

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 expectations
 5 including those expressed in university policies, regulations, UCF’s Employee Code
 6 of Conduct, provisions of the Collective Bargaining Agreement, or information
 7 about UCF’s Employee Assistance Program. Such letters are not considered
 8 discipline and are not placed in the employee’s Evaluation File unless requested
 9 by the employee. These letters may be used only as evidence to demonstrate the
 10 employee’s awareness of University expectations.

Commented [CP1]: We don’t have an official place to put these - can we not just shorten this sentence? “Such letters are not considered discipline and may only be used as evidence to demonstrate...” We can give on it if they will agree to the rest?

11 **16.2 Just Cause.**

- 12 (a) Just cause shall be defined as:
- 13 (1) incompetence, or
 - 14 (2) misconduct.

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

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

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

28 **16.5 Notice of Intent.**

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

31 (b) Suspension or Termination. When the University’s representative has
 32 reason to believe that suspension or termination should be imposed, the

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

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

49 **16.7 Termination.** A tenured appointment or any appointment of definite
 50 duration may be terminated during its term for just cause. ~~An employee shall be~~
 51 ~~given written notice of termination at least six months in advance of the effective~~
 52 ~~date of such termination, except that in cases where in which~~ the president or
 53 representative determines that an employee's actions **do not** adversely affect the
 54 functioning of the University or jeopardize the safety or welfare of the employee,
 55 colleagues, or students, the employee ~~shall~~**may be given less than up to six**
 56 ~~months’~~ notice **of 60 days or until the end of the current semester, whichever is**
 57 **longer.**

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

Commented [CP2]: This helps align employment better with teaching responsibilities.

64 **16.9 Job Abandonment.**

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

68 (b) Notwithstanding paragraph (a), above, if the employee's absence is for
69 reasons beyond the control of the employee and the employee or a
70 representative notifies the University as soon as practicable with a reasonable
71 and supportable explanation, the employee will not be considered to have
72 abandoned the position.