



August 30, 2022

*Via Certified Mail Delivery and Email*

Kashara Moore  
[REDACTED]  
[REDACTED]  
[REDACTED]

**NOTICE OF PROPOSED DISMISSAL AND  
OPPORTUNITY TO RESPOND**

Dear Dr. Moore:

You are hereby given notice that your dismissal from employment with the Long Beach City College District effective September 15, 2022, has been proposed pursuant to Education Code section 87671. The proposed action is based on a determination that while participating at the spring 2022 graduation ceremony, you elbowed a student when the student sought to address your failure to state her name accurately.

**Opportunity to Respond**

Before the recommendation is presented to the Board of Trustees, you may, upon request, meet with me, on Tuesday, September 6, 2022, at 2:30PM, regarding the proposed action. A request for a meeting must be submitted to me before the end of business on Friday, September 2, 2022, by email: [lnashua@lbcc.edu](mailto:lnashua@lbcc.edu). A Zoom invitation will be sent after the receipt of your request to meet.

At the meeting, you shall be granted a reasonable opportunity, via Zoom or in writing, to make any representations you believe are relevant to the issue with the student and to put forth any information as to why the intended action should not proceed. This is not an adversarial proceeding, so you shall not be afforded the opportunity to cross-examine District representatives. You may have representation at this meeting if you desire.

After the meeting or timely receipt of a written response, The District will consider the information you provide and make a final decision to sustain, modify, or overturn the recommended action. You will be notified of the decision in writing. Please be advised that if you do not request a meeting or submit a written response within the prescribed time, or if you fail to appear for a meeting that was timely requested, you will have waived these opportunities, and the recommendation will proceed to the Board of Trustees.

**Personnel File Rights**

A copy of this Notice will be placed in your personnel file after 15 working days. In accordance with Education Code section 87031, and Article 5 of the collective bargaining agreement between the Long Beach Community College

District and the Long Beach City College Certificated Hourly Instructors, prior to the placement of this notice in your personnel file, you may submit a written response to be attached to the Notice in your file.

Should you have any questions, or wish to discuss this matter further, you may contact my office to schedule an appointment.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'L' followed by a horizontal line that loops back and ends in a long horizontal stroke.

Loy Nashua, JD

Vice President of Human Resources

#2



Dr. Kashara Moore  
1901 East Carson Street  
Long Beach, California 90801  
909.487.1000  
www.lbcc.edu

Long Beach City College • Long Beach Community College District  
1901 East Carson Street • Long Beach, California 90801

September 1, 2022

VIA EMAIL AND FIRST CLASS MAIL

PERSONAL AND CONFIDENTIAL

Dr. Kashara Moore

[Redacted address lines]

Re: Notice of Investigative Findings

Dear Dr. Moore:

The Long Beach Community College District ("District") conducted an investigation into a complaint submitted on June 10, 2022, by a former student, Carmina Barraza (hereinafter "Barraza, or Complainant"), alleging (1) you mispronounced her name during the District commencement ceremony on June 9, 2022, and (2) you "elbowed" her during the commencement ceremony.

An impartial investigation of the complaint was conducted by Associate Vice President Kristin Olson ("Investigator"). The investigation has been concluded. The purpose of this correspondence is to advise you of the investigative findings.

**SUMMARY OF INVESTIGATIVE FINDINGS**

The Investigator set out to collect evidence relevant to answering the following questions:

1. Did Respondent mispronounce Barraza's name when reading it aloud during the commencement ceremony?
2. Did Respondent "elbow" Barraza as alleged, and if so,
  - a. Was physical contact made or not,
  - b. If not, does it matter if physical contact was not made;
  - c. Was the act of elbowing Barraza an intentional or unintentional act, and

Long Beach City College • Long Beach Community College District  
1901 East Carson Street • Long Beach, California 90801  
909.487.1000 • www.lbcc.edu



Long Beach City College  
4901 East Carson Street  
Long Beach, California 90808  
Phone: (562) 593-3000  
Fax: (562) 593-3001  
Website: www.lbcc.edu

Long Beach City College • Long Beach Community College District  
4901 East Carson Street • Long Beach, California 90808

d. If the action was unintentional, does that matter?

The standard of review applied was a preponderance of the evidence. Accordingly, the investigation sought to determine, from the totality of facts, whether it more likely than not the issues in question occurred. Following analysis of all witness interviews (21 people in total, including the Complainant, you (the Respondent), 5 students, 12 employees, and 2 Board members) and documentary evidence, as well as determinations about witness credibility, the Investigator rendered the findings and conclusions summarized below based on the preponderance of the evidence.

1. Did Respondent mispronounce Barraza's name when reading it aloud during the commencement ceremony?

The facts of the matter demonstrate that the answer to this question is unquestionably yes, Moore mispronounced Barraza's name. Without even relying on oral and witness testimony, the evidence demonstrates that Moore mispronounced Barraza's name. When Moore first read Barraza's name, Moore stated "Carina Barajas," which is clearly heard on the video evidence.

