

Discrimination Complaint

The incident that most deeply and negatively affected participatory/shared governance processes occurred in the 2011-2012 academic year. On 26 October, then-Superintendent/President Ted Martinez, Jr. initiated a discrimination and harassment complaint against three faculty members, each a campus leader.¹ The College followed the procedures outlined in Administrative Procedure 3435, "Discrimination and Harassment Investigations."²

On 2 November 2011, the District Compliance Officer notified in writing and by phone the three faculty members that they were respondents in a formal complaint of unlawful discrimination filed by Martinez. It became widely known both on and off campus that the three instructors were accused of "character defamation, unfair treatment, creation of a hostile environment, and causing distress that resulted in a minor stroke."^{3,4}

Before the Superintendent/President filed the complaint, though, the 11 October 2011 Agenda for the Board of Trustees included an action item for a consultant, Angela Reddock, to "assist Human Resources Department of assign [sic] tasks on the 'as needed' basis."^{5,6} Martinez also explicitly directed that this action item not mention the reason why Human Resources would need her services. It was later revealed that Reddock was to be the investigator for the District in this complaint. The Board of Trustees approved this expenditure with one Trustee unaware of its true nature.¹ Later, when that Trustee later became fully cognizant of the deception, she stated: "Had I known what this really was I would not have voted for this."⁷

Once the Superintendent/President filed the very unusual unlawful discrimination complaint, the District had little latitude in proceeding. Due to the fact that the District Compliance Officer reported to the Superintendent/President, the District needed to hire an investigator.¹

Reddock conducted interviews with over 20 people in December 2011. She submitted the report to the Board of Trustees, and the attorney for the District advised the Board to form a subcommittee to review the report and make a recommendation. The 14 March 2012 determination of the subcommittee found neither discrimination nor harassment.^{1,8,9} Subsequently, Martinez³ appealed the decision to the entire Board, who upheld the determination of the subcommittee on 23 April 2012.^{10,11}

Martinez submitted his resignation to the Board on 12 April 2012, effective 30 June 2012.

The Rio Hondo College Faculty Association (RHCFA) filed an action on behalf of the three faculty members with the Public Employees Relations Board (PERB) in response to Martinez's interference with faculty's right of expression and their legal participation in union activities. This unfair practice charge was resolved to the mutual agreement of both sides.¹

The College community recognizes that even though the participatory/shared governance process has greatly improved and works, there still exist some areas in need of improvement. The College is committed to guaranteeing safe venues for communication between and among all campus constituencies. The College has acknowledged this publicly. A statement¹² released by both the College and the RHCFA reads:

The Rio Hondo College Faculty Association and the Rio Hondo Community College District hereby acknowledge the following: California's Educational Employment Relations Act (EERA) grants community college employees the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. The District may not impose 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 the EERA. The District is committed to these principles as it deals with its represented employees.

One effort to better relations among all constituencies was the "Unconscious Bias" workshop held on FLEX Day, 23 August 2012. The workshop was well attended by administrators, faculty, and staff; two Trustees also attended.

¹Personal Communication: Mary Dowell, attorney retained by the Rio Hondo College District, and the Standard IV Leadership Team (President and Vice-President of the Board of Trustees, Superintendent/President, and co-chairs of the Standard IV committee), 7 February 2014

²AP 3435, "Discrimination and Harassment Investigations"

http://www.riohondo.edu/president/wp-content/uploads/sites/27/2014/04/AP3435_DiscriminatinandHarassmentInvest.pdf

³*The Chronicle of Higher Education*: "Leadership & Governance: College President Files Complaint Against Faculty Critics"

http://www.riohondo.edu/accreditation/wp-content/uploads/sites/28/2014/07/IV.A.053-3_The-Chronicle-of-Higher-Education-College-President-Files-Complaint-Against-Faculty-Critics-Leadership-Governance.pdf

⁴*Whittier Daily News*: "Rio Hondo College President Accuses Professors of Defamation"

http://www.riohondo.edu/accreditation/wp-content/uploads/sites/28/2014/07/IV.A.053-4_Whittier-Daily-News-Rio-Hondo-College-president-accuses-professors-of-defamation.pdf

⁵Agenda of the 11 October 2011 regular meeting of the Board of Trustees

http://www.riohondo.edu/president/wp-content/uploads/sites/27/2014/06/ag1_101111.pdf

⁶Minutes of the 11 October 2011 regular meeting of the Board of Trustees

http://www.riohondo.edu/president/wp-content/uploads/sites/27/2014/06/min_101111.pdf

⁷Board Member Comment made during V. Staff and Board Comments of the 14 December 2011 regular meeting of the Board of Trustees

http://www.youtube.com/watch?feature=player_embedded&v=nVqnUmjqrHM

⁸Agenda of the 14 March 2012 regular meeting of the Board of Trustees

http://www.riohondo.edu/president/wp-content/uploads/sites/27/2014/06/ag1_31412.pdf

⁹Minutes of the 14 March 2012 regular meeting of the Board of Trustees

http://www.riohondo.edu/president/wp-content/uploads/sites/27/2014/06/min_31412-corrected-next-meeting-date.pdf

¹⁰Agenda of the 23 April 2012 special meeting of the Board of Trustees

http://www.riohondo.edu/president/wp-content/uploads/sites/27/2014/05/ag1_42312-sp-mtg.pdf

¹¹Minutes of the 23 April 2012 special meeting of the Board of Trustees

http://www.riohondo.edu/president/wp-content/uploads/sites/27/2014/05/min_42312.pdf

¹²Rio Hondo College *President's Update* – October 2013.

<http://www.riohondo.edu/president/presidents-update/>