

## WAWU'S PROPOSAL RE DISCIPLINE AND DISMISSAL 1/29/24

### Article 17 - Discipline or Dismissal

17.1.

17.2. Just Cause. All disciplinary actions for ESEs who have successfully completed their probation period shall be for just cause.

17.3. Rehire, Renewal and Academic Performance. Appointments which cease at the end of a designated term and come with no guarantee of renewal. The cessation of 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 decisions regarding rehire or renewal or 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.

17.4. Disciplinary Actions. For disciplinary actions that 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.

17.5. Pre-Disciplinary Procedure for Serious Discipline. If the University contemplates suspension or dismissal as a disciplinary consequence, the University shall:

- 17.5.1. Notify the ESE and the Union in writing of the contemplated disciplinary 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 pre-disciplinary meeting, and notice of the right to Union representation. Upon request, the ESE shall be entitled to any materials (such as an investigative report) upon which the University has relied to make its contemplated disciplinary decision, although confidential information and witness statements may be withheld; and
- 17.5.2. Offer a pre-disciplinary meeting to be held with the supervisor making the disciplinary decision (or designee) at least three (3) business days after the written notice. In any such meeting the ESE will be notified of the charges and given an opportunity to respond.

17.6. Union Representation.

- 17.6.1. Upon request, an ESE has the right to a Union representative during any investigatory interview conducted by the University that the ESE reasonably believes could result in discipline of the ESE. If the requested representative is not reasonably available, the ESE will select another representative who is

available. An employee seeking representation is responsible for contacting their representative. During any investigatory interview, a participating Union representative will be given the opportunity to ask questions, offer additional information and counsel the ESE but may not interfere with the University's right to conduct the investigation.

- 17.6.2. An ESE shall also be entitled to Union representation at a pre-disciplinary meeting, 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.
- 17.7. Grievance Process. An ESE who is suspended or discharged shall be entitled to file a grievance. The ESE shall have fourteen (14) calendar days from the date of the action to file a grievance.
- 17.8. Administrative Leave. The University may place an ESE on paid administrative leave without prior notice during a University investigation if, in the judgment of the University, the circumstances warrant relieving the ESE from all work duties and/or require removing the ESE from the premises.
  - 17.8.1. The Union will be promptly notified of when an ESE is placed on paid administrative leave.
  - 17.8.2. Paid administrative leave is not discipline and is not subject to the grievance procedure.
  - 17.8.3. While on paid administrative leave ESEs are expected to remain available if needed by the University during their normal hours of work.
- 17.9. Job Abandonment. An ESE who is absent without approval or contact for more than three (3) consecutive workdays will be presumed to have abandoned their position and will be notified in writing of the University's intent to terminate their employment. The written notice will provide a reasonable timeline during which the ESE may respond to the notice.