

## 3357:13-16-32 Discipline/Discharge

Discipline/Discharge constitutes Article XXIV of the Agreement between North Central State College and the chapter of the North Central State Faculty Association-American Association of University Professors (NCSFA-AAUP)

### Article XXIV. Discipline/Discharge

#### Section 24.01 Just Cause

North Central State College's overall corrective action philosophy is to recognize the principle of just cause which provides for progressive discipline except when summary action is necessary and appropriate. In determining whether or not to impose discipline and the severity of such discipline, the College shall consider the severity of the faculty member's conduct and disciplinary record, as well as the faculty member's length of service with the College. Further the College believes that corrective action should be positive and constructive. Any discipline, which is defined as reprimand, suspension, demotion, or discharge shall be for just cause. The College and NCSFA-AAUP agree that discipline for just cause up to and including termination of a faculty member may be necessary from time to time. The objective of imposing corrective action is to correct behavior that adversely affects the work area, other employees, and/or the mission of the College.

#### Section 24.02 Corrective Action

- (a) Before taking any formal corrective action, the College administration shall have an informal conversation with the faculty member in an attempt to reach an informal resolution, thus preventing the need for formal corrective action. The faculty member may choose to have 2 NCSFA-AAUP representatives present during this conversation.
- (b) When the College administration has reason to believe an incident has occurred which might constitute grounds for discipline, it may conduct an investigation. If, after investigation, the Assistant Dean/Dean and Chief Academic Officer believe disciplinary action is warranted, discipline may be imposed on a faculty member, after advanced notice to the faculty member, and an opportunity for that faculty member to address the allegations, with the right to be represented by the NCSFA-AAUP (see Section 24.04, Due Process). Notification of any disciplinary decision and action will be provided in a timely manner to the affected faculty member and to the NCSFA-AAUP.
- (c) While recognizing that every expectation for appropriate conduct cannot be put in writing, the parties agree that it is helpful to provide illustration of serious misconduct which could lead to suspension or discharge. The following are illustrations of such misconduct:
  - (i) Serious violations of important College policies such as harassment, sexual harassment, and academic misconduct.

- (ii) Any behavior that presents imminent serious threat to the health, welfare or safety of College employees, students or others in the campus community or to College property.
- (iii) Serious insubordination (i.e., willful disregard of direction by supervisor except as permitted by law).
- (iv) Unlawful possession or distribution of illicit drugs or controlled substances on campus.
- (v) Illegally bringing or bearing firearms or other lethal weapons/devises on campus.
- (vi) Intentional falsification of College records.
- (vii) Material misuse or misappropriation of College equipment, materials, funds or other resources.

Section 24.03 Each incident will be evaluated on an individual basis.

#### Section 24.04 Due Process

- (a) In cases that may lead to written reprimand, suspension, demotion, and/or discharge, a bargaining unit member shall be given due process in accordance to the following procedure.

- (i) Notice of Allegations

A written notice setting forth the allegations which, if substantiated, could result in disciplinary action, shall be given to the faculty member and the NCSFA-AAUP Grievance Officer.

- (ii) Conference

The Chief Academic Officer shall schedule a meeting to discuss the allegations. The Chief Academic Officer and the Dean/Assistant Dean will meet with the faculty member and 2 NCSFA-AAUP representatives to discuss the charges against the faculty member and provide the faculty member with an opportunity to present the faculty member's side of the matter. This meeting shall be scheduled no sooner than five (5) workdays nor later than ten (10) workdays following receipt of the written notice of the allegations (unless extended by mutual agreement in writing by the NCSFA-AAUP, the College, and the faculty member). At least three (3) workdays prior to that meeting, the faculty member and the NCSFA-AAUP shall be provided in writing the specific charge(s) and copies of documentation that support discipline and the specific basis(es) of those charges. This paragraph shall not limit consideration of information that is developed during the hearing process. If the matter is not resolved by mutual agreement at this meeting, the faculty member and the NCSFA-AAUP Grievance Officer shall be sent a written statement of the charges, and the discipline imposed, and copies of additional documents that support discipline. This notification will be provided within ten (10) workdays of the meeting.

(iii) Appeal

A faculty member who disagrees with the disciplinary action that has been imposed may seek recourse through the Grievance and Arbitration Procedure.

Effective: August 23, 2017

Next Review: May 14, 2027

Review Dates: 5/22/98, 12/17/08, 10/26/11, 8/27/14, 8/23/17, 01/16/24