

Article 7
DISCIPLINE

7.1 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.

7.2 Dismissal or discipline which is the result of failure to meet satisfactory standards of job performance or is a result of incompetence shall not fall within the purview of this Article, but shall be dealt with exclusively under the University, or appropriate School By-Laws.

7.3 Discipline is defined as one or more of the following actions: written reprimand, suspension without pay, demotion, and/or dismissal.

A. Discipline shall be for just cause including but not limited to such situations as:

1. neglect of assigned responsibilities;
2. insubordination, serious misconduct, or non-compliance with current University of Connecticut or School ByLaws; noncompliance with the Code of Ethics for Public Officials (Chapter 10 of the Connecticut General Statutes), University Code of Conduct, or with University, State, or Federal regulations governing research; or with Health Center rules or regulations; or pertaining to faculty practice plans and hospital practice standards;
3. the use of fraud, collusion, concealment, or misrepresentation of a fact material to obtaining employment with the Health Center and/or obtaining promotion, tenure, salary increase, or other benefit;
4. sexual harassment, harassment, discrimination, retaliation, serious misconduct, or other conduct which impairs the rights of students or other staff members.

B. Procedures to be followed for written warnings, reprimands, dismissal, demotion in 1 rank, and/or salary, or suspension without pay.

1. The faculty member shall receive in writing a statement from their Department Head, Director, Chair or Division Chair for the School of Dental Medicine of the reasons for the disciplinary action being recommended.

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2. Within seven (7) calendar days of receiving the written statement (B.1), an opportunity for a meeting shall be provided to the faculty member with their Department Head, Director, Chair of the School of Dental Medicine or their designee with an AAUP representative present, should the faculty member so desire. This meeting shall be held within seven (7) calendar days of the member's request. The Department Head, Director, Chair or Division Chair of the School of Dental Medicine shall issue a written recommendation of disciplinary action, if any, to the Dean and setting forth the basis of the recommendation within seven (7) calendar days of the meeting.

3. Within seven (7) calendar days of receiving the recommendation in 7.3.B.2 above, the faculty member shall have the right to appeal to the appropriate Dean or the Dean's designee. At such meeting, the faculty member shall have the right to be represented by the AAUP. The Dean or the Dean's designee shall issue a written decision on the appeal within fifteen (15) calendar days of the meeting. If the faculty member does not appeal the recommendation of discipline, then the Dean shall issue a written decision within seven (7) calendar days of receipt of the recommendation of discipline.

4. The decision of the appropriate Dean or Dean's designee may be appealed to arbitration on the merits under Article 8 of this Agreement. Warnings, reprimands, and other less severe discipline shall be grievable through steps 8.4 and 8.5 of the grievance procedure but shall not be grievable to arbitration.

C. The faculty member has the right to have an AAUP representative present at an investigatory interview at the request of such faculty member.

D. 1. If the UConn Health, including the Schools of Medicine and Dental Medicine, judges that the grounds for dismissal or discipline require the immediate suspension of the faculty member, the suspension shall be with pay until the meetings described in B.2 and B.3 above have taken place.

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.

E. For cases involving discipline or dismissal for misconduct, the faculty member has the option to pursue a grievance through the procedures outlined in this article or the faculty member can pursue a grievance through the process set forth in Section 2 XIV, G, H, I, J and T of the most current edition of the University ByLaw¹ except as 1 provided for in Article 7, Section F below.

¹ By-Laws sections referenced are titled "Termination of Appointments by the Institution," "Dismissal Procedures," "Suspensions," "Terminal Salary," and "Health Center Faculty Grievance Procedures."

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F. In lieu of utilizing the arbitration procedures set forth in this Article 7, Section B.4 and Article 8.6 (Contractual Grievance Procedure) for discipline or discharge for misconduct, a faculty member, at their own election, may use the appeals procedures set forth in Article XIV, G, H, I, J and T of the most current edition of the University of Connecticut By-laws. Such an election will preclude the faculty member from utilizing the procedures of Article 7, 3.B.4 and Article 8.6 to resolve that particular disciplinary matter. A faculty member making such an election must notify the AAUP and the Dean in writing that they are appealing the Dean's decision under the provisions of the University By-Laws, within seven (7) calendar days of receiving the Dean's answer as provided for in Article 7.3 B.3, above.

F. In no case shall the outcome of the promotion and tenure process be construed as falling under this Article.