

ARTICLE 27

DISCIPLINE FOR TENURED AND/OR TENURE-TRACK FACULTY

The parties wish to encourage open communication between administrators and faculty and agree that whenever possible problems should be resolved informally before these procedures are initiated. The parties agree that this Article shall not be used to restrain faculty members in the exercise of their academic freedom or their rights as citizens.

The parties agree that, except for serious misconduct, dismissal should occur only as the final step in a progressive disciplinary system and each instance of misconduct shall be judged solely on its own factual situation.

~~For tenured or tenure-track faculty dismissal or discipline which is the result of incompetence, or failure to meet satisfactory standards of job performance, or failure to meet continuing educational requirements, or to fulfill professional commitments shall *not* fall within the purview of this Article, but shall be dealt with exclusively under the University By-Laws.~~

A. Discipline ~~and dismissal for tenured or tenure-track~~ faculty shall be for just cause such as:

1. Neglect of assigned responsibilities, ~~incompetence, failure to meet satisfactory standards of job performance, failure to meet continuing educational requirements, or to fulfill professional commitments;~~
2. Insubordination, serious misconduct, or non-compliance with University of Connecticut ~~Laws and~~ By-Laws (Revised ~~June 20, 2006~~ August 5, 2015); noncompliance with the Code of Ethics for Public Officials (Chapter 10 of the Connecticut General Statutes) or with University, State, or Federal regulations governing research;
3. The use of fraud, collusion, concealment, or misrepresentation of a fact material to obtaining employment with the University and/or obtaining promotion, tenure, salary increase, or other benefit;
4. Sexual harassment, serious misconduct, or other conduct, which impairs the rights of faculty, students, ~~or other staff members~~ employees, or others who are engaged with the University in its business or operations.

B. Procedures to be followed for ~~written warnings, reprimands,~~ dismissal, demotion in rank and/or salary, or suspension without pay.

1. The faculty member shall receive in writing a statement from the Dean's office of the reasons for the action being recommended.

2. Within seven (7) calendar days of receiving the written statement (B.1), the faculty member may request from the Dean a hearing ~~before his/her Dean or Director or designee~~ with an UConn-AAUP representative present, should the faculty member so desire. This hearing shall be held within ~~seven (7)~~ fifteen (15) calendar days of the employee's written request. ~~The Dean's Office or Director or designee~~ shall issue a written recommendation following the hearing within 7 calendar days
3. Within seven (7) calendar days of receiving the recommendation in B.2 above, the faculty member shall have the right to submit a written appeal to the Provost ~~or his/her designee~~. At such appellate hearing, the faculty member shall have the right to be represented by the UConn-AAUP. ~~The Provost's Office or his/her designee~~ shall issue a written decision following the appellate hearing.
4. The decision of the Provost ~~or designee~~ may be appealed to arbitration on the merits under Article 10 of this agreement.

C. A Dean or equivalent official may issue written warnings and reprimands following discussion with the bargaining unit member, which member may request the attendance of an AAUP representative. Warnings, reprimands, and other less severe discipline shall be grievable through steps ~~B.2 and~~ B.3 above but shall not be grievable to arbitration.

ED. 1. If the ~~Provost, or Provost designee~~ University judges that the grounds for dismissal or discipline require the immediate suspension of the faculty member, the suspension shall be with pay until the hearings described in B.2 and B.3 above have taken place or the opportunity to have such a hearing has been afforded to the grievant, and with agreement of only after discussion with the UConn-AAUP.

2. In the event the discipline is performance related and involves the loss of or reduction in salary, the salary shall not be withheld until after the arbitration decision or four (4) months from the initiation of the discipline at B.4, whichever is sooner. In the event the discipline is for misconduct, this provision is not applicable.

D. The procedures for discipline provided in this Article shall supersede any contrary provisions of the University By-Laws. For cases involving discipline or dismissal for misconduct, the procedures outlined above supersede Section XV, E, F, G, H, and S of the University of Connecticut Laws and By Laws (Revised June 20, 2006, August 5, 2015).

E. The parties agree that the PTR procedures should not be used to deal with issues of misconduct which are more appropriately dealt with under the disciplinary procedures. In no case shall the outcome of the PTR (promotion, tenure, or reappointment) process be construed as falling under this Article.

University Counterproposal
February 16, 2016

Tentative Agreement

Date ___/___/___

For UConn-AAUP

Date ___/___/___

For the University of Connecticut