

Article ___: Disciplinary Procedures

Section 1. Disciplinary actions identified below shall be based on a finding of cause. Oregon Tech and the Association agree that, in accordance with former OAR 580-021-0325 that transferred to Oregon Tech as an institutional policy by operation of law on July 1, 2015, is defined as:

- A. Conviction of a felony or of a crime involving moral turpitude during the period of employment by the University (or prior thereto if the conviction was willfully concealed in applying to the University for employment);
- B. Conduct proscribed by former OAR 580-022-0045, which is identified as:
 - 1. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other Oregon Tech activities, including Oregon Tech's public service functions or other authorized activities on Oregon Tech owned or controlled property;
 - 2. Obstruction or disruption that interferes with the freedom of movement, either pedestrian or vehicular, on Oregon Tech owned or controlled property;
 - 3. Possession or use of explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on Oregon Tech owned or controlled property, unless authorized by law, Board, or Oregon Tech rules or policies;
 - 4. Detention or physical abuse of any person or conduct intended to threaten imminent bodily harm or endanger the health of any person on any Oregon Tech owned or controlled property;
 - 5. Malicious damage, misuse or theft of Oregon Tech property, or the property of any other person where such property is located on Oregon Tech owned or controlled property, or, regardless of location, is in the care, custody or control of Oregon Tech;
 - 6. Refusal by any person while on Oregon Tech property to comply with an order of the President or appropriate authorized official to leave such premises because of conduct proscribed by this rule when such conduct constitutes a danger to personal safety, property, educational, or other appropriate Oregon Tech activities on such premises;

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7. Unauthorized entry to or use of Oregon Tech facilities, including buildings and grounds;
 8. Illegal use, possession, or distribution of drugs on Oregon Tech owned or controlled property;
 9. Inciting others to engage in any of the conduct or to perform any of the acts prohibited herein. Inciting means that advocacy of proscribed conduct that calls on the person or persons addressed for imminent action, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of Oregon Tech, including the safety of persons, and the protection of its property;
 10. Violating the Board's Policy for Intercollegiate Athletics as described in Section 8 of the Internal Management Directives, specifically including the subsection thereof entitled Code of Ethics.
- c. Failure to perform the responsibilities of an academic staff member, arising out of a particular assignment, toward students, toward the faculty member's academic discipline, toward colleagues or toward Oregon Tech in its primary educational and scholarly functions and secondary administrative functions of maintaining property, disbursing funds, keeping records, providing living accommodations and other services, sponsoring activities and protecting the health and safety of persons in the Oregon Tech community.

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Section 8.36 is the Code of Ethics and the purpose of the code of ethics is to "prescribe standards of conduct for student athletes participating in the intercollegiate athletic programs of the institution, coaches, intercollegiate athletic administrators, and **other personnel associated** with intercollegiate athletics." (emphasis added). This applies, in particular, to the Faculty Athletic Representative, but also other bargaining unit members who may be associated with the athletics program.

Section 2. Exceptions. Some allegations against bargaining members must be investigated in accordance with applicable laws and associated guidelines (e.g. Title VII, Title IX and Mandatory Reporting of Abuse of Minors), and in those cases, the procedures and standards relating to the investigation and disciplinary action, if any, of this Article shall be preempted by those laws and associated guidelines. These include discrimination and harassment as proscribed by Title VII of the Civil Rights Act of 1964, sexual assault, sexual discrimination or harassment as proscribed in Title IX of Education Amendments of 1972, and mandatory reporting of abuse of minors (ORS 419 B.010). This Article shall apply to all other situations which may require disciplinary action of a bargaining unit member.

Section 3. Progressive Discipline. When it is appropriate to do so, Oregon Tech shall adhere to the principles of progressive discipline in issuing a disciplinary action identified below to a bargaining unit member.

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Progressive discipline need not be followed, and a bargaining unit member may be summarily discharged on a first offense, when the alleged conduct involves a violation of Article []: Non-Discrimination and related Oregon Tech policies, actual or potential harm to others or property, dishonesty, or a criminal conviction.

A bargaining unit member's history of discipline, whether identical in nature or not, may have a cumulative effect that results in a more severe sanction. Thus, it is expressly agreed that progressive discipline need not be sequential and that disciplinary action may be issued at any of level in Section 4, below, at Oregon Tech's discretion depending on the conduct and bargaining unit member's disciplinary record.

