

ARTICLE 9— COACHING, DISCIPLINE, AND JOB ABANDONMENT

9.1 Policy.

- (a) Employees are subject to disciplinary action, up to and including discharge, for just cause, including but not limited to, for violating University procedures, policies, rules, and regulations, contract provisions, personnel directives, and/or general orders.
- (b) Due process shall be provided prior to any final decisions regarding disciplinary actions (excluding oral reprimands).
- (c) Employees shall be provided notice and a written statement of any disciplinary action taken (excluding oral reprimands).

9.2 Coaching and Letters of Counseling/Instruction.

(a) Coaching.

- (1) Coaching is intended to be an informal and constructive process that seeks to improve ~~employee~~Employee performance or to discuss issue(s) of concern.
- (2) Coaching includes guidance for correction and an opportunity to correct an ~~employee's~~Employee's performance.
- (3) Coaching is not considered discipline.

(b) Letters of Counseling/Instruction.

- (1) If previous verbal discussion or coaching is not effective, or if a supervisor determines that written guidance is warranted, Letters of Counseling or Instruction may be given to an ~~employee~~Employee. As a formal communication to the faculty member, such letters will:
 - a. identify issues of concern;
 - b. provide guidance for correction, if appropriate, and;
 - c. provide a meaningful opportunity to correct, if appropriate.
- (2) Letters should provide relevant information regarding university policies, regulations, or provisions of the Collective Bargaining Agreement or information about the University’s Employee Assistance Program.
- (3) Such letters are not considered discipline, are not grievable, and are not placed in the ~~employee's~~Employee's personnel file unless requested by the ~~employee~~Employee.
- (4) These letters may be used only as evidence to demonstrate the ~~employee's~~Employee's awareness of University expectations.

- 35 (5) If the ~~employee~~Employee believes that the letter's contents, in whole or in
36 part, are unreasonable or contrary to university policies, regulations, or
37 provisions of the Collective Bargaining Agreement, they may, within
38 twenty (20) days of receipt of the letter, schedule a discussion of the letter
39 with the Provost or designee. The Provost or designee will schedule this
40 discussion to take place within thirty (30) days of receipt of the
41 ~~employee's~~Employee's request. The ~~employee~~Employee will be informed
42 of their right ~~thi~~sto a discussion in the letter.

43 9.3 Investigatory Meetings.

- 44 (a) An Investigatory Meeting is any meeting in which the Employee will be asked to
45 provide information that may result in disciplinary action for the Employee.
- 46 (b) If the University determines that an Investigatory Meeting is warranted, the
47 University will provide at least 2 business days' notice of the Investigatory
48 Meeting. The Employee may bring a UFF representative to the meeting. It is the
49 Employee's obligation to obtain a UFF representative for the meeting.
- 50 (c) In emergency situations, the University may conduct an Investigatory Meeting
51 without providing 2 business days' notice to the Employee and despite a UFF
52 representative not being able to attend the Investigatory Meeting. An emergency
53 situation is a situation in which the University must conduct a prompt investigation
54 to resolve an existing or imminent problem and delay in conducting the
55 Investigatory Meeting may result in significant harm to the University.
- 56 (d) In instances where an Employee reasonably believes, based on objective criteria,
57 that the Employee may be disciplined because of information gathered at a meeting
58 that was not noticed as an Investigatory Meeting, the Employee may request a UFF
59 representative for the meeting by providing such request to the University in
60 writing. Such request must describe the Employee's reasonable belief and list the
61 objective criteria upon which that belief is based. In this situation, the University
62 may:
- 63 (1) pause or reschedule the meeting until a UFF representative is available, or
64 (2) offer the Employee the choice of continuing the meeting without a UFF
65 representative or having no meeting at all. If the Employee chooses to have
66 no meeting at all, the University can complete the investigation without
67 having a meeting with the Employee.
- 68 (e) A meeting where an Employee is notified of disciplinary action is not an
69 Investigatory Meeting.
- 70 (f) The University is not required to conduct an Investigatory Meeting prior to issuing
71 discipline and may issue discipline without conducting an Investigatory Meeting.
72

73 **9.39.4 Just Cause.** Discipline of bargaining unit ~~employees~~Employees shall be for just cause. Just
 74 cause is defined as:

- 75 (a) Incompetence;
- 76 (b) Misconduct, or;
- 77 (c) Neglect of duty.

