

Article 13 of the UFE/EWU CBA replaces the MOU from March, 2015

What is it?

Constructive action is a less-formal, non-disciplinary approach to resolving Faculty member issues. It is used to try to resolve workplace issues between the University and and/or to clarify expectations. It does not require compliance with the University's investigative guidelines. Constructive action is not discipline.

When do I use it?

As a supervisor, you should be constantly monitoring and offering feedback to Faculty members. Constructive action should take place as soon as you become aware of an issue.

How do I do it?

It's as simple as reminding the Faculty member that there is a standard or expectation in place; that they failed to meet or somehow violated the standard; and that they need to improve or further possible consequences may ensue. It can be done verbally or in writing, depending on how egregious the behavior was. Specific approaches include:

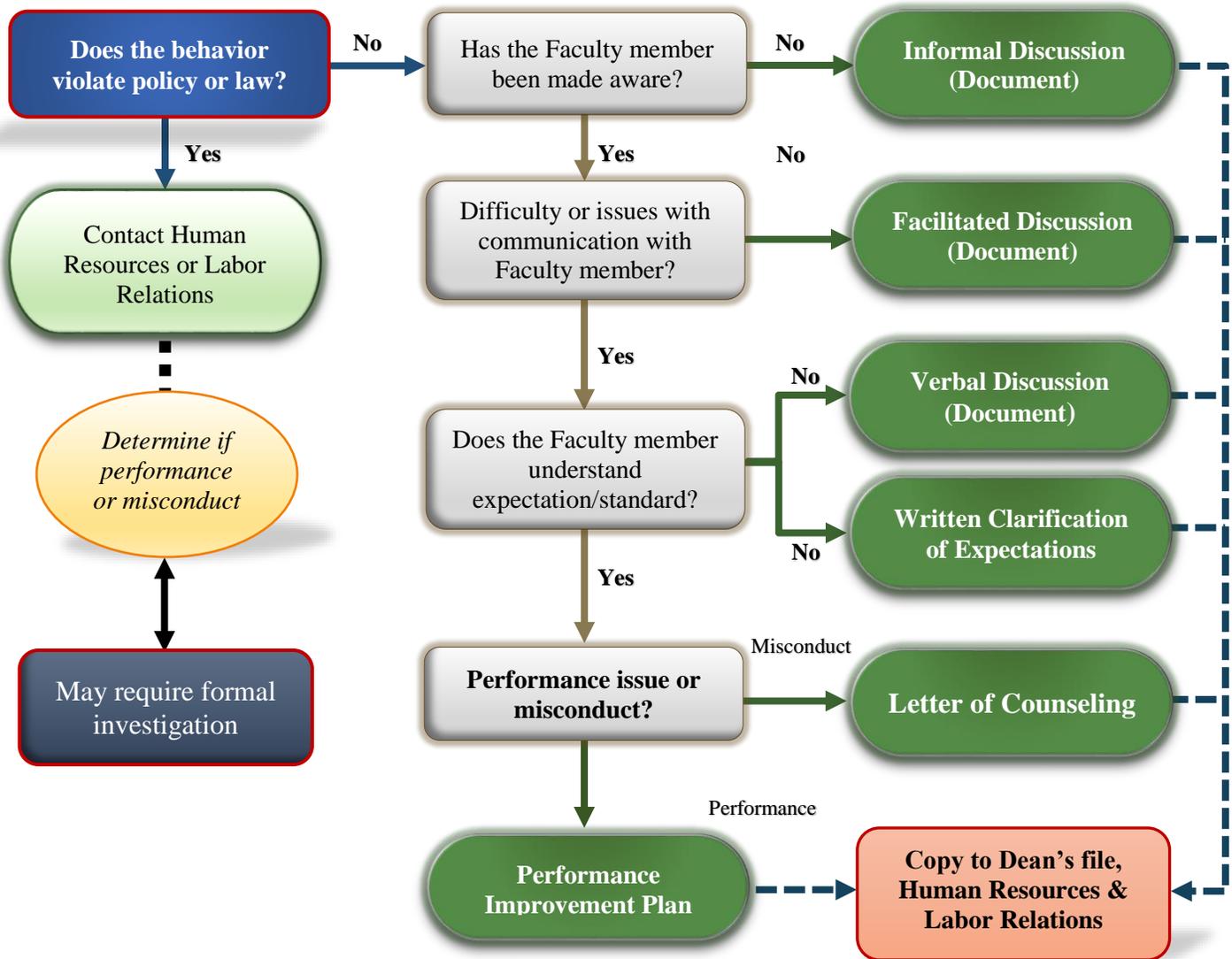
- **Informal discussion:** Meet with the Faculty member privately and inform them of what the issue is, how you became aware of it, and what they need to do to correct the situation. This should be a collaborative process. After the discussion, you should send the Faculty member a follow-up email summarizing the discussion, copies of which would go into the Dean's file and to HR/Labor Relations.
- **Facilitated discussion:** If you and your Faculty member are having a difficult time communicating, a higher authority may require the Faculty member to meet with their supervisor and discuss the issues to improve communication. The outcome of the discussion should be documented.
- **Clarification of expectations:** This is a letter reinforcing or clarifying expected standards or policy. When you deliver a letter of this nature to a Faculty member, discuss the matter and ask them to sign for receipt. The Faculty member receives a copy, with a copy to the Dean's file, Faculty member's personnel file and Labor Relations.
- **Verbal coaching:** Similar to an informal discussion, but more offers direction and guidance. Rather than trying to diagnose the situation and come to a shared understanding, you would use verbal coaching to explain to the Faculty member precisely how you want them to accomplish a particular task or meet a specific expectation.
- **Letter of counseling:** This type of letter is more direct. It states the standard, expectation and/or policy, how the Faculty member violated or failed to meet the standard, expectation and/or policy, and what the consequences might be if the Faculty member does not correct the issue. When you meet with the Faculty member to discuss and deliver this letter, have them sign for receipt. The Faculty member receives a copy, with a copy to the Dean's file, Faculty member's personnel file and Labor Relations.
- **Performance improvement plan (PIP):** A PIP is a roadmap to improving a Faculty member's performance, quality of work, timeliness of work, method and manner of execution (such as using a specific type of technology) and the like. A PIP is not meant to address misconduct, rather performance issues or deficiencies. When you meet with the Faculty member to discuss and deliver this letter, have them sign for receipt. The Faculty member receives a copy, with a copy to the Dean's file, Faculty member's personnel file and Labor Relations. You should meet with the Faculty member regularly during the course of the PIP timeframe to discuss performance and progress.

