Article 14
Discipline
(University, January 12, 2018)
(Article 14 replaces Articles 14 and 15 for the TET faculty, and applies fully to the NTE faculty. Proposal works in conjunction with proposed Article 15 for the NTE)

14.1 The University and the WSU-AAUP agree that discipline for just cause, up to and including termination of a Bargaining Unit Faculty Member, may be necessary from time to time. In the case of an oral or written reprimand, such discipline shall not be subject to the formal process set forth in this Article, but shall be subject to less formal due process, and, in any event, all discipline shall be only for just cause and shall be subject to the Grievance and Arbitration procedures set forth in Article 16. In addition, the following shall apply with respect to all discipline or potential discipline:

14.1.1 Investigations shall be conducted and concluded in a timely manner. No investigation shall remain open indefinitely or continue beyond a reasonable duration necessary to secure evidence.

14.1.2 Allegations may be confidential or anonymous. However, no discipline may be imposed solely upon confidential or anonymous allegations.

14.1.3 In the event evidence absolves the accused Member, the University shall make a written record of that determination.

14.2 When in the judgment of the President or a provost the presence of a Bargaining Unit Faculty Member on University premises presents a threat to health or safety of any person in the University community or represents a threat of disruption of or interference with any normal and lawful activities of the University, its staff or students, the President or a provost may suspend the Member pending the disposition of the disciplinary process. Such suspension shall be with pay, although the University is not obligated to pay a Member who has been convicted of a crime and is incarcerated for that crime. The President or a provost may also direct that the Member be removed and barred from University premises.

14.3 Upon determining that a Bargaining Unit Faculty Member has been unavailable for service without authorization from the University for a period of more than one month, the University may suspend all pay and benefits for that Member once it has notified the Member and the AAUP-WSU of charges against the Member pursuant to Section 14.8.2. At the discretion of the University the Member's pay will continue to be suspended pending the outcome of the discipline process described in this Article.

14.4 When the Provost has reason to believe an incident(s) has occurred which might constitute grounds for discipline, other than an oral or written reprimand, the Provost (or the Provost's designee) shall conduct an investigation.
14.5 If after such investigation the Provost believes disciplinary action is warranted, discipline may be imposed on a Bargaining Unit Faculty Member for just cause. Engaging in conduct that constitutes just cause for discipline may lead to disciplinary action, including, but not limited to, the following types of discipline: oral reprimand, written reprimand, required training (such as diversity or anger management), denial of summer teaching opportunities, suspension with pay, suspension without pay, or termination of employment. In determining the level of disciplinary action to impose in any given situation, the University shall take into account the severity of the offense, prior disciplinary action, the Member’s improvement since the last disciplinary action was taken, and the Member’s overall employment record.

14.6 Actions meeting the standard for just cause include, but are not limited to, (a) fraudulent credentials pertaining to employment at WSU, (b) revocation of required professional licensure; (c) persistent poor performance in teaching; (d) dishonesty in teaching, scholarship, or professional service; (e) persistent inability or refusal to fulfill responsibilities to the University; (f) persistent neglect of duty; (g) personal conduct which presents a threat to health or safety of any person in the University community, substantially impairs the Member’s fulfillment of responsibilities to the University, or otherwise substantially impairs the University’s ability to fulfill its institutional responsibilities; (h) any form of harassment or discrimination pursuant to Article 3; (i) conviction of a crime involving an offense of violence as defined in division (A)(9)(a) of Section 2901.01 of the Ohio Revised Code as of January 1, 2008 or a substantially equivalent offense under federal law or a municipal ordinance; or (k) violation of University policy(s), conduct or action which brings discredit to the University, causes the University to be held in disrepute, or otherwise detracts from the University’s reputation in the community at large.

14.7 With the exception of termination and suspension without pay, any discipline shall not affect a Member’s continuation of benefits. In cases where suspension without pay is thirty (30) or more calendar days, Members may make arrangements with the Office of Human Resources to pay their portion of medical insurance, life insurance, and other benefits, with the exception of retirement. In cases of suspension without pay, retirement benefits shall not be accrued or paid.

14.7.1 With the exception of termination or suspension without pay, any discipline shall not affect a BUFM’s continuation of base salary.

14.8 Prior to imposing disciplinary action, other than an oral or written reprimand, the Chair, Dean, or a provost shall meet with the Member to discuss the charge(s) against the Member, and provide the Member with an opportunity to present his or her case. The following procedures shall be followed:

14.8.1 The Member shall be given the opportunity to be accompanied by an AAUP-WSU representative.

14.8.2 At least ten (10) business days prior to the meeting, the University shall notify both the Member and the AAUP-WSU in writing of the specific charge(s) and the specific
basis(es) of those charges to be discussed at the meeting. Where the contemplated discipline may be suspension or be more severe, the University shall provide the Member and the AAUP-WSU with electronic copies of documents or links to electronic documents which the University can release legally upon which the charges are based. However, all identities shall be redacted.

14.8.3 If the matter is not disposed of by mutual agreement at the meeting, the Member and the AAUP-WSU shall be sent a written statement of the charges and the discipline imposed, as well as copies of the documents which the University can release legally upon which the charges and discipline are imposed, to the extent not previously provided, within ten (10) business days of the meeting. Such statement shall be signed by the administrator imposing discipline and initialed by the Provost.

14.8.4 If discipline is imposed the University shall disclose those identities which can be released legally.

14.9 A Member who disagrees with the disciplinary action that has been imposed may seek recourse through the Grievance and Arbitration Procedure (Article 16); provided, however, if termination results in revocation of tenure, the Member may, prior to initiating the grievance process, appeal directly to the President. The appeal must be submitted within ten (10) business days of the imposition of termination, and the President must respond within ten (10) business days of receiving the appeal. The timelines for the grievance process are tolled until the President’s response.