Notably, this mispronunciation occurred despite a multitude of safeguards and practice protocols put into place to ensure students' names were correctly pronounced. Specifically, the District provided to name card reader volunteers (1) a training meeting in which the importance of correctly pronouncing students' names was communicated, (2) computer software, referred to as "NameCoach," to practice saying students' actual names and learn tone and inflection up to the event. Volunteers had up to 300 student names to separately practice with to prepare for the commencement ceremony; (3) a rehearsal the day before commencement to understand their roles and how the rotating scheme was set-up; (4) on the day of commencement, an on stage partner, who would ask the student their name, say it back to the student, confirm its correctness, and then hand the card and state the correct name to the name reader; and (5) on the day of commencement, student name cards which had the phonetic pronunciation of each students' name.

These protocols were set up in a two-fold preventative manner, one to ensure that name readers had every opportunity to correctly pronounce students' names, and to reduce stress or anxiety on the day of the event, which can lead to escalation of matters.

Moore mispronounced Barraza's name twice—once when she stated the incorrect name completely, and a second time when she did not include Barraza's middle name. An important fact here is that Moore did not engage in the precautionary measure of listening to the name pronunciation of her partnered name reader, Thurston. In fact, Thurston noted and stated Moore appeared "very offended" that Thurston was helping her and saying the student's names to her, as she handed Moore the student's name card. Instead of accepting this help, Moore stated to Thurston, "Don't tell me how to say the name." In doing this, Moore demonstrated poor



Dr. Vincent J. ...  
4901 East Carson Street  
Long Beach, California 90804  
Telephone: (562) 593-1000  
Fax: (562) 593-1001  
Website: www.lbcc.edu

Long Beach City College • Long Beach Community College District  
4901 East Carson Street • Long Beach, California 90804

professional judgement, as making every effort possible to say a student's name correctly is of paramount importance during the commencement celebration.

By mispronouncing Barraza's name twice, and not utilizing preventative measures to state Barraza's name correctly, Moore did not exhibit reasonable and sound professional judgment. This, in turn led to Barraza feeling upset and the situation escalating, when use of a simple precautionary step could have prevented this entire situation from occurring.

2. Did the individual charged with reading Barraza's name aloud during the commencement ceremony, "elbow" her as alleged, and if so,
  - a. Was physical contact made or not.
  - b. If not, does it matter if physical contact was not made, and
  - c. Was the act of elbowing Barraza an intentional or unintentional act?
  - d. Finally, if the action was unintentional, does that matter?

Video evidence clearly shows Moore lifting her arm and elbow parallel to the ground, in an unnatural position, as individuals raise their arm in downward pointing fashion, not parallel with the ground. Video evidences further demonstrates that Moore's elbow was pointed directly at Barraza, then Moore made a quick jerking motion with her elbow in the very specific direction of where Barraza is standing. Multiple witnesses also stated they saw Moore raising her elbow and jerking in the direction of Barraza.

In observing the video, it is impossible to tell if direct physical contact was made, as the regalia is too bulky to allow for this level of discernment. However, despite this inability to directly observe physical contact, it, nonetheless, remains more likely than not, that physical contact occurred, based on the totality of circumstantial evidence, for the following reasons. (1) Barraza *felt* contact. If no contact had occurred, Barraza would not have stated she was "pushed" or "elbowed," as she would not have felt an elbow or a push and thus would not have been prompted to state she was elbowed or pushed. (2) Barraza involuntarily, and unprompted, made the statement, "excuse me," right when Moore's elbow protrudes at her in Barraza's direction. An individual would not make such a spontaneous utterance unless something prompted her to do so, with the catalyzing event in this instance being the physical contact of Moore's elbow against Barraza. (3) Barraza repeatedly and unwaveringly stated that unwelcomed physical contact was by Moore onto Barraza's person. Barraza never stated, *I think* she elbowed me, or she *may have* elbowed me, or *I believe* she elbowed me. Barraza repeatedly declares over and over, without equivocation, that Moore "elbowed" her. The mere fact that Barraza is not only steadfast in her insistence that Moore elbowed, but also, to her own detriment, makes this a factor of high consideration. Barraza wanted her name read correctly during the graduation ceremony, but she did not want her name read correctly if Moore was to read her name, who Barraza perceived as elbowing her.





Long Beach City College  
Long Beach Community College District  
4001 East Carson Street • Long Beach, California 90801  
Phone: (562) 593-3100 • Fax: (562) 593-3101  
Website: www.lbcc.edu

Long Beach City College • Long Beach Community College District  
4001 East Carson Street • Long Beach, California 90801

The facts of this case demonstrate that it is more likely than not that physical contact indeed occurred. However, ultimately, it does not matter if physical contact was actually made because the physical act of elbowing demonstrates an intent to harm, or to preserve one's space without concern of regard for another and their physical well being. This is a critical factor of consideration, as it demonstrates a wholesale disregard for the possibility of physical harm being inflicted upon another. Additionally, when this is overlaid by the fact that Moore occupies a position of power, mentorship and role modeling toward students, this act becomes all the more inappropriate, representing an abuse of position and an absence of professional judgment.

