

**ARTICLE 5
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 7, – 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.
2. At least one written warning shall precede any other corrective action except when corrective action is the result of performance or conduct that an employee knows or reasonably should have known, was unsatisfactory. Such performance or conduct may include but is not limited to dishonesty, theft or misappropriation of University property, fighting on the job, insubordination, acts endangering others, or other serious misconduct.
3. A performance evaluation or a counseling memo is not in and of itself discipline.

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 normally not later than three working days after the leave is effective. The University shall provide a copy to CUE. The confirmation must include the reasons for and the expected duration of the leave.
3. On conclusion of the investigation, the employee shall be informed in writing of the disciplinary action, if any, to be taken. If the University offers and the employee agrees (and if represented by CUE and CUE also agrees), up to 10 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.
4. If the University fails to include the expected duration of the leave per C.1, above an employee on investigatory leave shall have at least one business day within which to respond to any University communications.

D. NOTICE

1. Written notice of intent to suspend for more than five days, demote, 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. A copy of the Notice of Intent shall be sent to CUE.
2. The notice of intent shall:
 - a. Inform the employee of the disciplinary action which the University intends to take, the reason for the disciplinary action, and the effective date of the disciplinary action;
 - b. Inform the employee that he or she has a right to respond either orally or in writing, within 10 calendar days of the date of the issuance of the notice of intent in accordance with §E. below; and to whom to respond.
 - c. Include a copy of the charge and material upon which the charge is based.

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 10 calendar days from the date of issuance of such notice of intent in accordance with instructions given by the University in the written notice of intent sent to the employee. 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. UNIVERSITY RESPONSE

After review of the employee's timely response, if any, the University shall notify the employee of any action to be taken. 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.

G. COPIES OF DISCIPLINE TAKEN PROVIDED TO CUE

Effective the first of the month following 60 days after ratification of the contract:

When discipline exceeds a letter of warning, a copy of the notice of the final action taken will be sent to CUE within seven (7) working days. Failure to provide such notice to CUE shall not delay the imposition of discipline upon the employee.