

ARTICLE 6

CORRECTIVE ACTION AND DISMISSAL

A. GENERAL PROVISIONS

1. The University may engage in corrective action or dismiss an Academic Researcher for reasons including, but not limited to, misconduct, unsatisfactory work performance, violation of University policy or procedure, or dereliction of duty. Corrective action or dismissal shall be based on just cause.

2. Corrective Action Definitions

Corrective action is a written warning, written censure, suspension without pay, reduction in salary, or demotion for just cause.

- a. A written warning is a communication that informs the Academic Researcher of the nature of the misconduct or deficiency, the method of correction, and the probable consequence of continued misconduct or deficiency. A written warning is to be distinguished from an informal spoken warning.
- b. A 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.
- c. A suspension is debarment without pay from appointment responsibilities for a stated period of time. Unless otherwise noted, the terms of a suspension will include loss of normal employee privileges such as access to University property and parking and library privileges.
- d. A 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.
- e. A demotion is a reduction to a lower rank or step with a corresponding reduction in salary.
- f. Counseling memoranda and/or written records of discussion, in and of themselves, are not discipline nor are they grievable.

3. The University may take other corrective actions consistent with extramural funding agency requirements.
4. Dismissal Definition
 - a. Dismissal is the termination of an appointment for just cause initiated by the University prior to the ending date of appointment.

B. INVESTIGATORY LEAVE

1. Investigatory leave is not a form of corrective action.
2. The University may place an Academic Researcher on immediate investigatory leave with pay, without prior written notice, for the purpose of reviewing or investigating charges of misconduct or dereliction of duty, which warrant removing the Academic Researcher from University premises.
3. The investigatory leave shall be documented in writing after it is instituted and the University shall provide the written confirmation to the Academic Researcher and the UAW, no later than three business days after the leave begins.
4. Violation of terms of the Investigatory Leave could create independent grounds for dismissal.

C. RECORDS OF CORRECTIVE ACTION

A copy of the corrective action shall be placed in the Academic Researcher's personnel file. The corrective action shall be included in any advancement review file in which the review period includes the conduct or performance at issue.

D. NOTICE OF INTENT

1. The University shall provide a written notice of intent to the Academic Researcher prior to initiating the actions of suspension without pay, reduction in salary, demotion, or dismissal. The notice of intent may be delivered to the Academic Researcher either in person, via email, 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, by email or by U.S. mail, the notice of intent shall contain a statement of delivery, email, or mailing indicating the date on which the notice of intent was personally delivered, emailed 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 of intent shall state:
 - a. the intended action, reasons for the action, and the proposed effective date;
 - b. the basis for the intended action, including copies of pertinent materials supporting the intended action;
 - c. the Academic Researcher'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;
 - d. the name of the person to whom the Academic Researcher should respond; and
 - e. the Academic Researcher's right of representation, including representation by a union representative.

E. RESPONSE TO WRITTEN NOTICE OF INTENT

The Academic Researcher shall be entitled to respond, orally or in writing, to the notice of intent described above. Such response must be received within fifteen (15) calendar days from the date of the issuance of such notice of intent in accordance with instructions given by the University in the written notice of intent provided to the Academic Researcher. 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.

F. NOTICE OF ACTION

If the University determines to institute the corrective action 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 action or dismissal action taken and its effective date, and the right to appeal the action in accordance with Article 7 - Grievance and Arbitration Procedures. The notice of action may not include an action more severe than that described in the notice of intent. The University shall send a copy of the notice to the Union.