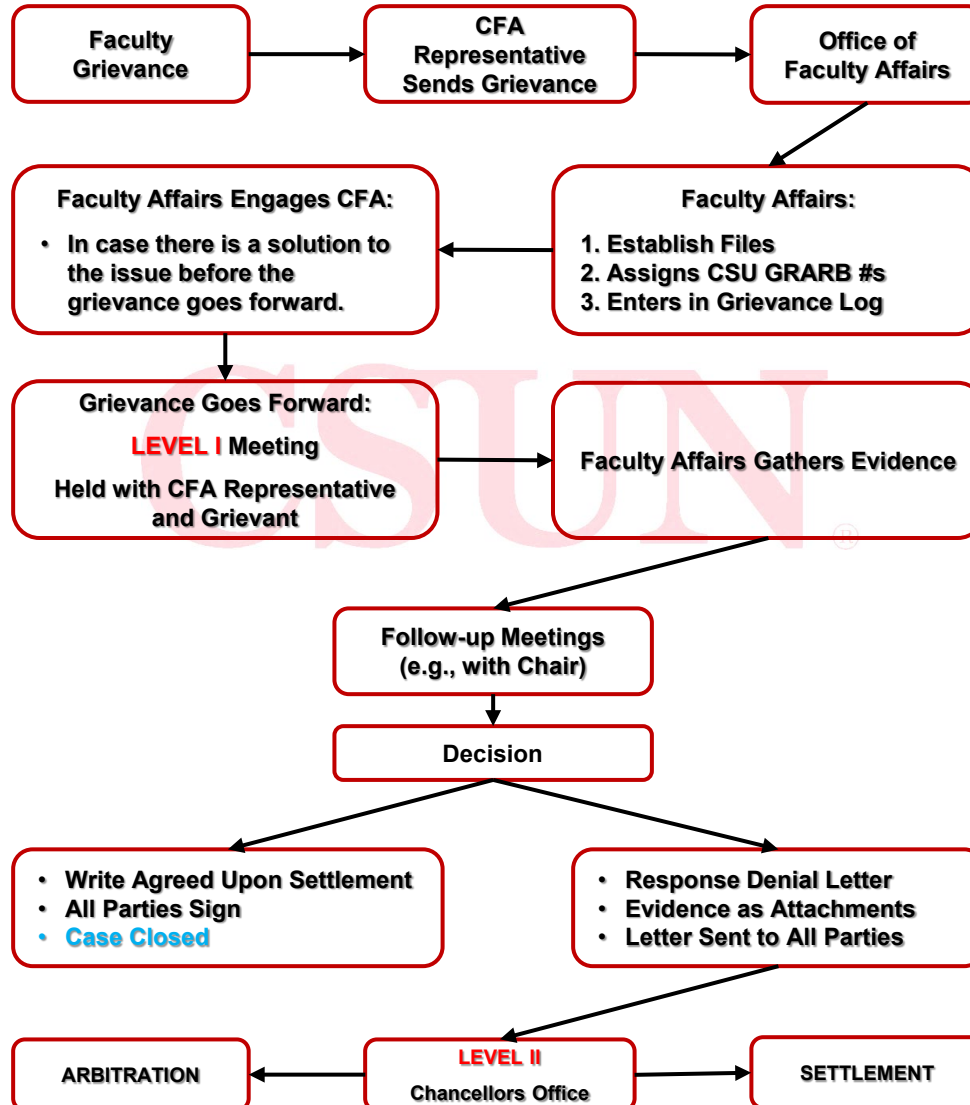


Grievances, Disciplines, Reprimands, Expectation Memos

Friday, August 18, 2023

Grievances

Grievances



Grievances

Article 10 (Grievance Procedures)

10.33: “No reprisals shall be taken against any employee for the filing and processing of any grievances.”

CSUN[®]

Most commonly Grieved:

Article 12 (Appointment)

12.29: Lecturer Entitlements: Errors in the Order of Assignment.

Frequent Grievances

Article 11 (Personnel Files) - RTP

11.9: “Personnel recommendations or decisions relating to retention, tenure, promotion, or termination based upon work performance, or any other personnel action, shall be based on the Personnel Action File.”

