



# *Policies and Procedures*

## **3.48 / Employee Discipline**

### **I. Purpose**

Members of management are charged with providing clear behavior and performance expectations in order to assist employees to perform to the best of their abilities. Additionally, it is incumbent upon managers to provide prompt corrective feedback and guidance as necessary. When performance cannot be improved through informal communication and feedback, it may be necessary to follow the steps of progressive discipline.

### **II. Policy**

Nothing in this policy or procedure should be construed as creating any type of entitlement, benefit, right or guarantee, including a right to continued employment. Employees may be disciplined for reasons of inappropriate behavior, inadequate performance, misconduct, and/or violation of University policies and procedures. When management determines that disciplinary action is necessary, progressive steps should be followed unless the employee's conduct warrants severe action to be taken immediately. Management includes an employee's immediate supervisor and all managers in the chain of command. Progressive discipline is a guide and management is not required to process through each step. Progressive discipline is not required for employees in provisional or probationary appointments. Management reserves the right to dismiss an employee without utilizing progressive discipline. All decisions made regarding employee discipline or dismissal should be unbiased, non-retaliatory and non-discriminatory.

### **III. Procedure**

**A.** Disciplinary issues should be addressed in a timely manner. Employees should be told specifically what behavior or area of performance is inappropriate or inadequate, be advised of management's expectations, and provided a specific timeframe for improvement.

**B.** All disciplinary action should be reasonable and relate in severity to the seriousness of the offense.

**C.** Except for verbal warnings, original documents of all disciplinary action should be forwarded to Human Resources for inclusion in the employee's official personnel file.

**D.** Except in cases of verbal warning, managers and employees shall sign and date any disciplinary action. The employee's signature is to acknowledge its receipt, not to agree to the disciplinary action. If the employee refuses to sign the acknowledgement of receipt, it should be noted on the documentation and signed by the manager who issued the discipline. In these cases, another member of management should also be asked to sign the document to confirm it was presented to the employee and the employee chose not to sign. Refusal to sign does not void the disciplinary action.

**E.** Management, in coordination with Human Resources and the appropriate Vice President, may relieve any employee of their duties while maintaining the employee's paid status for a reasonable period if the employee is the subject of an administrative investigation concerning alleged violation of University policy. Such action shall not be construed to be a suspension, demotion or dismissal.

#### **IV. Progressive Discipline**

Progressive disciplinary steps may include verbal warning, written warning, disciplinary probation, suspension without pay, demotion, and/or dismissal. The level of disciplinary action depends on the nature and severity of the offense, the prior record of the employee, and other factors relevant to the incident. Each situation should be considered on a case-by-case basis. Progressive discipline is not required for employees in provisional or probationary appointments. Management should consult with the appropriate Vice President and Human Resources staff to deviate from this process.

**A. Verbal Warning** – Verbal warning communicates that the personal behavior or job performance of an employee is unsatisfactory. The manager should speak to the employee and clarify the expected behaviors, duties and job expectations. The manager should explain specifically why the employee's conduct or performance has not been acceptable and provide the employee an opportunity to discuss the conduct with the manager. The verbal warning should be documented in writing, shared with the employee and retained by management.

**B. Written Warning** – A written warning serves as official written notification of inadequate job performance, inappropriate behavior, misconduct and/or violation(s) of University policy. When the manager reaches the disciplinary decision it shall be documented in a letter outlining specifically why the employee's conduct or performance has not been acceptable, provide a summary of previous verbal warning, if applicable, and give specific expectations to improve the conduct or performance. A detailed time frame for improvement must be outlined and the consequences of failure to meet the expectations listed. The manager shall discuss the written warning with the employee and provide the employee with an opportunity to discuss the conduct with the manager. The employee should sign the written warning. The written documentation becomes a permanent part of the employee's personnel file. The signed written warning should be distributed as follows:

- i. Copy to employee;
- ii. Copy to management;
- iii. Original to the Office of Human Resources for employee's official personnel file.

**C. Disciplinary Probation-** An employee may be placed on disciplinary probation. This action is taken when a manager deems that the misconduct or violation of policy is of such a serious nature that if another violation occurs during the probationary period, steps for immediate dismissal will be initiated. The length of a disciplinary probation will be dependent upon the severity of the violation and will range in length from 60 to 180 calendar days. When the manager reaches the disciplinary decision a meeting should be scheduled with Human Resources staff to discuss the decision. Human Resources staff will review the information and make recommendations. To place an employee on disciplinary probation the following steps should be followed:

- i. Based on the recommendations of Human Resources, the manager shall write a letter outlining specifically why the employee's conduct or performance has not been acceptable. The letter shall provide a summary of previous verbal warning and/or written warnings, if applicable, the terms of the disciplinary probation including the reasons for

the disciplinary probation, and the effective dates of the disciplinary probation. The letter should provide specific expectations pertaining to the conduct or performance expected of the employee, a detailed time frame for improvement, if applicable, and the consequences of failure to meet the expectations listed. The employee should sign the disciplinary probation letter. The written documentation becomes a permanent part of the employee's personnel file. Management will distribute the signed disciplinary probation letter to:

1. the employee;
2. the appropriate Vice President;
3. the appropriate Human Resources staff;
4. Original to the employee's permanent personnel file housed in the Office of Human Resources.

