

~~IV.11 Reprimand, Warning and Discipline~~

~~No member shall be subject to reprimand or formal warning or to any other form of discipline without just and reasonable cause but non-renewal of a member with a probationary appointment at the end of the stipulated term or the non-appointment of a limited term member to a further term shall not be considered as disciplinary, but rather shall be dealt with under the appropriate provisions of this agreement. Such warning or reprimand or other discipline shall be confirmed in writing to the member and a copy placed in the members file.~~

IV.11 Discipline

IV.11.1 Just Cause

A member may be disciplined only for just, reasonable, and sufficient cause. Such disciplinary action shall be fair, reasonable, commensurate with the seriousness of the violations, and based on the principle of progressive discipline. Both parties recognize the objective of progressive discipline as being corrective in nature.

IV.11.2 Non-disciplinary situations

(a). A member may not be disciplined for violation of a rule, regulation or instruction unless that rule, regulation or instruction has been promulgated and communicated by the appropriate authority, and does not violate this authority.

b. Medical disability shall not be cause for discipline.

IV.11.3 Discipline separate from academic performance assessment

(a). Disciplinary processes shall be distinct from academic assessments such as those used in the processes of re-appointment, tenure, promotion and merit.

(b). The fact that a disciplinary action has been imposed under article xxx cannot, in itself, be considered in the assessment of a member with regard to reappointment, tenure, promotion and merit.

IV.11.4 Discipline based upon fair and complete investigation

Disciplinary action shall be initiated only after completion of a fair and complete preliminary investigation, and shall not be based on anonymous information. The Employer bears the onus of proving that any disciplinary action taken was for just, reasonable and sufficient cause.

IV.11.5 Discipline Responsibility and Action

(a) Disciplinary action against a member can only be initiated by the President or the Vice-President, Academic.

(b) A member may only be disciplined in accordance with the provisions of this article.

IV.11.6 Types of Disciplinary Action

The only disciplinary measures that may be taken by the employer against a member and documented in the member's personnel file are:

- a. a written warning or reprimand;
- b. suspension with pay;
- c. suspension without pay; or
- d. dismissal for cause.

(a) Written Warning or Reprimand

A written warning or reprimand shall contain a clear statement of the reasons for taking action and shall be clearly identified as a disciplinary measure. Where the member disagrees with the substance of the warning/reprimand, he or she may file a reply which will be contained in the member's personnel file.

The written warning or reprimand shall state the nature of the offence and shall include a statement of any remedial action the member is required to take. It shall also remind the member that subsequent misconducts of the same order may be grounds for suspension or dismissal.

In order to be deemed a letter of warning or reprimand according to the terms of this article, the letter shall be so identified.

(b & c) Suspension

Suspension is the act of the employer in relieving, for cause, some or all of a member's duties and privileges without the member's consent.

(d) Dismissal

Dismissal means the termination of appointment without the member's consent. Dismissal of a member can only be undertaken by the Board of Governors.

IV.11.7 Discipline Process

(a) If the President or Vice-President Academic believes, based upon a preliminary review of evidence, that an occurrence has occurred which would give rise to disciplinary action it will notify in writing the member or members involved within 20 days of the date they knew, or ought reasonably to have known, of the occurrence. The notification shall provide pertinent details of the alleged cause for the discipline including all names, places, and dates of the alleged incidents. A copy of the letter will be provided to the union.

(b) The President or Vice-President shall meet with the member to discuss the alleged cause for discipline within seven (7) days of the notice. The President or Vice-President Academic and the member may each have an advisor present and the Union shall send a representative.

(c) An attempt shall be made at the meeting to resolve the matter in a manner satisfactory to all concerned.

(d) The President or Vice-President Academic or the Dean will undertake an investigation to determine the basic facts of the matter giving rise to the initiation of disciplinary action. In conducting its investigation, no anonymous material shall be submitted as evidence for a disciplinary action. If introduced, such material shall be sufficient in and of itself to invalidate the action.

(e) A copy of the investigative report referred to in (d) shall be provided to the member. The member shall have sufficient opportunity to respond in writing to the report prior to the meeting. This response will be available at the meeting.

(f) If no satisfactory solution is reached at the meeting provided for in article IV.7 (b), the President or the Vice-President Academic shall notify the member and the Union including all names, places and the dates of the alleged incident(s), the disciplinary action to be taken and the reasons for that action. This notification shall take place within 14 days of the meeting.

(g) The member shall have an opportunity to respond in writing before a final disciplinary decision is made by the President or the Vice-President or the Board of Governors. The member's response will be communicated to the final decision maker. The member's report along with the investigative report shall be appended to the letter to the member outlining the final disciplinary decision.

(h) All records of any alleged misconduct including the investigative report and the member's responses to the response will be destroyed immediately if the allegation is not substantiated.

(i) The record of disciplinary action, the investigative report and the member's response(s) will be kept in the member's personnel file. The record will be removed from the member's file and destroyed after two (2) years provided that no subsequent allegation of similar misconduct has been confirmed or is under investigation.