Article 15 (Evaluation)

15.23: “Full-time temporary faculty unit employees appointed for two (2) or more semesters or three (3) or more quarters, regardless of a break in service, must be evaluated in accordance with the periodic evaluation procedure.”

Frequent Grievances

Article 31 (Salary)

31: Generally due to entitlements not being met, or instructors not being paid for course enrollment overloads.

Article 32 (Benefits)

32.2: “Eligible lecturers and coaches in academic year classifications who are appointed for at least six (6) Weighted Teaching Units (i.e., 0.4 time base) for at least one (1) semester or two (2) or more consecutive quarters shall be eligible to receive health benefits offered through the CalPERS system for the life of this Agreement. ”

Frequent Grievances

Article 20 (Workload)

20.3.a: “Members of the bargaining unit shall not be required to teach an excessive number of contact hours, assume an excessive student load, or be assigned an unreasonable workload or schedule.”

Article 37 (Safety)

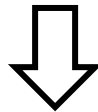
37.1: “...The CSU shall endeavor to ensure that faculty unit employees will not be required (a) to work in unsafe conditions or (b) to perform tasks that endanger their health or safety.”

Performance Concerns and Disciplinary Issues

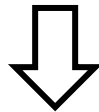
Complaints Going to OEC

Complaints related to:

- Discrimination, including harassment, because of any protected status;
- Retaliation for exercising rights related to discrimination or harassment;
- Dating and domestic violence, and stalking;
- Sexual misconduct of any kind; and
- A consensual relationship with any student over whom an employee exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority.



Office of Equity and Compliance



Office of Faculty Affairs

Non-OEC Concerns

Other Conduct Leading to Follow-Up Actions:

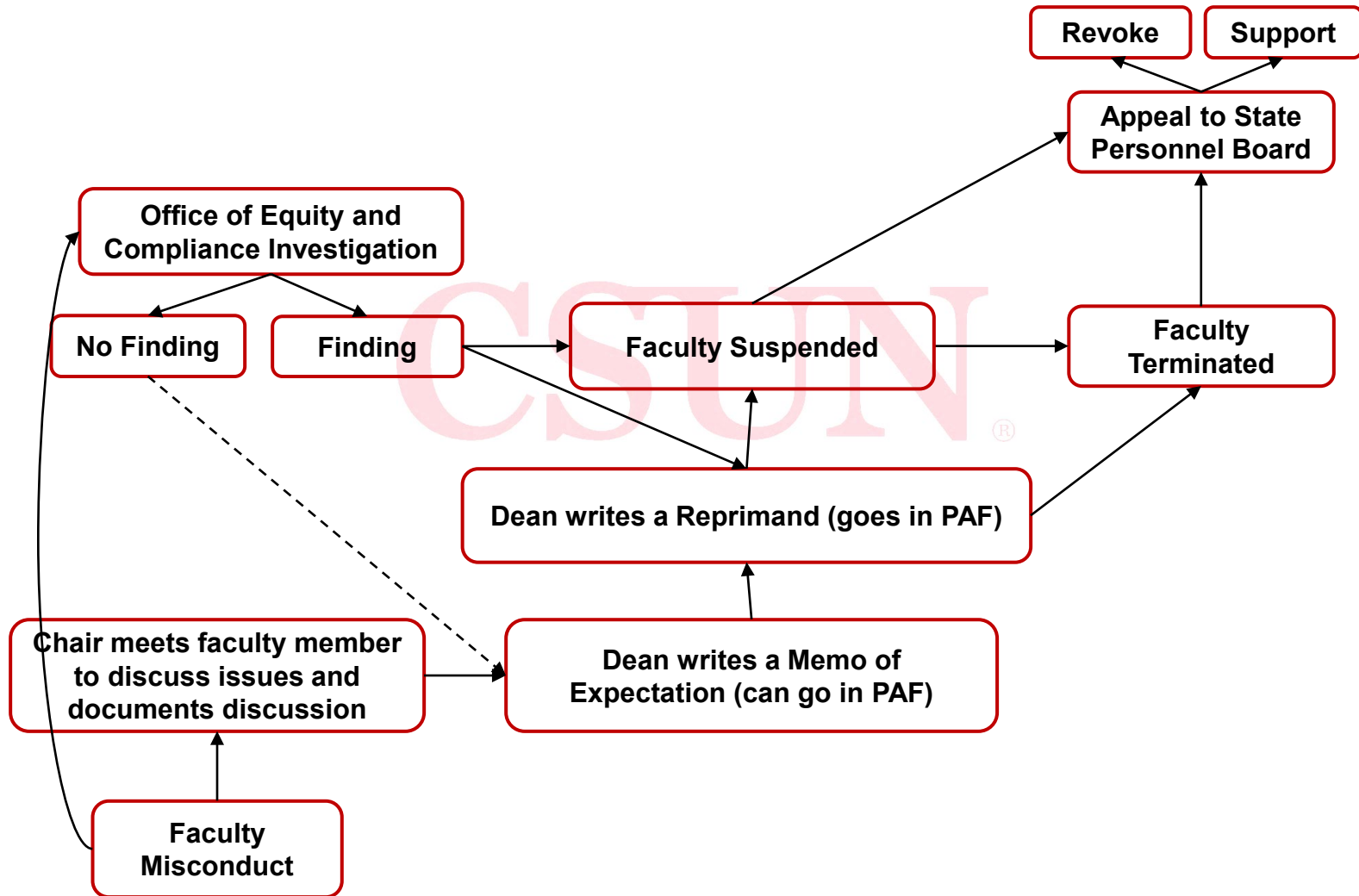
- Not treating faculty, administrators, staff and/or students with civility, understanding and respect;
- Not working collaboratively and productively with colleagues;
- Not meeting professional responsibilities.