Section 4. Disciplinary Actions. In order to be considered disciplinary in nature and grievable under subject to Article []: Grievances, Oregon Tech must expressly identify the action as disciplinary. Disciplinary actions may include, but are not limited to: oral reprimand with notation to file, written reprimand, and actions more severe than written reprimand. In determining whether or not to impose discipline and the severity of such discipline, Oregon Tech shall consider the faculty member's prior conduct and disciplinary record.

A. Oral Reprimand with Notation to File. The disciplinary action of oral reprimand with notation to file may be imposed by an appropriate administrative supervisor if that individual believes there is just cause to support the action, and shall be imposed within sixty (60) calendar days of the appropriate administrative supervisor's knowledge of the condition on which the action is based. Failure by the bargaining unit member to address concerns raised by the oral reprimand with notation to file may form the basis of a subsequent disciplinary action.

B. Written Reprimand. The disciplinary action of written reprimand may be imposed by an administrative supervisor if that individual believes there is just cause to support the action. This action, when possible, shall be imposed within sixty (60) calendar days of the administrative supervisor's knowledge of condition on which the action is based. The written reprimand will outline the conduct that failed to adhere to the expected standards, expectations for future behavior or performance, any suggested or required remedial activities that the bargaining unit member must undertake, and a notation that a failure by the bargaining unit member to address concerns raised by the written reprimand may form the basis of a subsequent disciplinary action.

C. Actions More Severe Than Written Reprimand. A disciplinary action beyond written reprimand may constitute any of the following: suspension with or without pay, temporary suspension (with or without pay) or removal from the

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05/11/20 Oregon Tech Bargaining Note: Oregon Tech will add the following to Article []: Grievance Procedures:

Only those actions Oregon Tech identifies as disciplinary in Article []: Disciplinary Procedures are grievable under this Article.

assignment for which the bargaining unit member is failing to meet professional obligations, or discharge.

If an appropriate administrative supervisor believes there is just cause to support an action more severe than a written reprimand, and the President concurs, a notice of intent to impose severe disciplinary action shall be served in person or by certified mail (with return receipt requested) to the bargaining unit member's address of record, with a corresponding email to the bargaining unit member, within sixty (60) calendar days of the administrative supervisor's knowledge of the conduct that failed to adhere to the expected standards upon which the notice is based. The notice will outline the conduct that failed to adhere to the expected standards and the disciplinary action.

The notice shall set a date, time, and place for a meeting to occur between the appropriate administrative supervisor and bargaining unit member in which the bargaining unit member may present evidence that rebuts or mitigates the conduct upon which the notice is based. This meeting shall be within fourteen (14) calendar days from the date of the notice and the appropriate administrative supervisor shall issue a written response to the meeting fourteen (14) calendar days of the meeting that either withdraws, modifies, or adheres to the disciplinary action proposed in the notice. If modified or adhered to, the disciplinary action shall include the effective date of the disciplinary action, proposed expectations for future behavior or performance, any suggested or required remedial activities that the bargaining unit member must undertake, and a notation that a failure by the bargaining unit member to address concerns raised by the notice may form the basis of a subsequent disciplinary action.

Section 5. Investigatory Suspensions. Suspension of a bargaining unit member, with pay or without pay, during the investigation of a potential disciplinary action is based on the severity of the allegation. Notice of this action shall be provided by the appropriate administrative supervisor to the bargaining unit member in writing prior to the start of the suspension outlining the reasons for the suspension, the proposed type (with or without pay) and length of suspension, and a date by which the bargaining unit member may present evidence that rebuts or mitigates the proposed type and length of suspension. A decision on any evidence presented shall issue within one (1) business day.

No notice is required when, in the judgment of the President, or designee, the presence of a bargaining unit member on Oregon Tech property presents a threat to the health, safety, or welfare of the Oregon Tech community, or represents a threat of substantial disruption or substantial interference with the normal and lawful activities of any member of the Oregon Tech community. In such circumstances, the suspension shall

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be with pay and the bargaining unit member will be removed and barred from Oregon Tech property pending further direction from Oregon Tech.

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