

TENTATIVE AGREEMENT
ARTICLE 7: EMPLOYEE RIGHTS

Section 7.1. The Board of Trustees recognizes and will act to support traditional academic freedom as is defined by the California Code of Regulations and has been interpreted by the law as it applies to Faculty members carrying out their assigned duties and responsibilities including the professional presentation of what might be considered to be controversial materials.

Section 7.2. Neither the District nor the Association shall discriminate in any way against any Faculty Member because of participation or lack of participation in Association activities, or for filing or processing any grievance, or for failing to file or process any grievance.

Section 7.3. There shall be an official District personnel file for each Faculty Member. The material in the official District personnel file shall be considered and used as the only official personnel record of the District in any proceeding affecting the status of the Faculty Member's employment with the District. The personnel file shall include, but not be limited to, records of employment with the District and records of professional evaluation. In addition, such records as educational advancement and pertinent work experience as provided by the Faculty Member shall be a part of the official District file. Materials which were obtained prior to the employment of the Faculty Member or those prepared by the hiring committee prior to employment in the District shall be excluded.

Section 7.4. Prior to placement in the personnel file any material which is of an evaluative nature shall be signed and dated by the evaluator and the Faculty Member. If the Faculty Member refuses to sign, the refusal shall be noted and the documents placed in the personnel file. Any materials which are of other than a positive nature received from persons other than recognized evaluators shall be presented to the Faculty Member for review at least 10 days before it is placed in the personnel file. The Faculty Member shall be allowed to respond to all materials, either evaluative or from other sources, in writing and have the written response attached to and included as a part of such materials. No anonymous communications shall be placed in the file.

Section 7.5. Within the provisions and guidelines of California Education Code Section 87031, each Faculty Member or his or her designee shall have access to his/her personnel file during regular business hours of the District. The designee may review the Faculty Member's personnel file when accompanied by the Faculty Member, or, in the absence of the Faculty Member, the designee may review the Faculty Member's file providing the designee has a signed authorization from the Faculty Member. The Faculty Member or designee shall be allowed to receive copies of any documents

he/she deems necessary provided that the total number of pages does not exceed twenty (20). If more than twenty pages are required, Association will be billed for all additional pages at a rate equal to the current per page rate charged the public for copying any other District documents.

Section 7.6. A Faculty Member may submit a written request to the ~~Executive Director~~ Vice President of Human Resources and Employee Relations that derogatory material five (5) or more years old shall remain in the personnel file, but will be placed in an envelope, sealed, and not opened absent authorization of the Superintendent/President or lawful court order.

Within ten (10) working days following such a request, the appropriate administrator shall grant or deny such a request in writing. The decision of the administrator may be appealed to the Superintendent/ President. If denied, a copy of the request and written denial shall become a part of the personnel file. If granted, the document(s) shall remain in the personnel file, but will be placed in an envelope and sealed with the following notation: "Do Not Open Without Authorization of the Superintendent/ President or Lawful Court Order."

The unit member shall be notified of the opening of the sealed envelope within five (5) working days of the decision to open the envelope by the Superintendent/President or lawful court order.

Section 7.7. Files are to be accessed only by persons who have a legitimate need and legal authorization to review file contents within the scope of their employment. When a Faculty Member's file is opened for any purpose other than routine office work, a log shall show the name of the person opening the file, and the (See Appendix L).

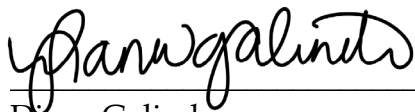
Section 7.8. Intellectual Property - The parties agree that CODFA shall have two representatives selected by the CODFA President serve on the workgroup established by the Superintendent/President to develop an Administrative Procedure for Board Policy 3715 regarding intellectual property. The developed Administrative Procedure will be reviewed and approved utilizing the established policies and procedures (BP/ AP 2410).

Section 7.9 Right to Reduce Disruption in the Educational Environment - The presence of unexpected individuals in the educational environment (such as classrooms or student counseling appointments) may be disruptive and decrease student success. Therefore, unexpected, non-District approved visitors to a classroom, online course, or workplace may be refused entry by a unit member. Notwithstanding any other provisions of this section, the District retains its right to access any District facility.

Section 7.10 Staffing Rights - Unit members shall be collegially consulted by the school dean or appropriate administrator on their proposed class/workplace assignment prior to the finalization of the schedule. Primary assignments shall be reasonably scheduled. Specific details on hours of service are found in Article 12.

Section 7.11 Rights of Faculty during Student Grievance Process - The District and unit member shall follow the established grade grievance process and policy and procedure of the formal and informal student grievance process. Notification and updates will be provided to the impacted unit member as outlined in the process. Unit members have the right to union representation at all meetings they are scheduled to attend during the student grievance process.

FOR DCCD:



Diana Galindo
Vice President, Human Resources
& Employee Relations
Association
Desert Community College District

FOR CODFA:

Oceana Collins

Oceana Collins (Oct 1, 2024 09:31 PDT)

Oceana Collins
Chapter President
College of the Desert Faculty

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