Was the act intentional or not, and if the act was unintentional, does it matter? To address the first part of these questions, it is highly unlikely this was an unintentional act as the mere physical motion of holding one's arm out from their body in a manner that is parallel from the ground is unnatural. Holding one's arm in such a purposeful manner demonstrates intent behind the physical motion. That, in combination with the fact that Moore's elbow jerks out from her body in the direction of Barraza, when Moore is aware of the close proximity in which Barraza is standing next to her, demonstrates intent. In other words, from these facts, it is more likely than not that Moore intended to elbow Barraza.

However, it is important to note that it does not matter if this act was unintentional. Even if the act was unintentional, it demonstrates a high degree of unprofessionalism and poor judgment. The act of holding one's elbow out toward another individual and jerking their elbow toward them is highly questionable and demonstrative of poor professional judgment.

Finally, and a mitigating factor may be, was there any remorse on the part of Moore, for her action and the distress her action caused the student Barraza. During the interview with Moore, ***no remorse was observed and no apologies were offered for the distress Moore caused Barraza.*** This is highly concerning because it demonstrates a lack of awareness of wrong-doing and the fact that better decision making could have occurred. This is even more concerning, when overlaid by the fact that this occurred by an instructor within a community college. Faculty, more than any other employee on campus, are looked to by students as mentors and life guides.

#### CONCLUSION

Based on Olsen's review of the evidence, the Investigator determined there is sufficient evidence to demonstrate that you mispronounced Barraza's name and then proceeded to intentionally elbow her, wherein physical contact more likely than not also occurred. Thus, there is sufficient evidence to conclude that you engaged in professional misconduct.

Please be advised that it is against the law and District policy for anyone to retaliate against someone who was involved in the investigation or the allegations. Therefore, you are cautioned not to retaliate against any witness



Long Beach City College  
4901 East Carson Street  
Long Beach, California 90808  
Phone: (562) 593-2100  
Fax: (562) 593-2101  
www.lbcc.edu

Long Beach City College • Long Beach Community College District  
4901 East Carson Street • Long Beach, California 90808

or participant in the investigation and to report to me if you feel you have been subject to retaliation for your participation in this process.

Thank you for your cooperation with this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Loy Nashua".

Loy Nashua, JD  
Vice President, Human Resources



#3



LONG BEACH COMMUNITY COLLEGE DISTRICT

September 9, 2022

*Via Email*

Kashara Moore  
[REDACTED]  
[REDACTED]  
[REDACTED]

DETERMINATION FOLLOWING SEPTEMBER 6, 2022 MEETING

Dear Dr. Moore

On or about August 29, 2022, you were given notice ("Notice") that the Long Beach City College District proposes to dismiss you from future employment, effective September 15, 2022. Per your request, we met on September 6, 2022, to discuss the Notice and the proposed action. In relation to the incident at graduation, you indicated that you volunteered to act as a name reader at graduation, you were nervous; you have a history of a speech impediment; and you practiced for weeks. You also reported that you had your back turned to the student when the contact was made and denied making contact with the student using your elbow. The representative from California Teachers Association expressed his belief that your dismissal from your temporary position as an adjunct instructor is retaliatory for protected activity.

Based on Education Code section 87665, the Long Beach City College District may terminate the services of temporary (adjunct) faculty at its discretion. Upon review, no new information has been presented that supports a change in the District's proposed action. Accordingly, the proposed action will be presented to the Board for action at its meeting on September 14, 2022.

Personnel actions are considered in closed session. You may, pursuant to Government Code section 54957, have this matter heard in open session rather than in closed session. If you desire to have this matter heard in open, public session, you must notify the undersigned by 4:00 p.m. on September 12, 2022. A form entitled "Request for Consideration in Open Session" is enclosed with this letter for this purpose. Please be aware this is not an evidentiary hearing.

A copy of this Notice will be placed in your personnel file after 15 working days. In accordance with Education Code section 87031, and Article 5 of the collective bargaining agreement between the Long Beach Community College District and the Long Beach City College Certificated Hourly Instructors, prior to the placement of this notice in your personnel file, you may submit a written response to be attached to the Notice in your file.

Should you have any questions, or wish to discuss this matter further, you may contact my office to schedule an appointment

Sincerely,

A handwritten signature in dark ink, appearing to read "Loy Nashua, JD". The signature is written in a cursive style with several loops and a long horizontal stroke extending to the right.

Loy Nashua, JD

Vice President of Human Resources

Enclosure: Request for Consideration in Open Session