

## ADMIN PROPOSAL – May 21 2026

### ~~ARTICLE 10-~~ ARTICLE 17 - DISCIPLINE AND DISMISSAL

#### ~~10.1-~~ 17.1 Applicability and Representation

Faculty members within the bargaining unit and covered under this Agreement may be disciplined or dismissed only for just cause. Faculty have the right to FFEC/union representation at investigative, disciplinary, or any other meeting related to potential discipline or dismissal.

#### ~~10.2-~~ 17.2 Progressive Discipline

- (a) For the purposes of this Agreement, discipline shall be progressive in application and based upon the severity of the faculty member's action or inaction warranting discipline. Discipline, subject to ~~40~~17.1, shall mean only the following: Written warning, written Plan of Assistance (POA), written reprimand, suspension with or without pay, not awarding salary increment, or demotion, or dismissal. ~~It is agreed that discipline does not include dismissal, discharge, or non-renewal for any faculty member.~~
- (b) Appeals by any bargaining unit member of discipline imposed on them shall be processed first through the grievance procedure of this Agreement (in Article ~~5~~16.)

#### ~~10.3-~~ 17.3 Dismissal for Adequate Just Cause for Adjunct, Temporary, and Probationary Faculty

- (a) Adjunct Instructors, temporary, and probationary faculty members shall, during the term of their individual appointment, be dismissed only for just cause. Appeals by any adjunct, temporary, or probationary faculty member of dismissal shall be processed first through the grievance procedure of this Agreement (in Article ~~5~~16.)
- (b) In the case of non-renewal at the conclusion of their appointment, adjunct and temporary faculty members shall have no rights under ~~40~~17.1.
- (c) In the case of non-renewal at the conclusion of their probationary period, subject to Article ~~6~~5.2(b), tenure-track probationary faculty shall have no right of appeal beyond the evaluation review process in Article ~~4~~28.1.

#### ~~10.4-~~ 17.4 Dismissal Procedure for Just Cause for Tenured Faculty

- (a) ~~Scope and Standard: Notice of Dismissal or Termination for Adequate Cause—Tenured Faculty: The Vice President of Academic Affairs shall give written notice to a tenured faculty member of intention to investigate adequate cause for dismissal or termination. The dismissal procedure (1017.4) begins when the notice is given.~~ This section governs the dismissal of tenured faculty for just cause, consistent with Section 17.1. Progressive discipline under 17.2 shall be used where appropriate; however, conduct or performance that is severe may warrant bypassing lesser steps. Dismissal appeals by any tenured faculty member are processed under Article 5 (Grievance Procedure).

(b) Preliminary Proceedings—Tenured Faculty Notice of Concern and Right to Representation

1. When reason arises to question the ability of a faculty member to perform their assignment duties, or if there is concern that the faculty member meets the just cause criteria in their actions, performance, or behaviors, the appropriate supervisor may discuss the matter with them in a personal conference. The matter may be terminated by mutual consent at this point, or the matter will continue to the next steps in the dismissal process. This step is not required to proceed with the remainder of the process.
2. When the College has reason to investigate a faculty member's ~~question the fitness~~ conduct or performance that may warrant dismissal, the Vice President of Academic Affairs (VPAA) or designee will provide written notice of the investigation, including a summary of concerns to the faculty member. ~~of a faculty member who has tenure, the appropriate administrative officers shall discuss the matter with the faculty member in a personal conference. The faculty member has the right to FFEC representation in such a conference. The matter may be terminated by mutual consent after such a conference.~~
3. ~~If an adjustment does not result from 1017.4.(b).1 within fifteen (15) business days, a Review Committee of three (3) tenured faculty members will be selected by the Vice President of Academic Affairs from a list of seven (7) provided by the FFEC (without representation from the faculty member's discipline). The Review Committee shall informally inquire into the situation to affect an adjustment, if possible, and, if none is affected, to determine whether in its view formal proceedings to consider the faculty member's dismissal should be instituted.~~
4. ~~If the Review Committee recommends that formal proceedings should begin, or, if the Vice President of Academic Affairs, even after considering a recommendation of the Review Committee favorable to the faculty member, expresses their conviction that a proceeding should be undertaken, action shall be commenced under the procedures which follow within fifteen (15) business days.~~
5. ~~Except where there is disagreement, a written statement with reasonable specificity of the grounds proposed for the dismissal should then be jointly formulated by the Vice President of Academic Affairs and the Review Committee prior to commencement of the formal proceedings.~~
6. ~~If there is disagreement between the Review Committee and the Vice President of Academic Affairs, the VPAA and or their designee should formulate the statement called for above.~~

(c) Commencement of Formal Proceedings—Tenured Faculty only Pre-Dismissal (Due Process)

Meeting: If the College is considering dismissal, demotion, or unpaid suspension, it will issue a Pre-Disciplinary Notice, summarizing the alleged facts, policies/procedures/employment

violations implicated, and proposed effective date. The faculty member will be afforded a pre-dismissal meeting with Human Resources, the VPAA (or designee), with union representation at the employee's request, to present any additional information or mitigating information. The College will consider the response in good faith before making a final decision.

