

ARTICLE 26 - DISCIPLINARY ACTIONS
USA Counter: 2/5/2025

SECTION 1: No employee, who has been employed in the bargaining unit described in Article 1 of this Agreement for six (6) consecutive months, shall be suspended, dismissed, removed, demoted, or terminated for disciplinary reasons without just cause. An employee, who severs their employment with the Employer, must serve an additional probationary period upon reemployment, whether in the same or different job title.

Just cause must include the following steps of progressive discipline:

- 1) Verbal warning with a written record
- 2) Written warning
- 3) Suspension
- 4) Reassignment, demotion, or dismissal

SECTIONS 2-5 – Keep current language.

SECTION 6: NOTIFICATION OF DISCIPLINE AND DISCHARGE

The Union shall receive notice of all disciplinary charges, hearings, and decisions within one (1) working day of action being taken.

In the event of discharge of an employee, the Employer shall notify the Association within one (1) working day of such action being taken. The Association shall receive concurrent notice of all disciplinary charges, hearings, and decisions.

SECTION 7: BIAS IN DISCIPLINE

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.

A. Remedy for harm: 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.

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.

B. Bias in Discipline Review Board: 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: MSP, PSU, USA/MTA, AFSCME, 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, 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 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.

C. Sections A and B will not apply to academic disputes, student grades, or matters of faculty governance.

Rationale:

- Rejecting University Proposal 26.1: We cannot accept a proposal that removes the language of “just cause.”
- Adding descriptive language to 26.1 about progressive discipline to make the contract clearer and easier to enforce for rank-and-file members.
- Rejecting University Proposal 26.2: Performance Improvement Plans (PIPs) are currently used by supervisors across campus, and the proposed modality for PIPs in the University's proposal connects them to disciplinary action and creates a pipeline to possible termination. USA wants to maintain PIPs as a tool for employee development.
- Adding Section 26.6: Notification of Discipline or Discharge, which borrows language from University Proposal 26.4 and 26.5 and replaces 24 business hours with 1 working day.
- Adding Section 26.7: Bias in Discipline, which establishes procedures based on transformative justice to remedy harm done in disciplinary actions, as well as creates a Bias in Discipline Review Board to establish an appeal process for those who believe the disciplinary action process was unfairly biased.