

ARTICLE __
DISCIPLINE AND DISMISSAL

Section 1. The University shall not discipline a Graduate Worker (GW) without just cause. ~~As used in this article “discipline” means a written warning, a suspension without pay or a dismissal from a GW appointment based upon job-related misconduct or job performance of an individual who remains enrolled as a graduate student.~~

Discipline may include written warnings, unpaid suspensions, or dismissal/discharge from employment from a GW appointment based upon job-related misconduct or job performance of an individual who remains enrolled as a graduate student. Further, it is understood that the University may include with any discipline issued remedial measures with which the GW must comply.

Discipline for purposes of this Article shall not include performance evaluations or feedback.

The non-reappointment of a GW by the University for reasons other than discipline, i.e., availability of funding, change of needs for GW resources, etc., may not be grieved by the Union.

Section 2: This article does not apply to determinations by the University to dismiss a graduate student from the University for academic reasons or for non-job-related disciplinary reasons, and a dismissal from the University for either of these reasons shall not be subject to grievance and arbitration by the GW or the Union. The Union acknowledges that an individual who ceases to be a graduate student for non-work related reasons any reason cannot continue to serve as a GW. An arbitrator shall therefore have no power to order reinstatement to a GW position of an individual who is no longer a graduate student at WPI.

Section 32. Notice of Discipline: The University will promptly notify the GW and the Union in writing within one (1) day ~~within one (1) day~~ of the issuance of discipline, which then may be challenged through the grievance and arbitration procedures of Article __.

Section 43. Dismissals and Unpaid Suspensions:

- (a) Prior to the dismissal or unpaid suspension of a GW, the GW and the Union shall be provided with a written statement of the reasons for which dismissal or unpaid suspension is being considered. The notice shall include the nature of the alleged violation, the level of discipline contemplated, the right to a hearing and the right to Union representation. Upon request, the GW and Union shall be entitled to a copy of any investigatory report that has been prepared, although confidential information and witness statements may be redacted.
- (b) Within seven (7) working days of receiving the written statement, the GW or the Union on the GW's behalf may request a hearing before the GW's department or program head (or relevant Dean or designee(s) as determined by the University), which a Union representative may attend if the GW so desires. This hearing shall be held within seven (7) working days of the request. The GW and the Union representative shall be provided with an opportunity to respond to the reasons for dismissal or unpaid suspension.
- (c) Within seven (7) working days of the hearing, the department or program head shall decide whether to dismiss or suspend the GW or not and notify the GW and the Union accordingly.

If the decision is to dismiss, the dismissal will take effect immediately. If dismissal is not ordered, the department head may impose a lesser form of discipline or impose no discipline.

- (d) A decision of the department or program head to dismiss a GW may within fifteen (15) days be grieved directly to Step 2 of the grievance and arbitration process under Article __ of this agreement. If the visa status of an international student is threatened by the dismissal of that student as a GW, the grievance may be filed directly to arbitration and the University and the Union shall expedite the grievance and arbitration process so that the grievance and arbitration process will be completed before the GW loses their visa status.

Section 54. The University may place a GW on paid administrative leave without prior notice in order to investigate allegations of misconduct or dereliction of duty that, in the judgment of the University, warrant relieving the GW from work duties or removing the GW from the premises. The decision of the University in this matter is not subject to grievance by the GW or Union. The Union will be notified of any such administrative leave within one (1) day. At the conclusion of the investigation, the University shall notify the GW and the Union of the results of the investigation and either initiate the discipline process or put the GW back to work if the term of the GW's appointment has not ended. If the term of the GW's appointment ends during a paid administrative leave, the paid leave will terminate as of the end of that term.

- (a) Paid administrative leave shall not be considered discipline.
- (b) If no disciplinary action is taken, no record of administrative leave will be placed in the GW's employment file.