

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 shall be for just cause such as:

1. neglect of assigned responsibilities, or failure to meet continuing educational requirements, or failure to fulfill professional commitments;
2. insubordination, serious misconduct, or non-compliance with University of Connecticut Laws and By-Laws (Revised June 20, 2006), as may be amended from time to time; 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 students or other staff members members of the University community.

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 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 a hearing

before his/her Dean or Director or designee with an AAUP representative present, should the faculty member so desire. This hearing shall be held within seven (7) calendar days of the employee's request. The Dean, Director or designee shall issue a written recommendation following the hearing.

3. Within seven (7) calendar days of receiving the recommendation in B.2 above, the faculty member shall have the right to appeal to the Provost or his/her designee. At such appellate hearing, the faculty member shall have the right to be represented by the AAUP. The Provost 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. Supervisors may issue written warnings and reprimands following discussion with the bargaining unit member, which member may request attendance of an AAUP representative. Warnings, reprimands, and other less severe discipline shall be grievable through steps B.2 and B.3 above Step 1 and Step 2 of the grievance procedure in Article 10 but shall not be grievable to arbitration.

C.D.

1. If the 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 hearings has been afforded to the grievant.
2. ~~In the event the discipline 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.~~

D.E. For cases involving discipline or dismissal for misconduct, the procedures outlined above supersede Section XIV, ~~E, F, G, H, I, J,~~ and S of the University of Connecticut Laws and By-Laws (~~Revised June 20, 2006~~), as may be amended from time to time.

E.F. 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 Proposal
December 18, 2015

Tentative Approval

AAUP

_____/_____/_____
Date

University of Connecticut

_____/_____/_____
Date