

ARTICLE 32
DISCIPLINARY ACTION AND JOB ABANDONMENT

32.1 Just Cause.

- (a) The purpose of this article is to provide a prompt and equitable procedure for disciplinary action taken with just cause. Just cause shall be defined as:
 - (1) Incompetence, or
 - (2) Misconduct.
- (b) A faculty member's activities which fall outside the scope of employment shall constitute misconduct only if such activities adversely affect the legitimate interests of the University or Board.

32.2 Progressive Discipline. Both parties endorse the principle of progressive discipline as applied to professionals.

32.3 Notice of Intent. When the President or representative intends to impose a suspension or termination, the President or representative shall provide the faculty member with a written notice of the proposed action and the reasons therefor. Such notice shall be sent certified mail, return receipt requested, or delivered in person with written documentation of receipt obtained. The faculty member shall be given ten (10) days in which to respond in writing to the President or representative before the proposed action is taken. The President or representative then may issue a notice of disciplinary action under Section 32.4. The faculty member has a right to UFF representation during investigatory questioning that may reasonably be expected to result in disciplinary action. If the President or representative does not issue a notice of disciplinary action, the notice of proposed disciplinary action shall not be retained in the faculty member's evaluation file.

32.4 Notice of Discipline. All notices of disciplinary action shall include a statement of the reasons therefore and a statement advising the faculty member that the action is subject to Article 33, Grievance Procedure. All such notices shall be sent certified mail, return receipt requested, or delivered in person to the faculty member with written documentation of receipt obtained.

32.5 Termination. A tenured appointment or any appointment of definite duration may be terminated during its term for just cause. A faculty member shall be given written notice of termination at least six (6) months in advance of the effective date of such termination, except that in cases where the President or representative determines that a faculty member's actions adversely affect the functioning of the University or jeopardize the safety or welfare of the faculty member, colleagues, or students, the President or representative may give less than six (6) months notice.

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32.6 **Disciplinary Action Other than Termination.** The Board of Trustees, acting through the University Administration, retains its right to impose disciplinary action other than termination for just cause including, but not limited to, suspension with or without pay. Counseling, including recommendations for participation in an Employee Assistance Program, shall not be considered disciplinary action.

32.7 **Job Abandonment**

- (a) If a faculty member is absent without authorization or authorized leave for seven (7) or more consecutive days, the faculty member shall be considered to have abandoned the position and voluntarily resigned from the University. Authorization shall not be unreasonably withheld.
- (b) Notwithstanding paragraph (a), above, if the faculty member's absence is for reasons beyond the control of the faculty member and the faculty member notifies the University as soon as practicable, the faculty member shall not be considered to have abandoned the position.

32.8 **Employee Assistance Program.** Neither the fact of a faculty member's participation in an employee assistance program, nor information generated by participation in the program, shall be used as a reason for discipline under this Article, except for information relating to a faculty member's failure to participate in an employee assistance program consistent with the terms to which the faculty member and the University Administration have agreed.