

This is part of a package proposal. UAW reserves the right to withdraw this package proposal at any time, at its sole discretion and without penalty. If this package proposal is not accepted as written in its entirety and without modification as described below, this proposal will be declared to be void and non-existent and the Union will return to bargaining from its language proposed prior to this package proposal.

Article XX – Discipline and Dismissal

A. GENERAL PROVISIONS

1. The University may discipline or dismiss an Academic Researcher~~Postdoctoral Scholar~~ for just cause.
2. Disciplinary or dismissal actions for just cause must comply with all applicable provisions of this article. Such disciplinary action may take the following forms:
 1. Letter of warning is a written communication that informs the Academic Researcher~~Postdoctoral Scholar~~ of the nature of the inadequate performance or misconduct; the requirements for continuation in the position~~training program~~; and the probable consequence of continued inadequate performance or misconduct.
 2. Suspension is a University required cessation from work activities for a specified period of time, and includes loss of pay, access to University property and parking and library privileges. ~~For Postdoctoral Scholars in Paid Direct titles, suspension is a debarment from the Postdoctoral Scholar training program for a stated period.~~
 3. Dismissal is the termination of an Academic Researcher's~~Postdoctoral Scholar's~~ appointment initiated by the University, prior to the appointment end date, when the University determines that the Academic Researcher's~~Postdoctoral Scholar's~~ conduct or performance does not justify continuation. Normally, dismissal is preceded by at least one Letter of Warning. In situations justified by the seriousness of the misconduct or unsatisfactory performance, the University may proceed to dismissal without written warning.
 4. Counseling memoranda and/or written records of discussion, in and of themselves, are not discipline nor are they grievable.

3. At any stage of the discipline or dismissal process, an Academic Researcher~~Postdoctoral Scholar~~ may represent themself~~himself or herself~~, or may be represented, except by a manager, supervisor or confidential employee.
4. The University may take other disciplinary action consistent with extramural funding agency requirements.

B. INVESTIGATORY LEAVE

1. The University may place an Academic Researcher~~Postdoctoral Scholar~~ on investigatory leave with pay without prior written notice in order to review or investigate allegations of misconduct or dereliction of duty, which warrant immediately relieving the Academic Researcher~~Postdoctoral Scholar~~ from all work duties and/or require removing the Academic Researcher~~Postdoctoral Scholar~~ from the premises and securing University resources.
2. Investigatory leave shall not be considered a form of corrective action.
3. The University shall provide the Academic Researcher~~Postdoctoral Scholar~~ and the Union with written confirmation of the terms and reasons for the investigatory leave immediately but no later than one (1) working day after the leave is effective.

C. NOTICE OF INTENT

1. The University shall provide an Academic Researcher~~Postdoctoral Scholar~~ with a written Notice of Intent before initiating the actions of suspension without pay, reduction in salary or stipend, dismissal, or other actions consistent with the requirements of extramural fellowship agencies. No Notice of Intent is required for a written warning. The notice of intent may be delivered to the Academic Researcher~~Postdoctoral Scholar~~ either in person, or by placing the notice in the U.S. Mail, first class postage paid, addressed to the Academic Researcher~~Postdoctoral Scholar~~ at their~~her~~/his last known address. Whether delivery is made in person or by mail, the notice of intent shall contain a statement of delivery or mailing indicating the date on which the notice of intent was personally delivered or deposited in the U.S. mail. Such date of personal delivery or deposit in the U.S. mail, shall be presumed to be the date of issuance of the notice of intent. The University shall send a copy of the notice of intent to the UAW.
2. The Notice shall state:

1. the intended action and the proposed effective date;
 2. the reason(s) for the intended action, including a description of the inadequate performance or misconduct and any warnings that have been given;
 3. the Academic Researcher~~Postdoctoral Scholar~~'s right to respond either orally or in writing within fifteen (15) calendar days of the date of issuance of the written Notice of Intent;
 4. the name of the person to whom the Academic Researcher~~Postdoctoral Scholar~~ should respond.
 5. the Academic Researcher~~Postdoctoral Scholar~~'s right of representation, including representation by a union representative.
3. In instances where the University is providing the Academic Researcher~~Postdoctoral Scholar~~ with a Notice of Intent to Dismiss, the notice shall also include all documents relied upon by the University in the dismissal action.

D. RESPONSE TO WRITTEN NOTICE OF INTENT

An Academic Researcher~~Postdoctoral Scholar~~ who receives a written Notice of Intent shall be entitled to respond, either orally or in writing, within fifteen (15) calendar days of the date of issuance of the Notice of Intent. An Academic Researcher~~Postdoctoral Scholar~~'s representative may respond to the Notice of Intent on behalf of the Academic Researcher~~Postdoctoral Scholar~~. The University shall review any timely responses received.

E. NOTICE OF ACTION

If the University determines to institute the discipline or dismissal after reviewing a timely response, if any, the University shall issue a written Notice of Action to the Academic Researcher~~Postdoctoral Scholar~~.

1. Such notice shall specify the disciplinary or dismissal action taken and its effective date, and the right to appeal the action in accordance with Article XX, Grievance and Arbitration.
2. The Notice of Action may not include an action more severe than that described in the Notice of Intent.
3. The University shall place a copy of the Notice of Action in the Academic Researcher~~Postdoctoral Scholar~~'s personnel file.

4. The University shall send a copy of the notice to the union.

~~F. Independent of the University's right to initiate discipline and/or dismissal under this Article, the extramural agency may terminate the fellowship or source of funding for Postdoctoral Scholar Fellows and/or Paid-Directs pursuant to the policies of the agency.~~