

*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~~ Corrective Action and Dismissal**

### **A. GENERAL PROVISIONS**

1. The University may engage in corrective action discipline or dismiss an Academic Researcher for just cause.
2. ~~Disciplinary~~ Corrective or dismissal actions for just cause must comply with all applicable provisions of this article. Such ~~disciplinary~~ corrective action may take the following forms:
  1. Letter of warning is a written communication that informs the Academic Researcher of the nature of the inadequate performance or misconduct; the requirements for continuation in the position; 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, unless otherwise noted, includes loss of pay, access to University property and parking and library privileges.
  3. Written censure is a formal written expression of institutional rebuke which contains a description of the censured conduct. A written censure must be delivered to the recipient and a copy must be maintained in a designated file or files, or for the period of time specified in the writing.
  4. Reduction in salary is a reduction to a lower salary without a change in rank or step. The amount and duration of the reduced salary shall be specified.
  5. Demotion is a reduction to a lower rank or step with a corresponding reduction in salary.
- ~~3. Dismissal is the termination of an Academic Researcher's appointment initiated by the University, prior to the appointment end date, when the University determines that the Academic Researcher'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.~~

6. Counseling memoranda and/or written records of discussion, in and of themselves, are not discipline nor are they grievable.

3. Dismissal is the termination of an Academic Researcher's appointment initiated by the University, prior to the appointment end date, when the University determines that the Academic Researcher'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. At any stage of the discipline corrective action or dismissal process, an Academic Researcher may represent themselves, or may be represented, except by a manager, supervisor or confidential employee.
5. The University may take other ~~disciplinary~~ corrective action consistent with extramural funding agency requirements.

## **B. INVESTIGATORY LEAVE**

1. The University may place an Academic Researcher 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 from all work duties and/or require removing the Academic Researcher 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 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 with a written Notice of Intent before initiating the actions of suspension without pay, reduction in salary or stipend, demotion, or 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 either in person, or by placing the notice in the U.S. Mail, first class postage paid, addressed to the Academic Researcher at their 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 has the 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 should respond.
  5. the Academic Researcher's right of representation, including representation by a union representative.
3. In instances where the University is providing the Academic Researcher 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 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's representative may respond to the Notice of Intent on behalf of the Academic Researcher. 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.

1. Such notice shall specify the corrective ~~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's personnel file.
4. The University shall send a copy of the notice to the union.