

ARTICLE 24: PROFESSIONAL STANDARDS

Professional Standards Committee

The Professional Standards Committee (PSC) shall be composed of four (4) members, two (2) appointed by UPM and two (2) appointed by the District. The PSC shall negotiate professional standards, forms and other items as defined/described by the terms of this agreement, and make a recommendation to UPM and the District for their approval.

In matters not otherwise covered by the CBA, the PSC may initiate discussions of allegations that a unit member has failed to perform their professional obligations in accordance with the language of the "AAUP Statement on Professional Ethics" cited below.

- (a) The purpose of the discussion shall be to determine the validity of the allegation/s and if possible resolve the allegation/s in a non-punitive manner.
- (b) Within five (5) working days the Committee shall notify the unit member/s of the allegation/s.
- (c) The UPM/AFT representatives on the PSC shall represent the unit member/s. The UPM/AFT representatives have an obligation to meet and discuss the allegation/s with the unit member/s.
- (d) The members of the PSC shall keep confidential all matters relating to the allegation/s and discussions thereof.

AAUP Statement

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, those interests must never seriously hamper or compromise their freedom of inquiry.
2. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.
3. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.
4. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

5. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

24.0 Disciplinary Procedures

A unit member shall be subject to disciplinary actions as provided for within this Article and only in the manner provided for in this Article, except as authorized by California Education Code sections 87666 to 87683 and 87732 to 87737.

- (a) **Right to Grieve Disciplinary Action.** A unit member may make use of his/her contractual rights to grieve a disciplinary action. With the exception of 90-day Notice, suspension or dismissal, disciplinary action shall be subject to the provisions of the grievance procedure.
- (b) **Cause for Disciplinary Action.** No disciplinary action shall take place except for just and sufficient cause.
- (c) **90-Day Notice/Suspension/Dismissal Procedures.** 90-Day Notice, suspension or dismissal shall be in accordance with the Education Code provisions. Where the unit member elects to have an arbitrator hear the matter of suspension or dismissal pursuant to Education Code 87674, the District, unit member and unit member's representatives shall mutually agree on the arbitrator within five (5) workdays of the receipt of the demand. If agreement is not reached, selection of the arbitrator shall be made in accordance with the selection procedures of the American Arbitration Association.
- (d) **Legal Right to Litigation.** A unit member may make use of his/her legal rights to litigation over a disciplinary action if he/she has not entered into binding arbitration.
- (e) **Confidentiality.** A unit member shall have all information relating to his/her disciplinary action(s) and penalties maintained in absolute confidentiality.
- (f) **Notification of Provisions.** Following notification, violations of contract provisions are not excused due to unit member ignorance.

24.1.1 Initial Notification Period/Process. Any disciplinary actions or penalties authorized by Article 24 of the MCCD/UPM Collective Bargaining Agreement shall be initiated within thirty (30) working days of the date that the assigned MCCD management supervisor knew, or reasonably should have known, of a specific violation. Any disciplinary action taken in accordance with the provisions of Article 24 must begin with the notification of the unit member and UPM (by certified mail) of the proposed disciplinary actions and/or penalties. Failure to properly notify the unit member within the 30-day period specified herein shall result in a waiver of the authorization to penalize and/or discipline the unit member for the specific violation.

24.1.2 Warning Letter. (Form F 24.0.2). A warning letter shall take the form of a letter from the Office of the supervising Vice President/Dean (Student or Enrollment Services) to the unit member indicating the contract violation and the contractual requirement of a letter of censure and possible suspension.

24.1.3 Provisions Where Warning Letter Applicable. Add warning letter (as defined above in 24.0.2) to 24.1.1, 24.3.1, 24.4.1, 24.5.1, 24.6.1, 24.8.1, 24.9.1, 24.10.1, 24.12.1, and 24.13.1.