- ~~1. The formal proceedings should be commenced by a written communication addressed to the faculty member by the Vice President of Academic Affairs of the College informing the faculty member of the statement formulated according to 17.4(b)4 or 5, and informing them that, if they so request, a hearing to determine whether they should be removed from their faculty position on the basis of the grounds stated will be conducted by a faculty committee at a specified time and place.~~
- ~~2. In setting the date of the hearing, the College shall allow thirty (30) business days for the faculty member to prepare their defense.~~
- ~~3. The College shall inform the faculty member in writing of the procedural rights that will be accorded them at the hearing.~~
- ~~4. The faculty member shall reply in writing to the Vice President of Academic Affairs as to whether or not they desire a hearing on their pending dismissal. If the faculty member requests such a hearing, they must, no later than five (5) business days after receipt, provide the VPAA a written response to the allegations in the statement of the grounds for their dismissal.~~

(d) Final Decision and Notice: Following the pre-dismissal meeting, the College may proceed with issuing a Final Disciplinary or Dismissal Notice, stating the findings, the basis for just cause, and the effective date. The notice will advise the faculty member of their appeal rights under Article 16 and any applicable timelines. ~~Placement on paid administrative leave or reassignment of a faculty member during proceedings involving their dismissal shall be at the discretion of the College, but should generally occur under the following conditions:~~

- ~~i. There is a significant concern that the faculty member's presence on campus may put at risk the health and safety of students or other members of the College community;~~
- ~~ii. The faculty member's presence in the workplace poses a risk to the integrity of the proceedings; or~~
- ~~iii. There is a reasonable basis to believe that continuation of the faculty member in regular-duty status during these proceedings poses an unacceptable level of risk to College resources, exposes the College to liability, or causes substantial disruption in the workplace.~~

(e) Administrative Leave or Reassignment: At any point during the process, the College may place the faculty member on paid administrative leave or reassign duties. The decision to place an employee on paid administrative leave is at the sole discretion of the College, however, such leave may be applied in situations including but not limited to where: (1) there is a significant

concern that the faculty member's presence may risk the health and safety of students or others; (2) the faculty member's presence poses a risk to the integrity of the proceedings; or (3) there is a reasonable basis to believe continued regular duty poses unacceptable risk to College resources, exposes the College to liability, or causes substantial disruption.

(f) Representation: Faculty have the right to FFEC/union representation at investigative, disciplinary, and pre-dismissal meetings related to potential discipline or dismissal.

(g) Relationship to Other Articles and Employee Categories

1. Adjunct, Temporary, and Probationary faculty may be dismissed during an appointment only for just cause and may appeal through Article 5; non-renewal rights are as provided in 17.3.
2. Tenured faculty dismissal follows this 17.4 process, beginning with the VPAA's written notice of investigation.
3. Reduction in Force is covered exclusively by Article 11 – Reduction in Force.

(h) Confidentiality and Non-Retaliation: The College will maintain confidentiality to the extent permitted by law and will not tolerate retaliation against any individual who participates in this process.

#### ~~10.5. 17.5~~ Hearing Committee

- (a) ~~The committee of faculty members to conduct the hearing and to reach a decision should either be an elected standing committee not previously concerned with the instant case or a committee established within fifteen (15) business days. The committee will consist of five (5) tenured faculty members selected by the Vice President of Academic Affairs from a list of nine (9) provided by the FFEC (without representation from the faculty member's discipline).~~
- (b) ~~The choice of members of the hearing committee should be made on the basis of their individual objectivity, competence, and the regard in which they are held in the academic community. The committee shall elect its own chairperson who, with the consent of their fellow committee members, shall rule on all questions of procedure during the hearing consistent with the provisions herein.~~
- (c) Hearing Committee Proceedings
1. ~~The committee shall conduct proceedings as described below within thirty (30) business days. They shall begin by considering the statement of the grounds for dismissal already formulated and the faculty member's written response.~~
  2. ~~If on the record before the committee any facts as put forth in the statement for the grounds for dismissal and the faculty member's written response thereto are in dispute, the testimony of witnesses and other evidence concerning the matter may be received by the committee during the course of the hearing.~~
  3. ~~The Vice President of Academic Affairs has the option of attendance during the hearing. They may also designate an appropriate representative to assist or represent the College~~

