

Article 17 - Discipline or Dismissal

- 17.1. Just Cause. ESEs shall only be subject to discipline or dismissal for just cause.
- 17.2. Exceptions. It is recognized that ESE appointments cease at the end of a designated period, and the cessation of such an appointment is not subject to the just cause requirement. Discipline or dismissal as used in this Article refers to actions taken involving job related misconduct or job related poor/non-performance and does not include any action based on academic performance. No decision made by the University concerning academic discipline or dismissal of a student are subject to this Agreement.
- 17.3. Disciplinary Actions. In the event disciplinary action will not result in a suspension or dismissal, the ESE and the union shall be provided with a copy of the disciplinary action. The ESE may request a conference with a Union representative and the supervisor to discuss the discipline prior to the disciplinary action being placed in the ESE's file, but not later than fourteen (14) days from the receipt of the copy of the disciplinary action.
- 17.4. Suspension and Dismissal. In the event that suspension or dismissal of an ESE is contemplated, the University shall:
 - 17.4.1. Notify the ESE and the union in writing of the contemplated action. The notice shall include a statement of reasons for the contemplated action, which shall include the nature of the alleged violation, the level of discipline contemplated, notice of a right to a conference, and notice of the right to Union representation. Upon request, the ESE shall be entitled to any materials (such as an investigative report) that have been prepared, although confidential information and witness statements may be withheld; and
 - 17.4.2. Offer a disciplinary conference to be held with the Department Chair (or designee) or Hiring Unit Director (or designee) at least three (3) business days after the written notice.
- 17.5. Union Representation. The ESE shall be entitled to Union representation at the conference, at which the Union representative shall be afforded the opportunity to speak on behalf of the employee and shall otherwise be entitled to represent the employee.
- 17.6. Charges. During the conference, the ESE shall be apprised of the charges and shall have an opportunity to respond to the charges.
- 17.7. Grievance Process. An ESE who is disciplined or discharged shall be entitled to file a grievance at the second step of the grievance procedure. The ESE shall have fourteen (14) calendar days from the date of the action to file a grievance.

- 17.8. Notification. The Union shall be promptly notified in writing of any disciplinary action taken against an ESE.
- 17.9. Administrative Leave. The University may place an ESE on paid administrative leave without prior notice, in order to investigate allegations of misconduct or dereliction of duty which, in the judgment of the University, warrant immediately relieving the ESE from all work duties and/or require removing the ESE from the premises.
- 17.9.1. The Union will be promptly notified of when an ESE is placed on paid administrative leave.
- 17.9.2. Paid administrative leave is not discipline.
- 17.9.3. At the conclusion of an investigation of an ESE placed on administrative leave, where the Employer elects not to take disciplinary action, the ESE will be provided with a notification that the investigation is completed and that no discipline will be imposed. If no disciplinary action is taken, no record of administrative leave will be placed in the ESE's personnel file.