

University language in yellow

ARTICLE XX
DISCIPLINE AND DISMISSAL

Section A. The ~~Employer~~ University shall not discipline or dismiss an Employee except for just cause. Discipline shall ~~may~~ include but not be limited to ~~verbal warnings, written warnings, reduction in duties, reduction in pay, suspension with or without pay, and dismissal~~ taken by the University based on an employee's misconduct or poor/non-performance.

~~. Discipline shall not be used to restrain Employees in the exercise of academic freedom.~~

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

Dismissal 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. Dismissal as used in this Article also does not include layoff of an employee or termination of an appointment due to lack of funding or course/section cancellation.

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 B. ~~Prior to the issuance of discipline, the Employer shall conduct an investigation that includes an opportunity for the Employee to respond to the alleged job misconduct or performance issue. The Employer shall notify any Employee facing disciplinary action of the right to Union representation.~~ An employee may request that a Union representative be present at any investigatory meeting that the employee reasonably believes may lead to discipline.

Section C. The ~~Employer~~ University shall notify the ~~Employee and the Union~~ in writing within three (3) business days ~~one (1) day~~ of the issuance of discipline to the Employee. This notification must include a description of the alleged ~~job-related~~ misconduct or job performance issue; a summary of the evidence; and the level of disciplinary action.

Section D. Employees who are disciplined or dismissed shall be entitled to have the Union file a grievance in response to the disciplinary action. Grievances over disciplinary suspensions without pay or dismissal actions Employees who are dismissed or suspended shall be permitted to file their grievance at the Step 2 last step of the grievance procedure prior to arbitration as established in Article XX under the same time limits for filing other initial grievances.

Section E. Discipline which is rescinded through the grievance procedure shall be removed from the Employee's file and shall not be the basis for further disciplinary action.

Section F. Any person against whom charges have been made may, at any time during the pendency of the charges be suspended by the Employer. Such suspension shall be without loss of pay. placed on paid administrative leave while investigating potential or alleged misconduct that may result in discipline or considering what actions to take in a given case. The manner of any investigation shall be at the University's discretion. Being placed on paid administrative leave is not itself a disciplinary action

~~**Section G.** Harvard shall maintain the confidentiality of an Employee's disciplinary actions imposed and shall not share an Employee's disciplinary actions except with appropriate Harvard personnel as necessary to perform their duties or as required by law.~~