

1398 month period shall be accumulated. For example, two (2) semesters of half-time service shall be  
1399 considered one-half year of service toward the period of tenure-earning service.

1400 C. Where employees are credited with tenure-earning service at the time of initial  
1401 appointment, all or a portion of such credit may be withdrawn once by the employee prior to formal  
1402 application for tenure.

1403  
1404 15.7 Tenure upon Appointment. The Board of Trustees may grant tenure to an employee at the time of  
1405 initial appointment, upon recommendation of the appropriate administrator. The administrator shall  
1406 consider the recommendation of the department or equivalent unit prior to making his/her final tenure  
1407 recommendation.

1408  
1409 15.8 Leave. Authorized leaves of absence may, under the provisions of the Article regarding Leaves,  
1410 be credited toward the period of tenure-earning service.

1411 15.9 Termination/Layoff. Tenure guarantees annual reappointment for the academic year until  
1412 voluntary resignation, retirement, removal for just cause in accordance with the provisions of the Article  
1413 regarding Disciplinary Action and Job Abandonment, or layoff in accordance with the provisions of the  
1414 Article regarding Layoff and Recall, but does not extend to administrative appointments.

1415

## 1416 **Article 16 - Disciplinary Action and Job Abandonment**

1417  
1418 16.1 Just Cause.

1419 A. The purpose of this article is to provide a prompt and equitable procedure for disciplinary  
1420 action taken with just cause. Just cause shall be defined as:

1421 (1). incompetence, or

1422 (2). misconduct.

1423 B. An employee's activities which fall outside the scope of employment shall constitute  
1424 misconduct only if such activities adversely affect the legitimate interests of the University.

1425  
1426 16.2 Progressive Discipline. Both parties endorse the principle of progressive discipline as applied to  
1427 professionals.

1428  
1429 16.3 Notice of Intent. When the President or representative has reason to believe that a suspension or  
1430 termination should be imposed, the President or representative shall provide the employee with a written  
1431 notice of the proposed action and the reasons therefor. Such notice shall be sent certified mail, return  
1432 receipt requested, or delivered in person with written documentation of receipt obtained or via email sent  
1433 by the University to the employee during a video meeting held for the purpose of delivery of such notice.  
1434 The employee shall be given ten (10) days in which to respond in writing to the President or representative  
1435 before the proposed action is taken. The President or representative then may issue a notice of  
1436 disciplinary action under Article 16.4 below. The employee has a right to union representation during  
1437 investigatory questioning that may reasonably be expected to result in disciplinary action. If the President  
1438 or representative does not issue a notice of disciplinary action, the notice of proposed disciplinary action  
1439 shall not be retained in the employee's evaluation file.

1440  
1441 16.4 Notice of Discipline. All notices of disciplinary action shall include a statement of the reasons  
1442 therefor and a statement advising the employee that the action is subject to Article 20, Grievance  
1443 Procedure and Arbitration. All such notices shall be sent certified mail, return receipt requested, or  
1444 delivered in person to the employee with written documentation of receipt obtained or via email sent by the  
1445 University to the employee during a video meeting held for the purpose of delivery of such notice.

1446  
1447 16.5 Termination. A tenured appointment or any appointment of definite duration may be terminated  
1448 during its term for just cause. An employee shall be given written notice of termination at least six (6)  
1449 months in advance of the effective date of such termination, except that in cases where the President or  
1450 representative determines that an employee's actions adversely affect the functioning of the University or  
1451 jeopardize the safety or welfare of the employee, colleagues, or students, the President or representative