

ARTICLE I - RECOGNITION AND DEFINITIONS

D. DEFINITIONS

As used in this Agreement, the following words and phrases shall have the following meanings:

23. Discipline. Discipline: discipline shall refer to letters of reprimand; suspension, with or without pay; or removal of tenure.

[Re-number remainder of definitions]

ARTICLE II - RELATIONSHIP BETWEEN THE BOARD AND THE ASSOCIATION

E. PROGRESSIVE DISCIPLINE

The Employer shall not discipline a member of the bargaining unit without just cause. The parties agree that in order for the employer to demonstrate that there is just cause to discipline a unit member, the University must use progressive discipline. Progressive discipline shall normally include specific attempts to remediate conduct or performance, as well as measures such as notice, reprimand, or suspension before utilization of the tenure removal process set out in Article IX.

F. FILLING OF VACANCIES

The President of each University shall post for the information of unit members written notice of all vacancies for professional positions at each University. In respect of each such vacancy, such notice shall be posted not later than the date on which such vacancy is advertised elsewhere. Copies of all such notices shall be sent to the Association President and the Chapter President within fifteen (15) days of the posting.

ARTICLE IX - TENURE

E. REMOVAL OF A TENURED MEMBER OF THE BARGAINING UNIT

1. A tenured member of the bargaining unit, without regard to the means by which he/she attained tenure, shall not be removed from his/her position except upon a finding by the Board that just cause exists, which finding shall be made in accordance with the provisions of this Article and shall not be arbitrary or capricious. Just cause shall be deemed to be the following:
 - a. substantial and manifest neglect of professional duty;

- b. demonstrated incompetence in the performance of duties assigned pursuant to the provisions of this Agreement;
- c. dishonesty in research;
- d. conviction of a felony; or
- e. misrepresentation of academic credentials.

The parties agree that for just cause to exist the University must have applied progressive discipline. Progressive discipline shall include specific attempts to remediate conduct or performance, as well as measures such as notice, reprimand, or suspension before utilization of the tenure removal process. The parties agree that the purpose of progressive discipline is to correct performance issues and to give unit members the opportunity to improve before the University moves to remove a tenured unit of the bargaining unit.

Activities protected by the principles of academic freedom incorporated in Article V of this Agreement shall not constitute cause for removal.