

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

**A. GENERAL PROVISIONS**

1. The University shall have the authority to discipline or 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, salary decrease, disciplinary demotion, suspension without pay, 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. An oral reprimand is not considered discipline and is therefore not subject to Article 10, Grievance Procedure of this Agreement, although an oral reprimand may be used to demonstrate that an employee had knowledge of her/his actions which could subsequently lead to discipline. At least one (1) written warning shall precede any discipline other than a written warning, except as noted in Section B.2., below.
2. Performance or conduct that an employee knew or reasonably should have known would result in suspension, disciplinary demotion, salary decrease or dismissal do not require a written warning prior to the initiation of such discipline. Such performance or conduct includes but is not limited to dishonesty, theft, misappropriation of University property, fighting on the job, making verbal or physical threats, acts or conduct which could endanger themselves or others, insubordination, or other serious misconduct of a nature which requires removing the employee from the premises.

**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 her/him 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.

#### **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 such address. Whether delivery is made in person or by mail, the notice of intent shall be accompanied by Proof of Service specifying 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 statement of the charge(s) and a copy of the material(s) upon which the disciplinary action is based, and;
  - c. inform the employee that s/he has a right to respond either orally or in writing, to whom to respond, and the response must be received within ten (10) work days from the date of issuance of the notice of intent in accordance with Section E. below.
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**

1. Employee Responsibilities
  - a. The employee shall be entitled to respond, orally or in writing, to the notice of intent described above. Such response must be received within ten (10) work 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) work days shall not be unreasonably denied. If the employee chooses to respond orally, the employee may request and, if such request is made, have present a

representative, provided the representative is not a University employee who has been designated as supervisory, managerial, or confidential.

**2. 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.
- b. 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. 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) calendar day following the issuance of the notice of intent, the action may be implemented on the eleventh (11th) calendar day following the issuance of the notice of intent.

**F. PERSONNEL RECORDS**

Maintenance of disciplinary records shall be in accordance with the provisions of Article 30, Personnel Files.