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**ASSOCIATION OF CALIFORNIA
COMMUNITY COLLEGE
ADMINISTRATORS**

**Deep End of the Pool -
Supervision Skills for Deans**

7/9/2019

PRESENTED BY:

Ryan Cox & Eileen O'Hare-Anderson

FEEDBACK CHECKLIST

CONSTRUCTIVE FEEDBACK CHECKLIST

BE CONCRETE AND DIRECT

Being concrete and direct can often defuse what is an inherently uncomfortable communication. Vague criticism, although it may be intended to “soften the blow” can seem more threatening or overwhelming because it prevents discussing real solutions. Vague expectations are also frustrating because it is much more difficult to correct conduct that a supervisor does not discuss concretely. Be clear about what conduct was objectionable, how it was objectionable (i.e. clearly connect the misconduct to its negative impact on students/staff/the educational process) and a strategy for improvement.

Vague

Your conduct today was unacceptable.

Please just work on “being part of the team.”

It is against school rules to be late or not call on time when you are going to be absent.

Concrete

Shouting at Ms. Hill to fill the copier was disrespectful and unprofessional.

Respectful, courteous behavior is required toward all staff.

You were late twice this week and you failed to call in by ____ o’clock the day you were absent, in violation of district policy. When you are late, students miss important instruction time. The day you failed to call in on time, students waited in the lecture hall for twenty minutes before leaving.

FOCUS ON THE CONDUCT NOT THE PERSON

Personalizing feedback is often overly judgmental or invites unproductive comparisons to other employees. Sometimes, it is hard for managers to take “ownership” of their actions, so they allude generally to “everyone else” agreeing with them. This undermines the manager’s authority and is unnecessarily threatening. To “soften the blow” managers may be tempted to get too personal. This shifts the focus away from the conduct and its impact on the workplace to the employee’s personal problems.

Personalized

You seem to be angry a lot.

You seem to be upset and distracted lately, are you okay?

It was inconsiderate and rude of you to leave Mr. Robertson to do all of the work during office hours.

No one else is complaining about office hours.

Objective

It is unprofessional and counterproductive for you to lose your temper.

It is your responsibility to arrive to work on time and to call in by ____ if you are going to be absent.

For this school to operate successfully, everyone needs to shoulder their own responsibilities and share of their work.

All of us have assumed additional responsibilities. I suggest you work collaboratively with your colleagues.

LINK THE CONDUCT TO ITS IMPACT

By linking the conduct to its impact on the educational process, feedback becomes easier to deliver and to receive. When you explain the negative impact on education you: 1) depersonalize the feedback—this is not about you and what you do not like; and 2) provide an opportunity to identify common ground. Assume a shared vision and purpose with the employee that you both want achieved. This sets a respectful and professional tone.

Disconnected

You should be on time.

You should be courteous.

Connected

When you are not on time, students lose instructional time. Not only does this hurt the students, it makes your job that much harder. Of course, you want your students to be successful. When you are late, you get behind in your lessons and set a tone in the classroom that is not conducive to learning.

I expect all staff to be respectful. We all benefit from a work environment where we treat everyone with respect.

FOCUS ON WHAT YOU KNOW, NOT HOW YOU KNOW IT

The goal of constructive feedback is to improve performance. It is not about proving allegations, as you would if this were a disciplinary action. This means keeping the discussion focused on the conduct at issue and corrective action. Discussions caught up in questions like “who told you that?” are not productive. So, avoid comments that invite those questions.

“He said /she said”

I have been told that you were rude to Ms. Hill.

Everyone is talking about how irritable you have been lately.

Several people have commented on your conduct at the staff meeting, and I would have to agree.

Stand on your own

You were rude to Ms. Hill when . . .

You have been irritable and lost your temper on several occasions lately.

Your conduct at the staff meeting . . .

BE ACCURATE AND STAY FOCUSED ON THE ISSUE AT HAND

If you exaggerate the conduct or its impact, you lose credibility. Similarly, if you use the opportunity to give feedback to mention every little infraction that comes to mind, instead of focusing on the large issues, the employee may think you are just picking on him/her and not take you seriously.

