

UNH Counterproposal to

UNH-GEU-UAW Proposal 04 November 2024

March 4, 2025

ARTICLE XX

DISCIPLINE AND DISMISSAL

Section XX.1:

The University shall not discipline ~~a~~ or dismiss a Graduate Employee (GE) during the term of a GE's current appointment without just cause. Under this article, “

~~Section XX.2:~~

~~Discipline” means may include~~ written warnings, unpaid suspensions, ~~paid administrative leave or dismissal/discharge~~ from employment from a GE appointment based upon job-related misconduct or job performance of an individual who remains enrolled as a graduate student. Informal conversations that are developmental in nature, and verbal warnings are not considered discipline as defined by this article. It is expected that when appropriate, supervisors will initiate an informal conversation to address concerns prior to taking disciplinary action.

Section XX.32:

This article does not apply to determinations made by the University to dismiss a graduate student from the University for academic reasons or non-job-related disciplinary reasons. The Union acknowledges that an individual who ceases to be a graduate student for any reason cannot continue to serve as a GE. An arbitrator shall therefore have no power to order reinstatement to a GE position for any individual or group of individuals who are no longer a graduate student at the University.

~~The GE's Department or Supervisor shall make every effort to address any concerns that could lead to discipline with the GE prior to taking steps toward disciplinary action. No decision at this stage will be precedential.~~

Section XX.34:

~~In the event that the University intends to investigate a GE for matters that could result in discipline or dismissal, the University shall:~~

~~Notify the GE and the Union in writing of this intent within one (1) day of learning of the alleged infraction(s). The notice shall include:~~

~~The reason(s) for the investigation;~~

~~the nature of the alleged violation, including citation to the policy or rule alleged to have been violated, if any, with that policy or rule attached and/or linked;~~

~~The nature of the investigation, which shall include:~~

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~~The name of the individuals(s) leading the investigation~~

~~The anticipated timeline of the investigation~~

~~the potential level of discipline that could be rendered;~~

~~notice of a right to an investigatory meeting;~~

~~notice of the right to Union representation.~~

~~Hold an investigatory meeting with the GE, their union representative, and the investigator(s) within one (1) week of learning of the alleged infraction(s).~~

Prior to issuing discipline, the University will provide written notice to the GE and afford them an opportunity to meet and discuss the allegations during an investigatory meeting. Nothing in this Article is intended to diminish a GE's *Weingarten* or *Loudermill* rights.

Section XX.54:

Notice of Discipline: The University will promptly notify the GE in writing of the issuance of discipline, which may be challenged based on the standard articulated in this article. GE's wishing to challenge the discipline will utilize the grievance process defined in Article X – Grievances & Arbitration.

~~During the investigatory meeting, the GE shall be told the specific charges and the evidence for those charges, including any reports or testimony generated as a result of any investigation into those charges. The GE shall have the right to a Union representative, who shall be allowed to represent and speak on behalf of the GE. The GE and/or their representative can respond to the charges and propose options to mitigate potential discipline at the meeting. Nothing in this Article is intended to diminish a GE's *Weingarten* rights.~~

Section XX.65:

Unpaid Suspension and Dismissal from Employment: Prior to a GE being disciplined with an unpaid suspension or dismissal, the GE 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 violation, the level of discipline, the right to hearing and the right to Union representation.

Within seven (7) calendar day after receiving the notice, a GE may request a disciplinary hearing of the supervisor or administrator who issued the discipline. The hearing shall take place if necessary, at a mutually agreed-upon agreed time and location. but no more than fourteen (14) days after the investigatory meeting.

During the disciplinary hearing, the GE shall be told the final outcome of the investigation, including the evidence gathered, any reports or testimony generated as a result of investigation into those charges, be provided and an explanation for any disciplinary action and be afford an opportunity to respond to the reasons for the discipline. The GE shall have the right to a Union

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~~representative, who shall be allowed to represent and speak on behalf of the GE. who may attend if the GE so desires.~~

Upon request, the GE shall be entitled to a copy of any investigatory report that has been prepared, although confidential information and witness statements may be redacted or withheld.

Section XX.76:

The GE ~~and the Union~~ shall be notified in writing of any decision of disciplinary action taken against a GE within ~~one seven~~ (17) days of the determination.

Section XX.87:

If the University discharges a GE, the Union may appeal the dismissal using the ~~expedited~~ Expedited grievance-Grievances provision as set forth in *Article XX Grievance and Arbitration*. ~~The University shall maintain the GE in pay status until the decision has been rendered.~~

Section XX.98:

The University shall maintain all disciplinary ~~or dismissal~~ actions as confidential to the GE and the Union. ~~No disciplinary proceedings shall be made public without the written consent of the GE.~~

Section XX.9:

The University may place a GE 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 GE from work duties or removing the GE from the premises. The Union will be promptly notified of any such administrative leave. At the conclusion of the investigation, the University shall notify the GE and the Union of the results of the investigation and either initiate the discipline process or put the GE back to work if the term of the GE's appointment has not ended. If the term of the GE's appointment ends during paid administrative leave, the paid leave will terminate as of the end of that appointment 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 GE's employment file.