

**Union Proposal for Negotiations Between
Professional Staff Union/MTA/NEA, Unit A, Amherst, and Boston
and**

The University of Massachusetts Board of Trustees

December 16, 2024

Wellbeing Proposal 8

Union Written Proposal delivered December 16, 2024
--

ARTICLE 8: DISCIPLINE AND DISCHARGE

Section 8.1

No employee shall be disciplined or discharged except for just cause.

Section 8.2

The parties agree that when harm is caused to members of the university community or to the institution, that the first priority of the university is to provide remedy for the harm that was caused, rather than to punish those who caused the harm.

The parties **further** agree that corrective and disciplinary action, when imposed, shall be implemented in progressive stages from minor to severe, **and that the total harmful effects (as could be reasonably predicted) of the corrective or disciplinary action that is implemented shall be no more than proportional to the harm caused.**

However, in some serious circumstances, where acts or omissions of a bargaining unit member have resulted, or will result, in serious harm to the institution, or members of the campus community, severe sanctions may be imposed in the first instance.

Section 8.3

The parties agree that in the interest of providing remedy for harm rather than punishment whenever it is possible, that an informal resolution process shall be made available to all members of the community, including staff, faculty, administrators, and students, who have experienced harm or have been notified that they have caused harm within the community. In cases where all parties to a harm within the community agree to use this informal resolution process, discipline procedures will normally be paused to allow for an informal resolution.

The Union makes these proposals retaining the right to add to, amend or modify these proposals and any of the terms and conditions of the collective bargaining agreement.

In cases where the university as an institution is the entity that has been harmed, the university shall make it a priority to use this informal resolution process where it is safe and reasonable to do so.

All communications that occur within the informal resolution process shall be held confidential except in cases of an imminent risk of serious harm or where the university is required to divulge aspects of those communications by law.

Consultation with this process is not a substitute for the grievance procedure and will not stop, extend, or toll the statute of limitations or other time limits by which notice must be given, or any action taken for initiating a formal grievance.

Section 8.4

On each campus there shall be a standing Bias in Discipline Review Board, composed of four members appointed by the Chancellor, two members appointed by the Student Government Association (SGA), and two members appointed by each of the following unions: at Amherst MSP, PSU, USA/MTA, AFSCME, and GEO; and at Boston FSU, PSU, CSU, DCU and GEO. All appointments to this Board shall be approved by the unions, the administration, and the SGA. Members of the Bias in Discipline Review Board shall serve two-year terms, which may be renewed and should be staggered over time. The members of the Bias in Discipline Review Board shall undergo intensive and ongoing training in investigatory techniques.

If a member of the university community who is the subject of disciplinary actions feels that the instigation or proceeding of these disciplinary actions has been influenced by negative bias based on their—actual or perceived—race, gender, gender identity or expression, sexuality, religion, ethnicity, national origin, veteran status, age, or political viewpoint, that member may appeal to the Bias in Discipline Review Board.

Within twenty days of receipt of a written request for a review, the Chancellor's Office shall convene a two-person Bias Review Team, selected from the membership of the Bias in Discipline Review Board. The two-person Bias Review Team shall include one member of the board appointed by the unions or the SGA, depending on student status, and one member appointed by the administration. The union member or student member shall be selected by the unions or SGA, respectively, and the administration member shall be selected by the Chancellor's Office. The Bias Review Team shall conduct a preliminary review of the complaint, interviewing the person subjected to discipline and the complainant. The Bias Review Team may also interview any other community member they believe may have information relevant and necessary to their review. Within twenty days of convening, the Bias Review Team shall submit a written report of its findings to the Chancellor's Office, with copies to the person subjected to discipline, the complainant, and any union representative for the person subjected to discipline.

The Union makes these proposals retaining the right to add to, amend or modify these proposals and any of the terms and conditions of the collective bargaining agreement.

The complainant and person subjected to discipline shall have ten days to identify any facts not in dispute that have been recorded inaccurately in the Bias Review Team's report.

The university shall adjust the proceedings, findings, and consequences of any disciplinary proceeding based on the findings of the Bias Review Team, with the goal of ensuring that negative bias against individuals does not cause harm to those individuals undergoing discipline.

Section 8.5

Sections 8.3 and 8.4 will not apply to academic disputes, student grades, or matters of faculty governance.

Section ~~8.3~~ 8.6

In the event of discharge of an employee, the Employer/University Administration shall notify the Union Campus Chair within two (2) working days of such action being taken.

Section ~~8.4~~ 8.7

The Union shall receive concurrent notice of all disciplinary charges, hearings, and decisions.

The Union makes these proposals retaining the right to add to, amend or modify these proposals and any of the terms and conditions of the collective bargaining agreement.