Exaggerated & diffused

You will never fit in here if you don't work as a member of the team.

Everyone is on edge now around you, wondering who you are going to lash out at next.

And another thing, I've noticed you don't really make eye contact when I talk to you.

Accurate & focused

We will reevaluate your progress in a month and determine if we need to take any further steps.

We want to promote a cooperative, safe environment for all members of the school community.

[Nothing.]

DESCRIBE WHAT IS EXPECTED & A STRATEGY TO GET THERE, NOT JUST WHAT IS WRONG

For feedback to be "constructive" it must help the recipient understand what is required, provide a strategy for how to meet those requirements and explain how the employee will be held accountable in the future. In an informal session, the "plan" does not have to be more than agreeing to meet and reassess in a couple of weeks. However, the employee should leave the meeting with an understanding that there will be follow-up and accountability.

Dwelling on the past

You are habitually absent on Mondays and Fridays.

You don't know how to discuss concerns in a collegial manner.

Looking to the future

I am going to monitor your absences. If you continue to have a pattern of absences on Mondays and Fridays, I will start requiring a doctor's note.

I have an open door. Anytime you have a concern about your work assignments and want to discuss them collegially, I will listen. That is how to have your concerns heard and addressed.

DISCIPLINARY MEMO

September 24, 2017

Re: Unprofessional Conduct

Dear Ms. Smith:

Introduction.

I am writing to advise you that your conduct over the last several weeks has been unprofessional. I spoke to you about your conduct on Tuesday afternoon, September 17. However, you behaved in an unprofessional manner again, today.

Describe conduct in detail. Include Dates.

On Monday, September 9, you were scheduled to hold office hours in order to answer students' questions about careers in your field. During that time, I noticed you were not at your desk and reminded you that you had scheduled office hours. You responded by slamming down your papers, sarcastically stating, "Now there's a good use of my time," and angrily leaving. As we discussed on September 17, it was unprofessional of you to react in this manner. You are expected to carry out your responsibilities in a collegial manner and to treat all staff with respect.

Document prior feedback/discipline.

Discuss each incident separately. Move Chronologically.

While in office hours, you continued to express irritation at having to do this job. You said it was a waste of time and analogized this to being asked to fill out job applications for your students. You also said loudly, and in ear shot of students, "God, I need a cigarette." You also failed to meet your responsibilities. While you physically showed up for office hours, you did not assist students with their questions regarding careers in your field. Your co-worker was left to do all the real work in office hours.

Link to impact on education/work environment.

As we discussed, it is disrespectful and creates a negative work environment when colleagues do not contribute equally to the work at hand. A decision was made to hold office hours in order to support students as they explore career options. There are appropriate avenues for expressing opinions you may have about that decision. However, it is not an acceptable option to refuse an assignment, do it poorly, require others to do your share of that work, or treat colleagues rudely. It is also not acceptable to state loudly, in front of students, that you "need" a cigarette. As a faculty member, suggesting that cigarettes are a way to relieve stress and that the students' questions regarding their careers cause you stress is a terrible message, and one that goes against the policies of this District.

“IMPROVED” DISCIPLINARY MEMO

(CONT.)

Discuss each incident separately. Move Chronologically.

On September 17, you were rude to Ms. Hill in the front office. When we spoke that same day, I explained that it was unprofessional to snap at Ms. Hill, berate her publicly, and blame her for you being late to class. Your unprofessional conduct toward faculty and staff members creates a negative working environment and is detrimental to the learning environment.

Basis for disciplinary action.

Despite my feedback, you behaved in an unprofessional manner at today’s faculty meeting. Throughout the meeting, you talked loudly to those sitting next to you, corrected papers, and rolled your eyes at various statements made by myself and others. At one point, you appeared to be asleep. Faculty meetings are our best time to have open dialogue and build a collegial staff environment. Treating colleagues with disrespect during these meetings is totally unacceptable. It undermines trust, respect, and open exchange—all critically important to a positive working environment.

State Expectations and plan of action.

I am directing you to conduct yourself in a professional manner toward fellow faculty, staff, and administrators. In two weeks, I will meet with you again to follow up on your progress in this area.

