

**WVMCCD AND WEST VALLEY-MISSION FEDERATION OF TEACHERS (WVMFT, AFT 6554)
TENTATIVE AGREEMENT, ADOPTION CONTINGENT ON SUCCESSFUL CONCLUSION
OF SUCCESSOR NEGOTIATIONS RESOLVING ALL
OPEN CONTRACT SECTIONS AND SUBJECTS**

June 30, 2021

ARTICLE 46

Progressive Discipline

- 46.1 When an academic administrator has identified a unit member's performance or behavioral problem, the following progressive discipline steps shall be used except as set forth in section 46.4.1. When any of the progressive discipline steps are initiated, the WVMFT, AFT 6554 President and the Associate Vice Chancellor of Human Resources shall be notified. An academic administrator, upon consultation with the Associate Vice Chancellor of Human Resources, has the discretion to determine the appropriate level of warning ~~on a case-by-case basis~~ **based on the seriousness of the issue. Discipline shall be an oral warning if the infraction is minor.** However, a determination to initiate formal discipline as referenced below may only be made by the Associate Vice Chancellor.
- 46.2 Members have the right of WVMFT, AFT 6554 representation during all disciplinary meetings or hearings by the District.

Members on Paid Administrative Leave

Within 90 days of placing an academic employee on involuntary paid administrative leave, the employer should complete its investigation of the accused misconduct and initiate disciplinary proceedings against, or reinstate, the employee.

46.1 **Warnings**

- 46.1.1 Oral Warning: an oral warning is a verbal communication from an academic administrator to the member regarding a performance or behavioral problem that must be remedied. The oral warning shall be formally communicated to the member in a private meeting between the member and the academic administrator; however, the member shall have the right to have a WVMFT, AFT 6554 representative attend the meeting. The meeting shall be confidential. During the meeting, the member shall be made aware of the reason for the warning, shall be provided with specific examples of the unsatisfactory performance or inappropriate behavior, shall be given suggestions for how improvement may be



achieved, and must be provided a statement of the disciplinary consequences that shall result if the member fails to demonstrate immediate and sustained improvement. A written summary of the meeting shall be issued to the employee by the academic administrator after the meeting—this summary shall be placed in the employee’s official personnel file. Per Article 11.9, the member shall have the right to enter, and have attached to the warning, his or her own comments. If no further behavioral or performance problem is identified in the 12 months following the placement of this written summary in the employee’s personnel file, the written summary shall be removed from the personnel file at the employee’s request.

Written Warning: a written warning is a written communication from an academic administrator to the member. The written warning must include (a) a summary of any previous oral warnings, (b) the specific rule, regulation, or procedure violated by the member, (c) specific examples of the employee’s violation, (d) the desired level of performance or behavior required along with suggestions for improvement; and (e) the disciplinary consequences that shall result if the member fails to demonstrate immediate and sustained improvement. This written warning shall become part of the employee’s personnel file. Per Article 11.9, the member shall have the right to enter, and have attached to the warning, his or her own comments. This written warning shall be issued to the member in a formal meeting that shall include the department chair and an academic administrator. The member shall have the right to have a WVMFT, AFT 6554 representative attend the meeting. If further performance or behavioral problems occur, a performance appraisal of the member may be initiated. However, it shall be done only with the concurrence of the Department Chair, supervising administrator and appropriate Vice President.

46.2 Formal Discipline

46.2.1 If previous progressive discipline has not produced the desired changes in the member’s behavior or performance, or if the member has failed to follow prior directives, the Associate Vice Chancellor of Human Resources shall be notified by the academic administrator. Thereafter, the formal disciplinary process may be initiated in accordance with the California Education Code (§87660- 87683 and §87730-87740). The Associate Vice Chancellor of Human Resources may determine to initiate formal discipline even though no prior progressive discipline has been implemented **based on the egregiousness of the issue.**

46.2.2 If the Board of Trustees decides to penalize or dismiss a regular or contract member, it shall deliver a written statement, duly signed and verified, to the employee setting forth the complete and precise decision of the Board and the reasons therefor. The written statement shall be delivered by serving it personally

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on the employee or by mailing by United States registered mail to the employee at his or her address last known to the District.

FOR THE WVMFT:

DocuSigned by:
Kate Disney
6FD84CAB9FF9493...
Dated: 7/15/2021

FOR THE DISTRICT:

DocuSigned by:
Dr. Eric Ramones
B435A8551D1A4D8...
Dated: 7/15/2021