



AFA has learned recently from several faculty members that they have been threatened with reprisals by members of the SRJC administration for activity that is protected by labor law, by your faculty contract, or by both. These reports, in addition to many second-hand accounts of such threats that we have received over the last few years, have persuaded us that our efforts to address these issues with the District through established channels of negotiation and grievance are insufficient. With this message, AFA wishes to make the faculty in general aware of this problem, to inform you briefly about labor law and contractual provisions meant to protect you from reprisals and threats of reprisals, and to urge you to contact the union if you have been threatened with or experienced illegal reprisals or threats of reprisals from the administration in response to legally and contractually protected behavior.

Article 3.14 of the Faculty contract with the District states, “No reprisals will be taken against any unit member who legally exercises rights guaranteed by law or this Agreement or who executes responsibilities imposed by law or this Agreement.” The contract also specifically forbids reprisals against faculty members who file a grievance or support a grievance process.

Additionally, the EERA (Educational Employment Relations Act), which governs collective bargaining for community college faculty, states in section 3543.5:

It is unlawful for a public school employer to...[i]mpose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

The guaranteed rights protected by the EERA include, but are not limited to, rights to go to the Union for help, to file grievances, to exercise academic freedom, to speak before the Board of Trustees, and to bring a complaint of discrimination. The District has a legal obligation to maintain a workplace in which these rights are protected from reprisal or the threat of reprisal.

AFA especially wishes faculty to know that the *threat* of reprisal against an employee who is exercising such rights is explicitly forbidden by law. For example, if an administrator asserts that a faculty member should do something that the faculty member thinks is, or may be, at odds with faculty rights, and if the administrator warns the faculty member of consequences should he or she contact the union, or seek its help on this question, that member of the administration would be breaking the law, and the District would be liable for that person’s misconduct.

AFA has received numerous secondhand reports in recent years that adjunct faculty members, and faculty members in the tenure process, have been particularly singled out for such threats. We urge any faculty member who has experienced such a threat of reprisal, or any sort of actual reprisal, to contact AFA. We understand and sympathize with you in the fear that you may feel about doing so. We want you to know that you are likely not alone in that fear, that this is a matter of faculty rights and prerogatives in general, and that we need you to ask us for help so that we can offer you protection individually, and so that we can do the best job possible of protecting and promoting the rights and interests of faculty in general.

Sincerely,
Your AFA officers

Faculty Contract (searchable PDF)

http://www.afa-srjc.org/Contract/contract_2014-17.pdf

EERA section 3543.5

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=3543.5.