

## **ARTICLE 20: DISCIPLINE PROCEDURE**

20.1 This Article is pursuant to Section 3543.2(b) of the Government Code. This Article does not include the termination of any permanent or probationary unit member, nor does it include the implementation of Section 44939, 44940, 44942 of the Education Code, nor any amendments to those Sections, nor to any successor laws to those Sections.

20.2 Unit members shall not be disciplined except for just cause. All disciplinary action by the District shall be corrective and progressive, rather than punitive. Unit members shall not be subject to disparate treatment in the enforcement of the disciplinary procedures under this article. The discipline imposed shall be reasonably related to the seriousness of the misconduct; and/or shall be reasonable in light of the number and frequency of prior incidents of misconduct by the unit member.

20.3 Disciplinary action shall consist of the following:

20.3.1 A verbal warning shall first be given a unit member prior to any other disciplinary action.

20.3.2 Written warnings may be given to any unit member who has first received at least one verbal warning about a similar and separate action or infraction within the preceding eighteen (18) months. Any such warning shall be based upon verified data. Written warnings shall not be placed in the unit member's personnel file at the District Office, and shall be destroyed if no similar infraction occurs within eighteen (18) months.

20.3.3 Written reprimands may be given to any unit member who has received at least one (1) previous written warning about a similar and separate action or infraction within the preceding twelve (12) months. Any such reprimand shall be based upon verifiable data.

A copy of any reprimand shall be placed in the unit member's personnel file in accordance with the provisions of Education Code Section 44031.

20.3.4 Unit members may be suspended by the Superintendent, or his/her designee, with or without pay, for a period of up to, but not to exceed, five (5) days, if the unit member has first received a written reprimand about a similar and separate action or infraction within the preceding twelve (12) months, or for actions covered under Article 20.4, within the preceding thirty-six (36) months. The number of days of suspension imposed shall be reasonably related to the seriousness of the misconduct, or shall be reasonable in light of the number and frequency of prior incidents of misconduct by the unit member. Any such

suspension shall be based upon verifiable data. A copy of all suspension orders shall be given to the Association; and, placed in the unit member's personnel file.

- 20.3.5 Suspensions, with or without pay, shall not reduce or deprive the unit member of seniority or of other rights or any fringe benefits. Suspensions shall not be carried over from one school year to the next. Prior to any suspensions, the Superintendent, or his/her designee, shall give written notice to the unit member informing the unit member of the specific act or omission upon which suspension is based, cause for action, specific action to be taken and the right of the unit member to pre-disciplinary hearing with the Superintendent or his/her designee.
- 20.4 For incidents of misconduct of a serious nature impacting on the health and welfare of students, discipline may commence with Paragraph 20.3.3 (written reprimands).
- 20.5 No unit member shall receive more than one (1) penalty for any single action or infraction. No unit member shall be disciplined in a manner other than that contained in Section 20.3 without their consent.
- 20.6 Whenever a unit member is given notice of any disciplinary action, he/she shall be given concurrent notice of his/her right to appeal the decision by utilization of Article 14 (Grievance Procedure); and, the right to be represented by the Association.
- 20.7 If a grievance is filed by a unit member related to an alleged infraction, then all disciplinary actions proposed by the District shall be stayed pending a final decision on the grievance.
- 20.8 If, after having been disciplined (other than a verbal warning), a unit member serves the District for twelve (12) months without the need for further disciplinary action, he/she and the Association shall be given a follow-up notice to that effect, which shall be attached to any original notice that may have been placed in the unit member's personnel file.
- 20.9 All information and proceedings regarding any of the above actions or proposed actions shall be kept confidential.
- 20.10 Any disputes arising out of this section shall be subject to the Grievance Procedure.
- 20.11 Sexual Harassment

20.11.1 Sexual Harassment is defined as requests for sexual favors and/or unwelcome sexual advances or physical conduct initiated by a unit member. Examples of conduct that are prohibited in the district and that may constitute sexual harassment include but are not limited to:

- a) Unwanted sexual advances
- b) Offering employment benefits in exchange for sexual favors.
- c) Making or threatening reprisals after a negative response to a sexual advance.
- d) Visual conduct: Leering, making sexual gestures, displaying of sexually suggestive objects, pictures, cartoons, or posters.
- e) Verbal conduct: Making or using derogatory comments, epithets, slurs, and jokes or stories of a sexual nature.
- f) Verbal sexual advances, propositions, or spreading sexual rumors.
- g) Verbal abuse of sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
- h) Physical conduct: Touching, assaulting, impeding or blocking movements.

20.11.2 Timeline: The timeline for sexual harassment in this section shall be thirty-six (36) months instead of twelve (12) months: