

	LOS ANGELES COMMUNITY COLLEGES HUMAN RESOURCES GUIDE	HR E-001
		UNSOLICITED DEROGATORY COMMUNICATIONS
ISSUE DATE: April 23, 2008	SERVICE: <input checked="" type="checkbox"/> ACADEMIC <input checked="" type="checkbox"/> CLASSIFIED <input checked="" type="checkbox"/> UNCLASSIFIED	
REPLACES: <u>Legacy Personnel Guides:</u> B446 Derogatory Communications	CHANGES: New	

I. POLICY

It is the policy of the District that any communications, which are considered to be critical of an employee's performance of duties or character, shall be evaluated and processed in a manner to safeguard the rights of the employee, the welfare of the students, and the interests of the District ([LACCD Board Rule 10101](#)).

II. DEFINITIONS

- Unsolicited Derogatory Communication (UDC)*** received by the Chancellor, Deputy Chancellor, a College President, Vice Chancellor, or other management employees, in which a District employee is criticized for or charged with inadequate or improper performance of duties, an unlawful act, an act of moral turpitude, inappropriate conduct in the course and scope of employment, or conduct outside the course and scope of employment that is incompatible with the employee's job duties.

III. REQUIREMENTS

- A. An Unsolicited Derogatory Communication ("UDC") is a communication received by the Chancellor, Deputy Vice Chancellor, a College President, Vice Chancellor, or other management employees, in which a District employee is criticized for or charged with inadequate or improper performance of duties, an unlawful act, an act of moral turpitude, inappropriate conduct in the course and scope of employment, or conduct outside the course and scope of employment that is incompatible with the employee's job duties. Not included in this definition are copies of derogatory written communications which are issued by supervisory or administrative personnel to subordinates; e.g., memorandums and letters of reprimand; Notices of Unsatisfactory Service; performance reports; reference forms; or any other written communications issued pursuant to the supervisor-subordinate relationship involving discipline, reports by the Internal Audit Department or documents related to the District's Prohibited Discrimination Policy.

B. Procedure

- A UDC that makes an allegation of a violation of the District's Prohibited Discrimination or Sexual Harassment Policy shall be referred to the Compliance Officer for that location. In the event that the UDC alleges such a violation by that Compliance Officer, it shall be referred to the District's Director of Diversity Programs or the Deputy Chancellor.
- A UDC that makes an allegation of financial fraud, waste or conduct incompatible with an employee's job duties shall be referred to the Director of Internal Audit.

3. UDCs not described in (a) or (b) shall be referred to the applicable College President or the Deputy Chancellor. UDCs described in (A) or (B) shall be referred to the applicable College President or Deputy Chancellor after the Compliance Officer or Office of Internal Audit has completed its investigation.
 - a. If, in the judgment of the President or Deputy Chancellor, a UDC is of an irresponsible nature, trivial, an unsubstantiated allegation, or invalid, it may be destroyed or disregarded. If the author is known, the President or Deputy Chancellor may choose to communicate this disposition but is not required to do so.
 - b. If, in the judgment of the College President or Deputy Chancellor, the UDC makes allegations that warrant investigation, the allegations shall be investigated by an appropriate employee as designated by the College President or Deputy Chancellor ("Designated Investigator"). The Designated Investigator shall prepare a written report with recommendations to the College President or Deputy Chancellor.
 - c. Prior to making a final decision, the College President or Deputy Chancellor shall provide a written summary of the report to the employee whose conduct is being investigated, and give the employee an opportunity to respond verbally or in writing, provided that the employee makes the response within fourteen (14) calendar days.
 - d. If the College President or Deputy Chancellor concludes that an employee has engaged in conduct that warrants discipline or other remedial measures, the College President or Deputy Chancellor shall promptly implement that determination. An employee being disciplined shall be entitled to challenge that discipline in accordance with the applicable procedures for that level of discipline.
 - e. The records of discipline or remedial measures shall be placed in the employee's official and location personnel files.
- C. ***Unsolicited Written Communications Received by any Member of the Administrative Staff Other than a College President or Deputy Chancellor.*** Any UDC shall be referred to the College President or Deputy Chancellor for the location to which the employee is assigned for processing in accordance with the procedures set forth in these regulations.
- D. ***Unsolicited Derogatory Communications Not to be Used in Official Actions Without Notice and Opportunity to Respond.*** Any UDC that is considered to be critical of an employee shall not be used in a performance evaluation or the disciplining of an employee unless the employee concerned has been informed of the communication and provided an opportunity to file a response.

IV. ADDITIONAL SOURCES

CALIFORNIA EDUCATIONAL CODE

87031 Personnel File Contents and Inspection

87734 Unprofessional Conduct or Unsatisfactory Performance; Notice of Charges

LACCD BOARD RULES

[Board Rule 10101 Solicited Written Derogatory Communications](#)

[Board Rule 15001 Prohibited Discrimination and Harassment](#)

LACCD COLLECTIVE BARGAINING AGREEMENTS

[Los Angeles College Faculty Guild Local 1521: Article 24, Personnel Files](#)

[AFT College Staff Guild Local 1521A: Article 18, Personnel Files](#)

[Schools Employees Union, SEIU Local 99: Article 12, Evaluation Procedure](#)

[Building Trades Council: Article 22, Personnel Files](#)

[Teamsters Local 911: Article 20, Placing Materials in the Personnel File](#)