~~in developing and presenting the case against the faculty member.~~

- ~~4. The College has the burden of proof and shall proceed first with its case and the faculty member shall have the opportunity to respond to that evidence and present their own evidence. The committee is free to ask questions of either party as desired.~~
- ~~5. The faculty member shall be entitled to representation by the Forum at the hearing. A representative of the Forum shall have the right to attend all the proceedings covered in this article.~~
- ~~6. The faculty member shall also have the additional procedural right of presenting evidence or testimony from teachers and other scholars, either from Central Oregon Community College or from other institutions, if one (1) or the only charge against them is professional incompetence.~~
- ~~7. The faculty member and the College shall have the assistance of the committee when needed in securing the attendance of witnesses at the hearing, consistent with this article. Further, the faculty member, the Forum, and the representative of the College shall have the right, within reasonable limits as provided in this article, to question all witnesses who testify at the hearing.~~
- ~~8. The faculty member shall have the opportunity to confront all witnesses adverse to them; H however, whenever a witness used by either the faculty member or the College will be unable for good and sufficient reason to be present at the hearing, their testimony may be taken by deposition. If either the College or the faculty member exercises the right to secure such testimony through a deposition, then the party who seeks the deposition shall be obligated to afford the other party the opportunity to be present and participate in the taking of the deposition.~~
- ~~9. All expenses of bringing a witness to the hearing shall be borne by the party bringing the witness to the hearing. All expenses of the taking of witness's depositions, as provided in this article, shall be borne by the party who initiated the taking of the deposition, except that the cost of the written deposition itself shall be shared equally by the College and the faculty member if both parties participate in the taking of the deposition. If either party declines to participate with the other in the deposition process, a copy of the deposition used at the hearing shall be given freely to the other party in advance of the hearing. The expenses of the parties participating in the taking of the deposition shall be borne by each side individually and shall not be shared.~~
- ~~10. All evidence used during the hearing should be duly recorded, but not transcribed. Unless special circumstances warrant, the committee shall conduct the hearing informally without formal rules of court procedure and submission of evidence.~~
- ~~11. The committee shall give opportunity to the faculty member or Forum representative and to the representative of the College to argue orally before it.~~

- ~~12. If written, post-hearing briefs would be helpful to the committee, the committee may request such briefs from both sides and set appropriate time limits for their submission.~~
- ~~13. The committee will render a decision within ten (10) business days from the conclusion of the hearing.~~

~~(d) Consideration by the Hearing Committee-~~

- ~~1. The committee shall reach its decision in conference on the basis of evidence and testimony presented at the hearing and, if applicable, on the basis of post-hearing briefs.~~
- ~~2. The committee shall reduce its decision to writing, which shall contain explicit findings with respect to each of the grounds of removal presented and a reasoned opinion may be desirable.~~
- ~~3. The Vice President of Academic Affairs and the faculty member shall each be supplied with a copy of the record and transcript of the hearing, if such were was made.~~

~~(e) Consideration by the President of the College-~~

- ~~1. The Vice President of Academic Affairs shall transmit to the President the full report of the hearing committee.~~
- ~~2. The President may accept the committee's report or the President may review the case.~~
- ~~3. The Presidents' review shall be based on the record and transcript, if any exists, of the hearing, accompanied by opportunity for argument, oral or written or both, by the faculty member or their counsel and the representative of the College.~~
- ~~4. The President shall either sustain the decision of the hearing committee or it shall return the committee's decision back to the committee along with the President's' specific written objections attached thereto.~~
- ~~5. If the committee's decision is returned to it, as above, the committee must reconsider its earlier decision, taking into account the President's specific objections and taking new evidence, if deemed necessary. The committee shall decide to what extent it needs to take new evidence; if the hearing is reopened thereby, it shall be held within fifteen (15) business days and the provisions relating to submission of evidence, witnesses and recording and transcribing of the hearing, shall be in accordance with the applicable provisions above.~~
- ~~6. Within ten (10) business days after the provisions of 10.5.e.5 17.5(e)5 are completed, the committee must frame its final decision and communicate it to the affected faculty member, the Vice President of Academic Affairs, and Human Resources in accordance with the provisions above.~~
- ~~7. Only after a study of the committee's reconsideration of its original decision may the President render a final decision to either sustain or to overrule the final committee decision.~~

~~8. If the President overrules the final committee decision, the Forum may initiate the formal grievance process, beginning at Step 3 (Article 5.716.8).~~

~~(f) Further Appeals~~

- ~~1. Action taken by the College with regard to the dismissal of a tenured faculty member and the dismissal prior to the expiration of the term of appointment of an adjunct, temporary, or probationary faculty member shall be consistent with the applicable provisions of this article.~~
- ~~2. For the purposes of this Agreement, appeal by any affected faculty member from such action(s), as referred to above, shall be solely processed in accordance with the provisions of this article.~~

~~(g)~~

~~17.6 Reduction in Force Removals~~

~~Notwithstanding the provisions of this Article and of any other provisions of this Agreement, oral understandings, or prior agreements, the provisions of Article 11-18 — Reduction in Force, herein, shall be applicable to all members of the bargaining unit without exception and the provisions of Article 11-18 shall supersede the provisions of this Article in the event of a reduction in force.~~