

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 are not placed in the employee's
8 Evaluation File unless requested by the employee. These letters may be used only
9 as evidence to demonstrate the employee's awareness of University expectations.

10 16.2 Just Cause.

11 (a) Just cause shall be defined as:

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

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

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

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

27 16.5 Notice of Intent.

28 (a) **Written** Reprimand. No notice of intent or employee response time is
29 required when an employee receives **a written** reprimand.

30 (b) Suspension or Termination. When the University's representative has
31 reason to believe that suspension or termination should be imposed, the
32 University's representative shall provide the employee with a written notice of

33 the proposed action and the reasons therefor. Such notice shall be sent via
34 certified mail, return receipt requested; university email, immediate return reply
35 requested; or delivered in person with written documentation of receipt
36 obtained. The employee shall be given ten days to respond in writing to
37 University's representative before the proposed action is taken. The University's
38 representative then may issue a notice of disciplinary action or reduce the
39 proposed disciplinary action. The employee shall be notified by the University's
40 representative as soon as practicable of the final disposition of the proposed
41 action.

42 **16.6 Notice of Disciplinary Action.** Any notice of disciplinary action shall include a
43 statement of the reasons therefor and a statement advising the employee that
44 the action is subject to the Grievance Procedure in Article 20. All disciplinary
45 notices shall be sent via certified mail, return receipt requested; university email,
46 immediate return reply requested; or delivered in person to the employee with
47 written documentation of receipt obtained.

48 **16.7 Termination.** A tenured appointment or any appointment of definite
49 duration may be terminated during its term for just cause. Cases in which the
50 president or representative determines that an employee's actions do not
51 adversely affect the functioning of the University or jeopardize the safety or
52 welfare of the employee, colleagues, or students, the employee may be given up
53 to six months' notice.

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

60 **16.9 Job Abandonment.**

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

64 (b) Notwithstanding paragraph (a), above, if the employee's absence is for
65 reasons beyond the control of the employee and the employee or a

66 representative notifies the University as soon as practicable with a reasonable
67 and supportable explanation, the employee will not be considered to have
68 abandoned the position.