78 **9.49.5 Progressive Discipline.**

- 79 (a) ~~Disciplinary actions typically are progressive. Penalties shall be appropriate to the~~
 80 ~~circumstances and proportionate to the seriousness of the offense. All offenses can~~
 81 ~~have a cumulative effect, and offenses need not be identical to impose a penalty~~
 82 ~~more severe than prescribed for a similar offense. Depending on the nature of the~~
 83 ~~conduct and the facts and circumstances of the situation, discipline may be imposed~~
 84 ~~without prior use of coaching.~~
- 85 (b) Certain actions by their nature may be severe enough, however, to justify deviating
 86 from progressive disciplinary principles, and result in immediate discharge of
 87 employment or other disciplinary action. Progressive discipline does not have to
 88 “start” with a written reprimand; if instances warrant, discipline may start with
 89 suspension or discharge.
- 90 (c) Forms of discipline may include, but are not limited to:
 - 91 (1) written reprimand;
 - 92 (2) suspension with pay;
 - 93 (3) suspension without pay; and
 - 94 (4) termination.
- 95 (d) If an ~~employee~~Employee is terminated for disciplinary reasons, they will be given
 96 sixty (60) ~~days~~days’ notice. The university may place the ~~employee~~Employee on
 97 paid administrative leave during the sixty (60) days.

99 **9.59.6 Notice of Proposed Disciplinary Action.**

- 100 (a) Disciplinary Action not Involving Suspension or Termination. In instances where
 101 an Investigatory Meeting was not conducted, the Employee will be provided with
 102 a letter of proposed discipline. The Employee may respond to the letter of proposed
 103 discipline within 10 days of receipt.
- 104 (1) After receiving the written response or, if no response is received after ten
 105 (10) days from the date of receipt of the letter of proposed discipline, the
 106 President or designee may issue a Notice of Disciplinary Action under
 107 Section 9.7.
- 108 ~~(a)~~(b) Disciplinary Action Involving Suspension or Termination. When the President or
 109 designee has reason to believe that a suspension or termination should possibly be
 110 imposed as a disciplinary consequence, the President or designee shall provide the
 111 ~~employee~~Employee with a written Notice of Proposed ~~Disciplinary~~
 112 ~~Action~~Suspension or Termination and the rationale for such action.

- 113 (1) Such Notice shall be sent certified mail, return receipt requested, to the
 114 ~~employee's~~Employee's last known address, —delivered to the
 115 ~~employee~~Employee in person, or e-mailed to the ~~employee's~~Employee's
 116 university e-mail address.
- 117 (2) In the event that the University reasonably believes that the
 118 ~~employee's~~Employee's actions or presence on the job would adversely
 119 affect the orderly conduct and processes of the University, and/or jeopardize
 120 the safety or welfare of the ~~employee~~Employee, faculty and staff, or
 121 students, the ~~employee~~Employee may be placed on paid administrative
 122 leave pending the outcome of a proposed disciplinary action.
 123 Administrative leave is not discipline.
- 124 (3) Within ten (~~20~~10) days of receipt of the Notice of Proposed ~~Disciplinary~~
 125 ~~Action~~Suspension or Termination, the ~~employee—must~~Employee may
 126 submit a written response to the President (President@FloridaPoly.edu) or
 127 designee before the proposed action is taken.
- 128 (4) After receiving the written response or, if no response is received after
 129 ~~twenty (20)~~ten (10) days from the date of receipt of the Notice of Proposed
 130 ~~Disciplinary Action~~Suspension or Termination, the President or designee
 131 may issue a Notice of Disciplinary Action under Section ~~9.6.—9.7.~~
- 132 (5) In certain instances, the President or designee may choose to include an
 133 ~~ad hoc~~ad hoc panel to evaluate the responses and any other material in order
 134 to provide a recommendation regarding -the discipline, if any, that should
 135 be applied. The President or designee will request that members chosen for
 136 the panel identify any conflicts of interest that might arise from their service
 137 on the panel. The President or designee may excuse panel members for
 138 conflicts of interest. However, the President or designee will excuse any
 139 members of UFF's Contract Enforcement Committee from serving on such
 140 a panel.

