

## **MEMO OF CONCERNS AND EXPECTATIONS OVERVIEW**

Sometimes, the faculty behave in a manner that does not rise to engaging in the formal progressive disciplinary process (e.g., written reprimand, performance improvement plan, suspension, termination). However, the Chair should assist the faculty member in understanding why the behavior(s) does not meet standards with the hope that he/she will not engage in repeated, unwanted behavior. When that happens, we recommend that the Chair engage in a verbal counseling which is documented into a memo of concerns and expectations (the Memo). A verbal counseling is not considered as discipline under the BOT/UFF collective bargaining agreement (BOT/UFF CBA).

While it is not required that the verbal counseling be documented in writing, we strongly recommend that for two reasons. First, this ensures that the faculty member has a clear understanding of why the behavior was not acceptable. Frequently, when a faculty member is criticized, particularly when it is verbal, emotions cloud his/her ability to understand the communication. A written memo documenting the concerns and expectations allows the faculty member an ability to review later to fully understand the issue. Second, if the faculty member repeats the unsatisfactory behavior, a written document makes it easier to engage in the progressive disciplinary process because there is documentation of the behavior. When the behavior continues after the verbal counseling or there is different but unwanted behavior, the Chair should reach out to the Office of Employee & Labor Relations (ELR) because progressive discipline might be warranted.

This document sets forth the following:

1. The parameters when a Memo should be given.
2. The process to follow when a Memo is appropriate.
3. The parameters when a Memo should not be given.
4. The process to follow when a Memo is not appropriate.

### **When is a Memo Appropriate?**

The Memo is appropriate when the faculty member's behavior is unsatisfactory but does not rise to the level that formal discipline is appropriate. Below are some examples of when the Memo is appropriate:

1. The faculty member is disruptive in meetings.
2. The faculty member yells at students or staff.
3. The faculty member never attends any department meetings.
4. The faculty member never engages in any service activities when asked.
5. The faculty member engages in unprofessional (i.e., un-collegial) behavior in the area of teaching, research, and/or service.

### **Process to Follow When a Memo is Appropriate**

When the Memo is appropriate, follow these steps:

1. Complete the Memo checklist to ensure that the Memo is appropriate. The Chair should always advise the Dean before undertaking this step to ensure that 1) the Dean knows what is going on, and 2) the Dean is supportive of the step.
2. Complete the form Memo.

3. Have a meeting with the faculty member to explain why the behavior is not appropriate and the steps that he/she should take to avoid repeating unsatisfactory behaviors.
  - a. There should be someone else at the meeting to take notes and/or serve as a witness if necessary.
  - b. The faculty member should sign the Memo as an acknowledgment that the Memo was discussed. You, the faculty member, and the Dean should keep a copy of the fully executed memo. (The Memo can be sent via DocuSign.)
4. You should keep a copy of the fully executed Memo in your HR files in case it is needed for the future.
5. Send a copy of the Memo checklist AND the fully executed Memo to the Vice Provost for Faculty Leadership and Success with a copy to ELR.

#### When is the Memo Not Appropriate?

The Memo is not appropriate when the behavior should be addressed in a formal disciplinary manner (i.e., progressive discipline). The following are examples:

1. Fraud. Note that the Internal Audit handles this.
2. Plagiarism. Note that this might also trigger research misconduct.
3. Research misconduct. Note that this is handled by the Office of Research and Economic Development.
4. Any form of discrimination and/or harassment. Note that this is handled by the Office of Civil Rights, Compliance & Accessibility.
5. Assault and/or battery.
6. Conduct that would constitute misconduct or incompetence under the FIU/UFF CBA.
7. Other violations of the Board of Trustees (BOT) regulations, policies, and/or federal or state laws.

If the faculty member repeats the same behavior for which he/she has received a prior Memo, you should reach out to ELR to determine whether the repeat behavior should be addressed in another Memo or be escalated to the formal disciplinary process.

#### What Process Should be Followed if the Memo is Not Appropriate?

Contact ELR to discuss the matter. Be sure to note whether the faculty member has had any prior Memos.