

FACULTY FORUM PROPOSAL – April 30, 2026

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

~~40.1.~~ 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.

~~40.2.~~ 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 ~~4017.1~~, 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, pursuant to the terms in this Article. ~~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.)

~~40.3.~~ 17.3 Dismissal for Just Adequate 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 ~~4017.1~~.
- (c) In the case of non-renewal at the conclusion of their probationary period, subject to Article ~~65.2(b)~~, tenure-track probationary faculty shall have no right of appeal beyond the evaluation review process in Article ~~428.1~~.

~~40.4.~~ 17.4 Dismissal Procedure for Just Cause for –Tenured Faculty

- (a) Tenured faculty members shall be dismissed or terminated only for just cause. Appeals by any tenured faculty member of dismissal shall be processed first through the grievance process of this Agreement (in Article ~~16~~). ~~Notice of Dismissal or Termination for Just Adequate Cause—Tenured Faculty: The Vice President of Academic Affairs shall give written notice to a tenured faculty member of intention to investigate just adequate cause for dismissal or termination. The dismissal procedure (1017.4) begins when the notice is given.~~
- (b) Just cause shall be understood to include but not limited to:
- Physical or mental incapacity
 - Unprofessional conduct as evidenced by:
 - an act or conduct that threatens or injures personnel or property
 - flagrant disregard of the terms of this Agreement
 - willful falsification or alteration of a college record

- conviction of a felony
- insubordination
- harassment (sexual, racial, etc.) of College staff or students
- neglect of duty
- inadequate performance

(c) Dismissal Procedures: Preliminary Proceedings

- i. When reason arises to question the ability of a faculty member to perform their assignment duties, the appropriate supervisor should discuss the matter with them in a personal conference. The matter may be terminated by mutual consent at this point.
- ii. If an adjustment is required but does not happen, the College will notify the faculty member in writing that they intend to initiate dismissal proceedings. The Faculty Forum President will also be included in this notification.
- iii. After the initial notification, a standing or ad hoc committee elected by the faculty shall convene to review all information regarding the proposed dismissal. The faculty member in question may opt out of the ad hoc committee step. The committee will give confidential advice to the College President and shall recommend whether or not formal proceedings should be instituted. The College President and Faculty Forum President can review the committee findings.
- iv. After a meeting with the ad hoc committee, the College President will decide whether or not to begin formal proceedings.

(d) Dismissal Procedures: Formal Proceedings

- i. Formal proceedings begin with a written communication by the College President addressed to the faculty member giving the specifics of the proposed grounds for dismissal and informing the faculty member that they may request a hearing within ten (10) working days of notification. The hearing will be conducted by a faculty committee at a specified time and place. The hearing will be to determine whether the faculty member should be removed from their faculty position based on the stated grounds. Failure to request a hearing will result in the College President making a decision based on existing evidence.
- ii. Sufficient time should be allowed the faculty member to prepare their response. The faculty member will be informed in detail or by reference to published regulations of the procedural rights that will be accorded to them. The faculty member should respond in writing to the specifics of the proposed grounds for dismissal as stated in the written communication from the College President. The response should be received no less than one (1) week before the hearing date.

- (e) Judicial Committee Formation: The faculty judicial committee who will conduct the hearing should be either an elected standing committee not previously involved with the case or a committee established as soon as possible after the College President sends the written communication to the faculty member. Faculty members should be selected based on their objectivity, competence, and the regard in which they are held in the academic community. The judicial committee should elect its own chairperson.

(f) Judicial Committee Proceedings

- i. Before the hearing, the judicial committee will consider the written statement of proposed grounds for dismissal sent by the College President to the faculty member and the response submitted by

the faculty member.

- ii. The judicial committee, in consultation with the College President and the faculty member, will decide whether the hearing will be public or private. Testimony of witnesses and other evidence concerning the proposed grounds for dismissal will be received regarding any facts that are in dispute.
 - iii. The College President has the option of attending the hearing. They may designate an appropriate representative to assist in developing the case, but the judicial committee determines the order of proof, conducts questioning of witnesses, and, if necessary, secures the presentation of evidence important to the case.
 - iv. The faculty member has the option of counsel, whose functions are similar to those of the representative chosen by the College President, and has the aid of the committee in securing the attendance of witnesses.
 - v. The faculty member or their counsel and the representative designated by the College President has the right, within reasonable limits, to question all witnesses who present oral testimony. The faculty member will have the opportunity to be confronted by all adverse witnesses. When unusual and urgent reasons require the committee to withhold this right or when the witness cannot appear, the identity of the witness as well as their statement will be disclosed to the faculty member.
 - vi. Subject to these safeguards, sworn statements may be taken outside the hearing and reported to the committee. All of the evidence should be duly recorded. Unless special circumstances warrant, formal rules of court procedure will not be allowed.
- (g) Consideration by Judicial Committee: The judicial committee will reach a decision based on the information given in the hearing. Oral arguments can be made by the faculty member or their counsel and the representative designated by the College President. The committee may request written briefs. The committee may make a decision without having a transcript made of the hearing if the committee believes a just decision can be reached. A transcript will be ordered if it is needed by the committee in order to make a just decision. The committee will give specific findings with respect to each of the proposed grounds for removal. A reasoned opinion may be given. Publicity concerning the committee's decision will be withheld until the Board reviews the decision. Statements to the public should be made through the Office of the College President.
- (h) Consideration by the COCC Board of Directors: The College President will present the full report and decision of the judicial committee. Board review should be based on the transcript of the hearing and opportunity for written and/or oral arguments by the parties or their representative. The Board of Directors may agree with the decision of the judicial committee or return the issue to the committee for reconsideration. The committee should reconsider the stated objections and receive new evidence if necessary. After reconsideration, the committee will submit the decision to the College President who will present the decision to the Board of Directors. The Board has the power to overrule the judicial committee.
- (i) Publicity: Except for announcements concerning the time and place of the hearing, public statements about the case by either the faculty member or administrators will not be given until the proceedings are completed. Announcement of the final decision will include a statement of the

judicial committee's original decision.

- (j) Administrative Leave or Reassignment: At any point during the dismissal 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.
- (k) 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.

~~Preliminary Proceedings—Tenured Faculty only~~

- ~~1.—When the College has reason to question the fitness 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 College is required to provide adequate written notice to the faculty member of this investigatory meeting, including a summary of the reason(s) for the meeting and notice of the faculty member's right to FFEC or union representation for all meetings related to investigations, discipline, and plans of assistance. The matter may be terminated by mutual consent after such a conference.~~
- ~~2.—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.~~
- ~~3.—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.~~
- ~~4.—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.~~
- ~~5.—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.~~

- (l) Commencement of Formal Proceedings—Tenured Faculty only

- ~~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) ~~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.~~

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;. 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)~~

17.5 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 44

18 – Reduction in Force, herein, shall be applicable to all members of the bargaining unit without exception and the provisions of Article ~~44~~ 18 shall supersede the provisions of this Article in the event of a reduction in force.