Performance Concerns Covered by the CSU[®] Collective Bargaining Agreement:

Article 18: Reprimands (Not considered “Discipline”)

Article 19: Disciplinary Action Procedure

Performance Concerns Flow-Chart



Responding to Misconduct

Issues

Professor X has been yelling at your staff. In the first month of the term, a staff member complains to you that she will go to the union if you don't talk to Professor X. Before you can talk with Professor X, three students complain to you that he loses his temper in class and berates students.

How will you handle this issue?

Actions

1. Verbal coaching and counseling;
2. Document, document, document;
3. Email to Faculty (copy to the Dean);
4. Follow up and track;
5. Inform the Dean if the problem persists.
6. Memo of Expectation from Dean (in PAF)

Reprimand Processes

Note: NOT yet “Discipline”[®]

Reprimand Processes

CBA Article 18

- 18.1** The appropriate administrator writes a “letter of reprimand;”
- 18.2** The faculty member is notified at least five (5) days prior to the possible placement in the PAF;
- 18.3** No later than fourteen (14) days after receipt of the written reprimand, the faculty member can request a conference with the appropriate administrator (with or without a CFA representative);
- 18.4** The letter of reprimand can be retracted or modified;
- 18.5** The letter of reprimand is placed in the PAF;
- 18.6** The faculty member can write a rebuttal to the written reprimand and/or request a correction of the record;
- 18.7** Upon request, 3 years from its effective date, a reprimand and any rebuttal is permanently removed from the PAF.

Discipline Processes



Discipline Processes

CBA Article 19

- 19.1** Sanctions imposed are limited to dismissal, demotion, or suspension without pay;
- 19.3** There may be a voluntary attempt to informally resolve potential disciplinary actions;
- 19.4** A written notice of a pending disciplinary action is delivered to the faculty member;
- 19.6** The faculty member may accept the disciplinary action;
- 19.7** A review of the pending disciplinary action may be requested;
- 19.8** The reviewing officer shall issue a report to the President within fifteen (15) days of the notice of pending disciplinary action;
- 19.9** Within five (5) days of receipt of the report, the President shall notify the faculty member of his/her decision.

Discipline Appeals

CBA Article 19

- 19.10** A faculty member may appeal a disciplinary action within ten (10) days of receipt of the decision notification by selecting one (1) of three (3) appeal options:
- 19.10.a** A faculty member may request an arbitration process (included in Article 19);
 - 19.10.b** A faculty member may request a hearing by the State Personnel Board as provided in Section 89539 of the Education Code;
 - 19.10.c** A faculty member may request a hearing by a Faculty Hearing Committee selected from the Faculty Review Panel, following the procedures in provisions 19.10(d) and 19.10(e).



THANK
YOU