

Constructive Action and Discipline

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Background

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- MOU signed in March 2015
- Added to CBA, Article 13 on 9/1/2016
- Purpose:
 - Decrease response time to address Faculty member issues
 - Give supervisors tools to engage with Faculty members
 - Promote informal resolution of issues
 - Help foster working relationships between faculty and supervisors



Constructive Action

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- Constructive Action:
 - Non-disciplinary
 - Cannot be challenged through grievance process
 - Generally informal
 - Aide to resolve workplace issues
 - Clarify expectations
 - Does not require compliance with EWU's Investigation policy



Constructive Action Definitions

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- Constructive actions include:
 - Informal discussion
 - Facilitated discussion
 - Clarification of expectations
 - Verbal coaching/counseling
 - Written coaching/counseling
 - Performance improvement plan (PIP)
- All Constructive action is documented in the Dean's file and Faculty member's personnel file



Informal Discussion

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- Meet with the faculty member privately
- Advise them of:
 - The nature of the problem
 - How you became aware of the problem
 - Your ideas for correcting the situation
- Seek constructive solutions and shared ownership
- Get the Faculty member's ideas on how to resolve issue
- Document in Dean's file and copy to HR/Labor Relations



Facilitated Discussion

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- Intended to re-establish or increase communication
- Higher authority directs Faculty member and supervisor to engage in a discussion
- Build shared understanding on how to communicate in future situations
- Set actionable goals
- Document the outcome of the discussion and follow-up with an email or informal memo



Clarification of Expectations

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*Example on Labor Relations
Webpage – Supervisor Tools*

- Written letter to faculty member
- Expounds upon an existing standard
- Useful when:
 - Supervisor thought standard/direction was clear and understandable
 - Faculty member did not interpret it the same way
 - Putting clear and specific parameters around standard may resolve the issue
 - Faculty member signs for receipt
 - Document with copies to HRRR and Labor Relations



Verbal Coaching

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- Offers direction and guidance
- Faculty member knew and understood the expectations but failed to meet them
- Explain to the Faculty member precisely how they are to perform a particular task or meet a specific expectation
- May have to demonstrate or model the desired behavior
- Document in Dean's file



Letter of Counseling

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*Example on Labor Relations
Webpage – Supervisor Tools*

- Faculty member knew/should have known the standard
- Letter describes:
 - The standard/policy itself
 - How Faculty member violated or failed to meet the standard/policy
 - Potential consequences if Faculty member does not correct the issue
- Faculty member signs for receipt
 - Copies to Faculty member, HR, Labor Relations, and Dean's file



Performance Improvement Plan

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*Example on Labor Relations
Webpage – Supervisor Tools*

- Focuses on knowledge/skill/ability deficits
- Not meant to address misconduct
- Informs Faculty member of:
 - Standards being failed
 - Specifically how those are being failed
 - Developmental activities required or offered
 - Time frame and milestone meetings
 - Potential consequences for failure to improve
- Doesn't replace the FAP!
 - Copies to Faculty member, HR, Labor Relations, and Dean's file



Dean and Personnel Files

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- Result of Constructive Action shall be documented in both files
- If Constructive Action is successful
 - Removed from both files after two (2) years or the end of the evaluation cycle, whichever is shorter
- If workplace issues are repeated or if Constructive Action fails to correct the issue
 - May be addressed through progressive discipline
 - See Article 14: Discipline



UFE Representation

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- Constructive actions do not require a union representative
- Faculty member or University may suggest that a UFE/and or Human Resources representative observe the meeting
- However, if discussion elicits info that supervisor must explore further, then may need to advise Faculty member of right to representation

