

MIAMI UNIVERSITY PROPOSAL TO FAM/AAUP-AFT

March 13, 2024

DISCIPLINE AND DISCHARGE

- A. The University has and retains the right to discipline bargaining unit faculty members in accordance with applicable University, divisional and departmental policies, rules, regulations, directives, orders, or expectations not expressly addressed in this Agreement, up to and including termination of the employment relationship prior to the expiration date of the employment contract.
- B. The University shall not discipline or discharge any bargaining unit faculty member without just cause.
- C. The University is committed to the use of progressive discipline, noting that when the severity of the alleged offense or bargaining unit faculty member's history of discipline warrants a deviation, it is in the University's sole discretion to do so. Under certain circumstances, suspension without pay or termination may be an appropriate initial disciplinary action.
- ~~C.D.~~ Bargaining unit faculty members are required to cooperate and provide truthful information in the University's investigation of any allegations of misconduct.
- ~~D.E.~~ Prior to implementation of any suspension without pay or termination, bargaining unit faculty members will be provided with a predisciplinary meeting attended by the Provost or their designee.
1. The purpose of the predisciplinary meeting is to provide the bargaining unit faculty member an opportunity to respond to the allegations against them. The predisciplinary meeting is not an evidentiary hearing.
 2. Notice of the allegations against the bargaining unit faculty member will be provided to the bargaining unit faculty member no later than five (5) calendar days prior to the predisciplinary meeting.
 3. Bargaining unit faculty members have the right, upon request, to be accompanied by a Union representative during the predisciplinary meeting, provided that the unavailability of a Union representative shall not delay the predisciplinary meeting. The notice of allegations shall inform the bargaining unit faculty member of this right.

Miami University reserves the right to add to, delete from, or modify any proposal herein prior to final agreement. Any withdrawal of a proposal is without prejudice to the University. Any tentative agreements reached between the parties on any proposals shall not become final until (1) the parties have reached final agreement on a full collective bargaining agreement, (2) the Union membership has ratified the full collective bargaining agreement and (3) the University Board of Trustees has approved the full collective bargaining agreement.

4. Following the predisciplinary meeting, the bargaining unit faculty member will be given written notice of any disciplinary action to be imposed. A copy of the discipline shall be provided to the Union within seven (7) calendar days of the issuance of the discipline.
 5. Bargaining unit faculty members may agree to waive this predisciplinary meeting and such waiver must be in writing.
- E.F. During the pendency of an investigation into misconduct by a bargaining unit faculty member, the University may suspend the bargaining unit faculty member and place them on administrative leave with pay, or relieve them of a portion of their responsibilities, in its discretion. When such action is taken, the Employer will hold the predisciplinary meeting referenced in Section D as expeditiously as possible following the suspension. The University will provide notice to the Union within 48 hours of a bargaining unit faculty member's suspension pursuant to this Section.

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