

## **ARTICLE 34: DISCIPLINE**

- 34.1 Just Cause. All disciplinary action for Employees who have successfully completed their probationary period shall be for just cause. The University may discipline or discharge an Employee during the probation period without recourse to the Grievance Procedure.
- 34.2 Disciplinary Action. The parties recognize that bargaining unit Employees perform representative roles at the University that require substantial trust in their judgment. In light of the nature of the work of bargaining unit Employees, the University is not required to apply the principles of progressive discipline. The University's decision to discharge an Employee based on performance shortcomings will not be disturbed if the Employee has been provided notice and an opportunity to correct the performance issue; provided that in extreme and egregious situations, immediate termination may be appropriate without warning and notice.
- 34.3 Investigations
- 34.3.1 Investigations. The University has adopted guidelines for conducting investigations into alleged misconduct and/or violation of laws, regulations, or policies relevant to the University and its constituents. The current version of these guidelines can be found at EWU Guideline 401-01. Employees have an obligation to cooperate with investigations conducted by the University.
- 34.3.2 Representation. Upon request, an Employee has the right to a Union representative at an investigatory interview called by the University if the Employee reasonably believes discipline could result. The Employee shall be permitted a reasonable period of time to arrange for participation of a PSE Staff representative or bargaining unit steward as is appropriate and timely to the situation. The role of the Union representative in regard to University-initiated investigations is to provide assistance and counsel to the Employee and not interfere with the investigation.
- 34.3.3 Meetings. Investigatory interviews and other meetings related to performance concerns shall be conducted on the Employee's paid time.
- 34.3.4 Administrative Leave. The University may, at its discretion, place Employees on paid administrative leave during an investigation. Employees on such paid administrative leave must remain available during their normal hours of work.
- 34.3.5 Employee Review and Response. The University will provide the Employee and the Union with the written findings reached at the conclusion of an investigation. The Employee will be given an opportunity to submit a written response to the written findings. If requested by the Employee, the University will also schedule a meeting to allow the Employee to respond to any investigation that results in a finding of misconduct. At the conclusion of the investigation, the University will inform the Employee and the Union of its decision in writing.
- 34.4 Pre-Disciplinary Procedure. If the University intends to impose discipline that involves a

loss of pay or termination of employment, the following pre-disciplinary procedure shall apply:

- 34.4.1 Notice of Intent to Discipline. The University will inform the Employee and the Union of the proposed discipline in writing. The written notice shall describe the event or conduct with sufficient particularity to permit the Employee to understand the reason for the proposed discipline and to respond to any charges. The notice will also inform the Employee of the right to Union representation at a Pre-Disciplinary Meeting.
- 34.4.2 Request for Information. Upon request, an Employee or the Union will be provided with copies of any documents or witness statements upon which the University is relying for the proposed disciplinary action.
- 34.4.3 Pre-Disciplinary Meeting. The Employer will schedule a Pre-Disciplinary Meeting to permit the Employee to respond to a notice of intent to discipline. At the beginning of any Pre-Disciplinary Meeting, the University will describe its proposed discipline and the reasons for issuing the proposed discipline.
- 34.4.4 Disciplinary Decision. No later than fourteen (14) calendar days after the close of the Pre-Disciplinary Meeting, the University shall inform the Employee and the Union of its decision in writing. If the disciplinary decision involves a suspension or a permanent reduction in pay, the notice will set an effective date for the disciplinary action of at least fourteen (14) calendar days from the date notice was provided to the Employee.
- 34.5 Grievance of Discipline or Discharge. Disciplinary actions limited to oral or written counseling or reprimand may not be challenged through the Grievance Procedure in Article 36. All other disciplinary actions may be challenged through the Grievance Procedure.
- 34.6 Resignation and Retirement. Employees are expected to provide a minimum of one (1) month's notice of their planned resignation or retirement.