

# **ARTICLE 11**

## ***Disciplinary Action***

### **11.1 Just Cause**

Disciplinary action may be taken against a unit member only for just cause. If discipline of a unit member is being considered, an investigation must be conducted and the following actions must occur before any disciplinary action is taken.

### **11.2 Disciplinary Investigation**

Prior to an investigation required by Article 11.1, the unit member and United Academics shall be provided written notice of the investigation, the allegations being considered, the possibility of disciplinary action and the right to union representation. The unit member shall be provided an opportunity to meet with the appropriate administrator to respond to the allegations and may be represented by a United Academics representative. Unit members subject to investigation may be suspended with pay during the course of an investigation if their continued presence poses threat of harm to themselves, others, or the University, as determined by the University. Such suspension shall not be considered disciplinary action.

In the investigatory meeting, the unit member shall be permitted to respond to questions and to provide information or evidence relevant to the allegations under investigation. A unit member who elects not to attend, or who refuses to answer questions during the investigatory meeting, shall be considered to have waived the right to respond to the allegations prior to the potential disciplinary action.

### **11.3 Implementation of Disciplinary Action**

11.3.1 Disciplinary action shall proceed according to the process set forth herein in cases of misconduct, including refusal to perform a legitimate assignment, dishonesty, harassment, assault, substance abuse, theft, or grounds that constitute violations of law.

- a. The University shall provide the unit member and United Academics written notice of disciplinary action in advance of a meeting with the unit member. The notice shall include a statement of the disciplinary action and notice that the unit member may have the right to challenge the disciplinary action as provided in Article 7. The findings of the investigation will be enclosed with the notice of disciplinary action. If the unit member does not attend the meeting, the notice shall be mailed to the unit member's last known address, with a copy to United Academics.
- b. Disciplinary action up to termination may take effect immediately upon notice to the unit member. Termination may take effect five days after notice to the unit

member and United Academics, during which time the unit member may be suspended without pay, at the discretion of the University.

11.3.2 Disciplinary action shall proceed according to the process set forth herein in cases of academic incompetence involving demonstrated inability to perform assigned professional responsibilities in an adequate manner.

- a. The University shall provide the written findings of the investigation and the proposed disciplinary action to the unit member, United Academics, and the MAU disciplinary committee, a standing committee composed of three (3) unit members appointed by United Academics.
- b. Within ten (10) days of receipt of the findings, the MAU disciplinary committee shall conduct a due process hearing on the record at which the unit member, with assistance from a designated United Academics representative or other counsel, shall be provided the opportunity to respond to the findings and a University representative may respond. The hearing shall be closed to all except the parties (i.e., the committee, the unit member, a United Academics representative, and administration representatives), unless otherwise agreed to by the parties.
- c. Within ten (10) days of the conclusion of the hearing, the MAU disciplinary committee shall provide its recommendation and the reasons therefore on the proposed disciplinary action to the dean or director, the unit member and United Academics. Normally the dean or director will accept the recommendation and proceed accordingly except in compelling circumstances wherein the dean or director believes that the best interests of the University would not be served in accepting the recommendation. If the dean or director intends to take an action other than that recommended by the committee, a meeting of the dean or director and the committee shall be convened prior to step d. below to discuss the matter.
- d. The University shall provide the unit member and United Academics written notice of disciplinary action. The notice shall be provided in advance of a meeting with the unit member. The notice shall include notice that the unit member may have the right to challenge the disciplinary action as provided in Article 7. If the unit member does not attend the meeting, the notice shall be mailed to the unit member's last known address, with a copy to United Academics.
- e. Disciplinary actions taken pursuant to Article 11.3.2 shall be considered substantive academic judgments and shall not be subject to the grievance or arbitration process. However, an allegation that the disciplinary action has resulted from an error of procedure shall be subject to the grievance or arbitration process.
- f. Disciplinary action up to and including termination may take effect immediately upon notice to the unit member. Termination may take effect five (5) days after

notice to the unit member and United Academics, during which time the unit member may be suspended without pay, at the discretion of the University.

- 11.3.3. Notice of disciplinary action shall be placed in the unit member's academic record file, and a copy thereof simultaneously given to the unit member and to United Academics in accordance with Article 12.4.
- 11.3.4 By mutual written agreement of the parties on a case by case basis, all timelines in this Article may be modified.
- 11.3.5 By mutual agreement of the parties, all meetings referred to in this Article may be conducted by teleconference.
- 11.3.6 The University shall conduct and complete all investigations as soon as practicable.