

**ARTICLE 7
CORRECTIVE ACTION / DISCIPLINE AND DISMISSAL**

A. GENERAL PROVISIONS

1. The University shall have the authority to discipline or to dismiss a non-probationary career employee for just cause. For purposes of illustration but not limitation, such actions may be taken for misconduct or failure to perform satisfactorily.
2. A non-probationary career employee who alleges that discipline and/or dismissal is not based on just cause may appeal such action pursuant to the provisions of Article 10 - Grievance Procedure.

B. TYPE OF DISCIPLINE

1. The University may discipline an employee by written warning, suspension without pay, disciplinary demotion, salary decrease, or dismissal. A disciplinary salary decrease shall be limited to a maximum of ten percent (10%) of an employee's salary and to a maximum length of thirty (30) calendar days.
2. A performance evaluation, counseling memo, or an oral reprimand is not considered discipline and is therefore not subject to Article 10, Grievance Procedure of this Agreement, although each may be used to demonstrate that an employee had knowledge of her/his actions which could subsequently lead to discipline.
3. At least one (1) written warning shall precede any other corrective action except when corrective action is the result of performance or conduct that an employee knew or reasonably should have known, was unsatisfactory. Such performance or conduct includes but is not limited to dishonesty, theft or misappropriation of University property, fighting on the job, insubordination, making verbal or physical threats, acts or conduct which could endanger themselves or others, or other serious misconduct of a nature which requires removing the employee from the premises.
4. Exempt Employees: For exempt employees, suspension without pay may be imposed only in increments of one workweek. However, suspension without pay in increments of less than a workweek may be permitted when the infraction is a violation of a significant safety rule relating to prevention of serious danger to the workplace or other employees.

C. INVESTIGATORY LEAVE

- 1. The University may place an employee on paid investigatory leave without prior notice in order to review or investigate allegations of employee misconduct which warrant relieving the employee immediately from all work duties and removing the employee from the premises.**
- 2. The investigatory leave must be confirmed in writing to the employee and UPTE normally not later than three (3) working days after the leave is effective. The confirmation must include the reason(s) for and the expected duration of the leave.**
- 3. On conclusion of the investigation, the employee and UPTE shall be informed in writing of the disciplinary action, if any, to be taken. If a disciplinary suspension is imposed, up to fifteen (15) work days of the investigatory leave may be converted to an unpaid disciplinary suspension provided the notice and employee responses provision of this Article have been followed before the final decision is made.**

D. NOTICE OF DISCIPLINARY ACTIONS

- 1. Except as provided in Section D.4., below, written notice of intent to suspend, demote, decrease salary or 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 U.S. 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 their address. The notice of intent shall be accompanied by Proof of Service indicating the date on which the notice of intent was personally delivered or mailed, and this shall constitute the "date of issuance" of the notice of intent.**
- 2. The notice of intent shall:**
 - a. inform the employee of the disciplinary action intended, the reason(s) for the disciplinary action, and the effective date of the disciplinary action;**
 - b. Include a copy of the charge(s) and material(s) upon which the disciplinary action is based, and;**
 - c. inform the employee that he or she has a right to respond either orally or in writing, within ten (10) business days from**

the date of issuance of the notice of intent in accordance with Section E. below,⁵ and to whom to respond.

3. A copy of the notice of intent shall be sent to UPTe.
4. When the duration of a suspension would be five (5) work days or less, the affected employee(s) shall, prior to the implementation of such suspension, be informed in writing of the action to be taken, the reason(s) for the disciplinary action, and the effective date of the disciplinary action.

E. EMPLOYEE RESPONSE

The employee shall be entitled to respond, orally or in writing, to the notice of intent described above. The response must be received within ten (10) business days from the date of issuance of the notice of intent in accordance with instructions given by the University in the written notice of intent sent to the employee. A request for an extension of the ten (10) business days shall not be unreasonably denied. If the employee chooses to respond orally, the employee may have present a Union representative, provided the representative is not a University employee who has been designated as supervisory, managerial, or confidential.

F. MANAGEMENT ACTIONS

- a. After review of the employee's timely response, if any, the University shall notify the employee of the action to be taken and the effective date of the action. The action may not include discipline more severe than that described in the notice of intent; however, the University may reduce the discipline without the issuance of a further notice of intent.
- b. The effective date of the action shall follow the employee's timely response if received by the ten (10) day response deadline. If no response is received by the tenth (10th) business day following the issuance of the notice of intent, the action may be implemented on the eleventh (11th) business day following the issuance of the notice of intent.