87031 Notice.

This document will be placed in your personnel file, and any failure to improve may result in further discipline, up to and including dismissal. In accordance with Education Code Section 87031, you have the right to respond to this letter and your answer will be attached to the file copy and placed in your personnel file along with this memo.

By signing where indicated below, you acknowledge that you have read, received, and understood this letter. Your signature does not imply agreement with its content.

Sincerely,

Dr. Green
School of Social Sciences, Dean

Acknowledgement

Date:

cc: personnel file

NOTICE OF DISCIPLINE CHECKLIST

Impact on educational program

Effect on:

- **Students**
- **Colleagues**
- **Administrators**
- **Staff**
- **Educational environment**
- **Public perception of district**

Example:

When you are late to class, students lose significant instruction time. They not only lose the actual minutes you are late, but the additional time it takes to settle and focus a class disrupted by your absence. You should be prepared, focused, and ready to greet your students as they enter—setting a tone of serious attention to the material. Moreover, as a role model, your chronic lateness is disrespectful and sends a negative message to your students. It signals to them that you do not take your work, or the students' education seriously, which makes it difficult to expect them to take it seriously.

Proximity/remoteness in time

- **Timeliness of disciplinary action**
- **Explain how new events relate to prior conduct**

Extenuating/aggravating circumstances

- **History of prior warnings/discipline**
- **History of opportunities to correct**
- **History of negative evaluations**
- **Emergency situation**

Likelihood of recurrence

- **Pattern of conduct despite intervention**
- **Not credible denials**
- **Failure to improve**

Notoriety of conduct

Statutory Bases for Discipline (Faculty)

- **Unprofessional conduct (attach notices if suspending/dismissing)**
- **Unsatisfactory performance (attach evaluation if suspending/dismissing)**
- **Immoral conduct (attach notices if suspending/dismissing)**
- **Dishonesty**
- **Physical/mental condition**
- **Persistent violation/refusal to obey rules**
- **Conviction felony/moral turpitude**
- **Evident unfitness**

Violations of Board Policies & Regulations

Violations of CBA

NOTICE OF DISCIPLINE CHECKLIST

[All employees]

Basic Information

- Name of employee
- Position of employee (for faculty, include subject if applicable)
- Name & title of writer
- College
- Date
- Copy to appropriate bargaining unit
- Copy to personnel file

Statement of Facts

- If multiple incidents, organize by incident
- If notice involves different types of misconduct, organize under subheadings
- Be specific:
 - Who?
 - Where?
 - When? [Include dates or approximate dates]
 - Quantify where possible

Example:

Unprofessional Conduct

On September 17, 2017, you came into the office and screamed at the Administrative Aide, Ms. Hill. This conduct . . .

On September 24, 2017, you attended a faculty meeting. During the meeting you . . .

Tardiness

You have repeatedly been late for work. Specifically you have been late on the following days: . . .

Absenteeism

You have exhibited a pattern of absences on Mondays and Fridays . . .

Example:

In the last week alone, your lateness has deprived your students of more than 25 minutes of instructional time. . .

In the last week, I have had to address concerns from three separate faculty members—other than myself—to whom you were rude. . .

NOTICE OF DISCIPLINE CHECKLIST

(CONT.)

[All employees]

State Disciplinary Action

- Written reprimand
- Demotion
- Suspension
- Dismissal
- Other

Remediation (if not a dismissal notice)

- State what is expected
- How can employee improve
- How will improvement be monitored/measured
- State expected date of improvement

Example:

You should arrive to class prepared, focused, and ready to greet your students as they enter—setting a tone of serious attention to the material.

Follow-up meeting to assess progress (if not a dismissal notice)

No Retaliation Statement

Advise employee that the District will not tolerate retaliation against any complainant/witness and retaliation constitutes additional basis for discipline, up to and including dismissal.

INCLUDE 87031 NOTICE—RIGHT TO RESPOND

NOTICE OF DISCIPLINE CHECKLIST

[Classified Employees–nexus to duties/causes]

Link conduct to job duties

- Job description
- Employee handbook
- District rules & regulations
- CBA

Example:

According to your job description, (which was provided to you at the time you were hired and is attached to this Notice), as an Instructional Aide, you are required to . . .

