

ARTICLE XX
DISCIPLINE AND DISCHARGE

Section 1. The University shall have the right to discipline or discharge any employee for just cause.

Section 2. Discharge for purposes of this Agreement shall mean the termination of an employee's appointment prior to the expiration of that appointment.

Discharge does not include the non-reappointment of an employee, a reduction in the employee's FTE or the failure to offer an appointment to an employee.

Section 3 Discipline for purposes of this Agreement refers to adverse employment actions, including but not limited to written warnings, unpaid suspensions or discharge, taken by the University based on an employee's misconduct or poor/non-performance.

Discipline for purposes of this Article shall not include performance reviews. A performance review that indicates performance deficiencies shall not be considered a disciplinary action by the University.

Section 4. While discipline will generally be progressive in nature, the parties recognize that the University may forego progressive discipline if the circumstances so warrant.

Section 5. It is understood that the University, in addition to issuing disciplinary action, may also include with such discipline reasonable remedial measures when appropriate with which the employee must comply, provided the remedial measures are rehabilitative rather than punitive.

Section 6. At the discretion of the University in certain cases, an employee may be placed on paid administrative leave to permit the University to investigate potential or alleged misconduct that may result in discipline. The manner of the investigation shall be at the University's discretion. Being placed on paid administrative leave is not itself a disciplinary action, and if the investigation reveals that no misconduct or other violations occurred, there shall be no record of the administrative leave in the employee's file.

Section 7. An employee may request that a Union representative be present at any investigatory meeting that the employee reasonably believes may lead to discipline.

Section 8. Employees who are discharged or suspended shall be permitted to file their grievance at the final step of the grievance process before arbitration.