



UNITED ACADEMICS PROPOSAL

ARTICLE 18 DISCIPLINE and TERMINATION FOR CAUSE

Section 1. No faculty member shall be subject to discipline without just cause. Disciplinary sanctions shall be imposed in accordance with the principles of progressive discipline.

In any case involving discipline under this Article, the Administration bears the burden of proving that there was just cause for such action. This Article contains the only process through which a faculty member can be disciplined.

For the purposes of this Agreement, just cause shall mean:

Failure to perform the responsibilities of an academic staff member, arising out of a particular assignment, toward students, toward the faculty member's academic discipline, toward colleagues or toward the institution in its primary educational and scholarly functions, or in its secondary administrative functions (of maintaining property, disbursing funds, keeping records, providing living accommodations and other services, sponsoring activities and protecting the health and safety of persons in the institutional community), in a manner that has a substantially negative impact.

Section 2. As used in this Agreement, "discipline" shall be limited to:

- a. Written letters of reprimand. Any such letter must state specifically that it is a "letter of reprimand" in order to be considered a disciplinary action under this sub-section. Such letter of reprimand shall be sufficiently specific to allow adequate preparation for the faculty member's defense.
- b. Ineligibility for sabbaticals.
- c. Ineligibility for professional development funds.
- d. Suspensions without pay of varying length.
- e. Ineligibility for assignments yielding supplemental or additional compensation (e.g. Summer Session courses).
- f. Termination.

Oral counseling or oral reprimands shall not be considered discipline.

Section 3. As used in this Agreement, "termination" shall refer to the discharge of a faculty member prior to the expiration of his or her appointment with the university or the discharge of a tenured faculty member. The sole grounds on which termination for disciplinary reasons can be considered are dereliction of duties, professional incompetence, gross misconduct or academic dishonesty.

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2 Termination of faculty prior to the expiration of their appointments or termination of
3 tenured faculty for financial, programmatic or other administrative considerations, shall
4 not be covered by the just cause provisions of this Article, but instead are addressed in
5 Article 25, Layoff and Retrenchment.
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7 **Section 4.** A faculty member has the right to have a Union representative present, to
8 represent or accompany the member, in any discussion or meeting regarding discipline or
9 termination, and shall be notified of this right prior to, or at the outset of, any such
10 meeting.
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12 **Section 5.** Should it become necessary to discipline a faculty member by issuing a letter
13 of reprimand in accordance with Section 2, the Administration must:

- 14 a) Meet with the faculty member to discuss the exact matter considered
15 unacceptable;
- 16 b) Express to the faculty member that a warning or "letter of reprimand" is being
17 issued pursuant to this Article and that such may be placed in the faculty
18 member's personnel file;
- 19 c) Provide the faculty member with a written summary of the discussion (including
20 specific guidelines for remediation of behavior/performance) within five (5)
21 working days of the discussion;
- 22 d) Comply with the provisions of Article 19, Personnel File in placing any reference
23 to the meeting in the faculty member's personnel file;
- 24 e) Enable faculty members to exercise their right to place rebuttal material in their
25 file, in accordance with Article 19, Personnel File.
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27 **Section 6.** If the unsatisfactory performance is not corrected, or if it recurs within the
28 term(s) of appointment, the faculty member's immediate supervisor may recommend
29 discipline or termination to the dean in writing.

- 30 a) Before a discipline or termination of duties may take effect, within twenty (20)
31 working days of its recommendation, the appropriate college dean shall review
32 the complaint and the recommended disciplinary action.
- 33 b) The dean shall conduct a thorough and fair investigation to determine if
34 established university or departmental policies have been violated. The faculty
35 member in question shall be informed of the recommendation and afforded the
36 opportunity to submit a written statement.
- 37 c) Should the dean agree with the recommendation for discipline, the disciplinary
38 action may take place.
- 39 d) The disciplinary action must be applied even-handedly, fairly, and appropriately.
- 40 e) All documents generated in compliance with this section shall be placed in the
41 employee's personnel file in accordance with Article 19, Personnel Files.
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- 1 **Section 7.** All disciplinary actions covered by this Article are grievable under Article 15,
- 2 Grievance Procedure. A grievance concerning suspension without pay or termination
- 3 may be initiated at Step 3 of the grievance procedure.