Link conduct to statutory bases for mandatory dismissal

- Conviction violent/serious felony
- Conviction of sex offense
- Conviction of drug offense
- Sexual psychopath

Describe negative effect on workplace

- Students
- Colleagues
- Administrators
- Staff
- Educational environment
- Public perception of district

Link conduct to CBA

Link conduct to violations of Board rules & regulations

Attach Demand for Hearing

TEMPLATE NOTICE OF UNPROFESSIONAL CONDUCT

[Date]

[Name]
[Address]
[Address]

Dear Mr./Ms./Dr. _____:

Pursuant to Education Code section 87734, this letter constitutes notice to correct your performance deficiencies involving unprofessional conduct. This statute requires that the [Name] Community College District provide an employee with such notice at least ninety (90) days prior to initiating formal disciplinary proceedings for dismissal on the grounds of unprofessional conduct. Please be advised that section 87734 does not, however, preclude the initiation of such formal disciplinary proceedings for causes other than unprofessional conduct or unsatisfactory performance.

This formal notice is to provide you with sufficient information to understand the nature of your unprofessional conduct and unsatisfactory performance and to illustrate to you specific instances of such behavior with such particularity as to provide you with an opportunity to correct these faults and overcome the grounds for charges based on unprofessional conduct and unsatisfactory performance.

Please be advised that the ninety (90) day remedial period specified by Education Code section 87734 will take effect upon the date this notice is served upon you. Your unprofessional conduct and unsatisfactory performance is described by the following events.

1. [Describe PRECISELY what happened. Who was there? Who saw or heard? EXACTLY what was said? This is the key. You must be specific. That means dates and times. That means names and quotes and exact actions. Attach copies of documents. Use this formula to attach documents. "Attached to this Notice as Exhibit "_,_" is a true and correct copy of Ms. Doe's [date] email message to you."]
- 2.
- 3.
- 4.
- 5.
- 6.

As indicated above, your conduct as an employee of the [Name] Community College District has been unprofessional and your performance has been unsatisfactory. [Your actions exposed the District to significant liability. You directly disobeyed the direction of the Chancellor, College President, the Vice President of [X], [continue as appropriate]]. Your actions were insubordinate and unprofessional. Your actions put the District's finances at risk and exposed the District to negative financial consequences. [ADD MORE IF APPROPRIATE.]

Your conduct has brought the District into dispute. Your actions showed disrespect for your students and co-workers. [ADD MORE AS APPROPRIATE.]

In an effort to assist you in overcoming these deficiencies, you will comply with each of the following directives:

[TAILOR THESE TO YOUR FACTS. HERE ARE EXAMPLES. BE VERY DIRECT.]

- A. You will comply with all lawful directives of your supervisors and all administrators. You will not substitute your own judgment for the judgment of your supervisor or other administrators.
- B. You will comply with all Board Policies and Administrative Procedures. You will immediately become familiar with all Board Policies and Administrative Procedures.
- C. You will adhere to all provisions of the collective bargaining agreement between the District and the [Specify the correct name of the union] particularly the provisions of Article [], which [].
- D. [Add more as appropriate. Be very clear and very direct.]

The Administration is willing to assist you in overcoming these deficiencies. However, please be advised that the undersigned insists that you correct these deficiencies immediately. Your failure to do so may result in your dismissal in accordance with the provisions of the Education Code.

Finally, please note that the undersigned reserves the right to proceed with the dismissal action prior to the expiration of the periods described in Education Code section 87734 in connection with any incidents of misconduct which may be considered other than unsatisfactory performance or unprofessional conduct.

Pursuant to Education Code section 87031, a copy of this notice will be placed in your personnel file. You have the right to prepare a written response to this Notice within 10 working days following receipt. Any response or comment will be attached hereto prior to placement in your file.

Also enclosed is a copy of Education Code section 87734 as well as a copy of your last performance evaluation dated [date].

Very truly yours,

XXX
[President or Vice President]

Enclosures: Board Policy [XXXX]
Evaluation dated [XXXXXX, XXXX]
Education Code Sections 87732 and 87734

cc: [College President]
[HR person]
Personnel file