141 9.69.7 Notice of Disciplinary Action.

- 142 (a) All Notices of Disciplinary Action shall include a statement of the reasons for the
 143 disciplinary action and a statement advising the ~~employee~~Employee that the action
 144 is subject to Article 11 - Grievance ~~and Arbitration~~ Procedure.
- 145 (b) All such notices shall be sent certified mail, return receipt requested, to the
 146 ~~employee's~~Employee's last known address, delivered in person to the
 147 ~~employee~~Employee, or e-mailed to their university e-mail address.
- 148 (c) If the President or designee does not issue a Notice of Disciplinary Action
 149 ~~disciplinary action~~-within ninety (90) days of the Notice of Proposed Disciplinary
 150 Action, no disciplinary action shall be taken and the Notice of Proposed
 151 Disciplinary Action shall not be retained in the ~~employee's~~Employee's evaluation
 152 file, as permitted by law.

153 **9.79.8 Review of Personnel Files.** Employees shall have the right to review their official
154 personnel files upon request.

155 (a) The ~~employee~~Employee shall have the opportunity to submit a written statement
156 responding to any Notice of Disciplinary Action or written reprimand and have that
157 written statement be entered in the personnel file -with the Notice of Disciplinary
158 Action or written reprimand.

159 ~~(b)~~ Such a written statement must be submitted within ~~ninety (90)~~thirty (30) days of the
160 receipt of the Notice of Disciplinary Action-

161 **9.8 — Investigations.**

162 ~~(a) — When an employee is questioned by management as part of an investigation, or the~~
163 ~~employee reasonably believes that the questioning may lead to disciplinary action,~~
164 ~~the employee has the right to request that a union representative be present at the~~
165 ~~meeting.~~

166 ~~(b) When an employee requests union representation pursuant to this section, and no~~
167 ~~union representative is immediately available, the University shall postpone the~~
168 ~~meeting until a representative is available, cancel the meeting, or at the employee's~~
169 ~~option, continue the meeting without a representative~~written reprimand.

170 **9.9 UFF Representation.** UFF determines representation per its governing documents. The UFF
171 does not represent bargaining unit ~~employees~~Employees who are not members in good
172 standing at the time of an alleged incident.

173 **9.10 Job Abandonment.**

174 (a) If an ~~employee~~Employee is absent without authorized leave for three (3) or more
175 consecutive classes across a minimum of three (3) days on which they have
176 ~~classes~~classes scheduled, the ~~employee~~Employee shall be considered to have
177 abandoned the position and voluntarily resigned from the University.

178 (b) Notwithstanding paragraph (a) above, if the ~~employee's~~Employee's absence is
179 justified for reasons beyond the control of the ~~employee~~Employee and the
180 ~~employee~~Employee notifies the University as soon as practicable, the
181 ~~employee~~Employee will not be considered to have abandoned the position.

182 **9.11 Employee Assistance Program.** Neither the fact of a faculty member's participation in an
183 employee assistance program, nor information generated by participation in the program,
184 shall be used as a reason for imposing or withholding discipline under this Article, except
185 for information relating to a faculty member's failure to participate in an employee
186 assistance program consistent with the terms to which the faculty member and the
187 University have agreed.