

ARTICLE 8- DISCIPLINE AND DISMISSAL

A. Application

A non-probationary career employee may be disciplined for misconduct, failure to perform satisfactorily, or for any other just cause. The parties acknowledge and accept the concept of progressive discipline, where appropriate.

B. Types and Manner of Discipline

1. The University may discipline an employee, without providing notice of intent by oral reprimand or written warning. The University may also discipline an employee by suspension without pay for up to five (5) working days, without providing notice of intent. The University shall have the right to suspend or dismiss employees without prior warning for performance or conduct of a serious nature which the employee knows or reasonably should have known was unacceptable or unsatisfactory. An oral reprimand is not subject to the Grievance or Arbitration Procedure of this Agreement.
2. Written notice of intent to suspend for more than five (5) working days, to demote, to decrease salary or to dismiss shall be given to the employee either by delivery of the notice to the employee in person or by placing the notice of intent in the United States mail, first class postage paid, in an envelope addressed to the employee at the employee's last known home address. It shall be the responsibility of the employee to inform the University in writing of any change in such address. Whether delivery is made in person or by mail, the notice of intent shall include a Proof of Service by Mail indicating the date on which the notice of intent was personally delivered or mailed. The date of such Proof of Service by mail shall be

the “date of issuance” of the notice of intent. Such notice shall include the following information:

- a. the intended disciplinary action; the reason for the disciplinary action, and the effective date of the action;
 - b. a copy of the charges and material upon which the intended disciplinary action is based;
 - c. notification that the employee has a right to respond either orally or in writing, to whom to respond, and that the response must be received within six (6) working days from the date of the issuance of the notice of intent by the employee; and
 - d. notification that the employee has the right to representation.
3. After receipt of the employee’s timely response, if any, the University shall notify the employee of any action to be taken within ten (10) working days. Such action may not include discipline more severe than that described in the notice of intent; however, the University may reduce such discipline without the issuance of a further notice of intent.

C. Investigatory Leave

1. The University may place an employee on paid investigatory leave without prior notice in order for the University to review or investigate allegations of employee misconduct which, in the University’s view, would warrant relieving the employee immediately of all work duties.

2. The investigatory leave must be confirmed in writing to the employee. The confirmation shall include the expected duration of the leave.

D. Right to Representation

An employee shall have the right to have a representative present during a meeting held with the employee during which the purpose is to determine whether discipline is appropriate or not. The employee shall be notified of his/her right to representation and given reasonable time in which to contact a representative.

E. Personnel Records

At the written request of the employee, record(s) of disciplinary actions shall be removed from an employee's personnel file(s) after two consecutive years during which there has been no further disciplinary action related to the original incident, except that any records of demotion or salary decrease shall remain in the personnel file(s) and shall not be removed. Suspensions for more than ten (10) working days shall remain in the personnel file(s) for a period of five (5) years and after which shall be removed at the written request of the employee.