

**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, cause 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 5

7. Unauthorized entry to or use of Oregon Tech facilities, including buildings and grounds;
8. Illegal use, possession, or distribution of ~~drugs~~ controlled substances, or unauthorized use, possession, or distribution of alcohol-on Oregon Tech owned or controlled property or at Oregon Tech related activities and events;
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

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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.

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 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.

Within sixty (60) calendar days of the appropriate administrative supervisor's knowledge of a condition upon which a disciplinary action may issue, the appropriate administrative supervisor shall identify in writing: 1) the conduct that failed to adhere to the expected standards; 2) expectations for future behavior or performance; 3) any suggested or required remedial activities that the bargaining unit member must undertake; 4) a notation that a failure by the bargaining unit member to address concerns raised by the disciplinary action may form the basis of a subsequent disciplinary action; and, 5) inform the bargaining unit member of the right to file a grievance under Article [ ]: Grievances.

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2019 OIT/OTAAUP Negotiations  
Oregon Tech Counter Proposal\*

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