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**Date:** November 15, 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 E: Employment Policies and Procedures) of the *Faculty Handbook*:  
FPC 21-3.7: *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. FPC added language to the policy to affirm the right of Cal State LA faculty members to due process (fair process and procedures, the right to defend oneself against allegations of wrongdoing) in disciplinary actions. Specifically, faculty must be notified of the consideration of disciplinary action(s) prior to pending disciplinary action; 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) prior to pending disciplinary action; that faculty have a right to submit information, including evidence and names of witnesses, to Cal State LA administrators prior to pending disciplinary action; 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) prior to pending disciplinary action. The language “prior to the notice of pending disciplinary action” is taken directly from Article 19.3 of the Collective Bargaining Agreement.

FPC deliberated about FPC 21-3.7 at its meetings of September 18, September 25, October 4, October 18, October 25, November 1, November 8, and November 15, 2021. FPC voted unanimously to approve the policy modification FPC 21-3.7, *Disciplinary Action Procedures for Academic Personnel*, on November 15, 2021.

The following points summarize the proposed changes to the policy:

- Lines 3-6: Reference to governing documents is added, including Article 19 of the Collective Bargaining Agreement; CSU Executive Order 1096 (revised), which governs investigations of harassment, retaliation, dating violence, and other investigations 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 disciplinary actions.
- Lines 8-10: Language indicates that the appropriate Cal State administrator(s) will notify any faculty person for whom disciplinary action(s) are being considered prior to the notice of pending disciplinary action.

- 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 prior to the notice of pending disciplinary action.
- Lines 14-17: Language indicates that faculty have the right to provide information and evidence to the appropriate Cal State administrator(s) prior to the notice of pending disciplinary action.
- Lines 17-20: Language indicates that faculty have the right to meet with appropriate Cal State administrator(s) prior to the notice of pending disciplinary action.
- 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 21-22: Language indicates that disciplinary action(s) should be corrective and not punitive whenever possible.
- Lines 23-24: Language refers faculty members and others to Article 19 of the Collective Bargaining Agreement for information about such procedures.

1 **Disciplinary Action Procedures for Academic Personnel**

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

3 GOVERNING AND OTHER RELEVANT DOCUMENTS: ARTICLE 19 OF THE  
4 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 DISCIPLINARY  
8 ACTIONS. THE APPROPRIATE CAL STATE LA ADMINISTRATOR(S) MUST NOTIFY  
9 ANY FACULTY MEMBER FOR WHOM DISCIPLINARY ACTION(S) ARE BEING  
10 CONSIDERED PRIOR TO THE NOTICE OF PENDING DISCIPLINARY ACTION.  
11 FACULTY MEMBERS HAVE A RIGHT TO INFORMATION ABOUT ALLEGATIONS  
12 MADE AGAINST THEM AND TO RECEIVE COPIES OF ANY DOCUMENTS,  
13 WITNESS STATEMENTS, OR OTHER EVIDENCE PRIOR TO THE NOTICE OF  
14 PENDING DISCIPLINARY ACTION. 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 PRIOR TO THE NOTICE OF PENDING DISCIPLINARY ACTION. FACULTY  
18 MEMBERS HAVE A RIGHT TO MEET WITH APPROPRIATE CAL STATE LA  
19 ADMINISTRATOR(S) PRIOR TO THE NOTICE OF PENDING DISCIPLINARY  
20 ACTION. FACULTY WHO ATTEND SUCH MEETINGS HAVE A RIGHT TO BE  
21 ACCOMPANIED BY CFA AND/OR FACULTY REPRESENTATIVE(S). DISCIPLINARY  
22 ACTIONS SHOULD BE CORRECTIVE AND NOT PUNITIVE WHENEVER POSSIBLE.

23 This i Information ON DISCIPLINARY ACTION PROCEDURES is found in Article 19 of  
24 the COLLECTIVE BARGAINING AGREEMENT. **Agreement.**