There are Word templates for each of these on the Human Resources, Rights, and Risk website, here:

<http://access.ewu.edu/hrrr/labor-relations/supervisor-tools/constructiveaction>

For additional information, you may call Joseph Fuxa, Labor Relations Manager, at x7496

Constructive Action Process Flow



- 13.1 Constructive Action.** Constructive action is a less-formal, non-disciplinary approach to resolving employee issues. It is used to try to resolve workplace issues between the University and a faculty member and/or to clarify expectations. It does not require compliance with the University's investigative guidelines. Constructive action is not discipline.
- 13.2 Types of Constructive Actions.** Constructive action may involve discussion, clarification of expectations, verbal coaching or counseling, written coaching or counseling, or an improvement plan. Constructive action will be initiated by the dean.
- 13.3** Constructive action cannot be challenged through the grievance process. Because constructive action is not discipline, there is no need for a faculty member to have UFE representation in the constructive action process. Either the faculty member or the University may suggest that a representative from the UFE and/or human resources observe the meeting.
- 13.4** The result of constructive action shall be documented in the dean's file and the faculty member's personnel file. Faculty will be provided with a copy of the result of the constructive action. If the constructive action is successful, the constructive action files will be removed from the faculty's personnel file and the dean's file after two (2) years or the end of the evaluation cycle, whichever is shorter.
- 13.5** If the workplace issue is repeated or if constructive action fails to correct an issue, the University may address the issue through progressive discipline as described in Article 14, Discipline.