

1 **ARTICLE 16**

2 *LETTERS OF COUNSEL, DISCIPLINARY ACTION, AND JOB ABANDONMENT*

3 **16.1 Letters of Counsel/Instruction.** Letters of Counsel or Instruction may be
4 given to employees to provide information regarding university policies,
5 regulations, UCF's Employee Code of Conduct, provisions of the Collective
6 Bargaining Agreement, or information about UCF's Employee Assistance Program.
7 Such letters are not considered discipline and may be used only as evidence to
8 demonstrate the employee's awareness of University expectations.

9 **16.2 Just Cause.**

10 (a) Just cause shall be defined as:

- 11 (1) incompetence, or
12 (2) misconduct.

13 (b) An employee's activities which fall outside the scope of employment shall
14 constitute misconduct only if such activities adversely affect the legitimate
15 interests of the University.

16 **16.3 Progressive Discipline.** Both parties endorse the principle of progressive
17 discipline as applied to professionals. Penalties will be imposed dependent upon
18 the university's judgment of the seriousness of the offense and any aggravating or
19 mitigating circumstances.

20 **16.4 Disciplinary Action Other than Termination.** The University retains its right
21 to impose disciplinary action other than termination for just cause including, but
22 not limited to, suspension with or without pay. Should the university require, as
23 part of the disciplinary process, participation in training or counseling, failure to
24 provide evidence of completion would be considered just cause for further
25 discipline.

26 **16.5 Notice of Intent.**

27 (a) Written Reprimand. No notice of intent or employee response time is
28 required when an employee receives a written reprimand. A written reprimand
29 may include sanctions such as, but not limited to, participation in training and/or
30 ineligibility for awards for a specified time, that do not affect the employee's
31 current compensation or employment status.

32 (b) Suspension or Termination. When the University's representative has
33 reason to believe that suspension or termination should be imposed, the
34 University's representative shall provide the employee with a written notice of
35 the proposed action and the reasons therefor. Such notice shall be sent via
36 certified mail, return receipt requested; university email, immediate return reply
37 requested; or delivered in person with written documentation of receipt
38 obtained. The employee shall be given ten days to respond in writing to
39 University's representative before the proposed action is taken. The University's
40 representative then may issue a notice of disciplinary action or reduce the
41 proposed disciplinary action. The employee shall be notified by the University's
42 representative as soon as practicable of the final disposition of the proposed
43 action.

44 **16.6 Notice of Disciplinary Action.** Any notice of disciplinary action shall include a
45 statement of the reasons therefor and a statement advising the employee that
46 the action is subject to the Grievance Procedure in Article 20. All disciplinary
47 notices shall be sent via certified mail, return receipt requested; university email,
48 immediate return reply requested; or delivered in person to the employee with
49 written documentation of receipt obtained.

50 **16.7 Termination.** A tenured appointment or any appointment of definite
51 duration may be terminated during its term for just cause.

52 **16.8 Employee Assistance Program.** Neither the fact of an employee's
53 participation in an Employee Assistance Program, nor information generated by
54 participation in the program, shall be used as a reason for discipline under this
55 Article, except for information relating to an employee's failure to participate in
56 an Employee Assistance Program consistent with the terms to which the
57 employee and the University have agreed.

58 **16.9 Job Abandonment.**

59 (a) If an employee is absent without authorized leave for twelve (12) or more
60 consecutive days, the employee shall be considered to have abandoned the
61 position and voluntarily resigned from the University.

62 (b) Notwithstanding paragraph (a), above, if the employee's absence is for
63 reasons beyond the control of the employee and the employee or a
64 representative notifies the University as soon as practicable with a reasonable

65 and supportable explanation, the employee will not be considered to have
66 abandoned the position.

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