**D. Suspension without pay**– When an employee's conduct is not improving, or the employee has engaged in behavior or conduct that warrants immediate action, an employee may be suspended without pay. The length of a suspension will be dependent upon the severity of the violation and will range in length from 3 to 30 unpaid workdays. When the manager reaches the disciplinary decision a meeting should be scheduled with Human Resources staff to discuss the decision. Human Resources staff will review the information and make recommendations. To suspend an employee without pay the following steps should be followed:

- i. Based on the recommendations from Human Resources, the manager shall write a letter outlining specifically why the employee's conduct and/or performance has not been acceptable, provide summary of previous verbal warnings and/or written warnings, if applicable, outline the terms of the suspension including the reasons for the suspension, length of the suspension, and the effective dates of the suspension. It should also include specific expectations pertaining to the conduct or performance expected of the employee upon return, a detailed time frame for improvement, and the consequences of failure to meet the expectations listed. The manager shall provide the documentation to the appropriate Vice President and Human Resources for approval. The appropriate Vice President and Human Resources staff will review the recommendation and, if they are in agreement with the recommendation, the manager shall coordinate a meeting with the employee and Human Resources. At the conclusion of the suspension without pay, the employee may also be placed on disciplinary probation (see section C.). The employee should sign the suspension letter. The written documentation becomes a permanent part of the employee's personnel file. Management will distribute the signed suspension letter to:
  1. the employee;
  2. the appropriate Vice President;
  3. the appropriate Human Resources staff;
  4. General Counsel; and
  5. Original to the employee's permanent personnel file housed in the Office of Human Resources.

**E. Demotion-** Employees may be demoted for the continued inability to satisfactorily perform assigned duties, as discipline for misconduct, inappropriate behavior, and/or any other basis that demotion is deemed an appropriate alternative. An employee may be demoted to a position previously held or a position in a lower grade. Demotions may be within the same division of the University or to a position in another division. When a manager reaches the disciplinary decision a meeting should be scheduled with Human Resources staff to discuss the decision. Human Resources staff will review the information and make recommendations. To demote an employee the following steps should be followed:

- i. Based on the recommendations from Human Resources, the manager shall write a letter outlining specifically why the employee's conduct and/or performance has not been acceptable, provide summary of previous verbal warnings and/or written warnings, if applicable, explain what actions led to the demotion, identify the position to which the employee is being demoted, and include specific expectations pertaining to the conduct or expected performance in the demoted position. A detailed time frame for improvement must be included, if applicable, and the consequences of failure to meet the expectations listed. A complete job description for the position the employee will occupy as a result of the demotion should be attached to the letter. The manager shall provide the documentation to the appropriate Vice President and Human Resources for approval. The appropriate Vice President and Human Resources staff will review the recommendation and, if they are in agreement with the recommendation, the manager shall coordinate a meeting with the employee and Human Resources. The employee may also be placed on disciplinary probation effective at the start of the demoted position (see section C.). The employee should sign the demotion letter. The written documentation becomes a permanent part of the employee's personnel file. Management will distribute the signed demotion letter to:
  1. the employee;
  2. the appropriate Vice President;
  3. the appropriate Human Resources staff;
  4. General Counsel; and
  5. Original to the employees permanent personnel file housed in the Office of Human Resources.

**F. Dismissal** – An employee may be permanently removed from the work environment. Management reserves the right to dismiss an employee without utilizing progressive discipline. An employee may be dismissed at any time, except when performance expectations are not being met by a tenured faculty member. In these instances, management should utilize the appropriate faculty dismissal for cause procedures.

When dismissal is recommended, the employee is not eligible for rehire. Exceptions to eligibility for rehire will be at the discretion of Human Resources. An employee may be dismissed with a 14 calendar day notice. In case of dismissal, management in coordination with Human Resources, may relieve the employee of all duties during the notice period and place the employee on leave with pay. When a member of management reaches the decision to dismiss an employee a meeting should be scheduled

with Human Resources staff to discuss the decision. Human Resources staff will review the information and make recommendations. To dismiss an employee the following steps should be followed:

- i. Based on the recommendations of Human Resources, the manager shall write a letter outlining specifically why the employee's conduct and/or performance has not been acceptable, provide summary of previous verbal warning and/or written warnings, if applicable, and provide the documentation to the appropriate Vice President and Human Resources for approval. The appropriate Vice President and Human Resources staff will review the recommendation and, if they are in agreement with the recommendation, the manager shall coordinate an off-boarding meeting with Human Resources. At the off-boarding meeting the manager shall provide the employee with a copy of the recommendation for dismissal and allow the employee the opportunity to discuss the recommended action with management. At the conclusion of the meeting the employee should sign the dismissal letter. The written documentation becomes part of the employee's personnel file. Management will distribute the signed dismissal letter to:
  1. the employee;
  2. the appropriate Vice President;
  3. the appropriate Human Resources staff;
  4. General Counsel; and
  5. Original to the employees permanent personnel file housed in the Office of Human Resources.
- ii. When an employee violates University policy it may warrant severe action be taken immediately up to and including dismissal.

## **V. Violations of a Law**

Any employee arrested, charged and/or convicted with a misdemeanor and/or felony criminal offense shall immediately report to Human Resources. Human Resources staff will notify the affected department, appropriate Vice President, General Counsel and the University President. Any employee, including tenured faculty, arrested, charged and/or convicted with a felony criminal offense shall be suspended without pay while criminal proceedings are pending. Any employee arrested, charged and/or convicted with a misdemeanor offense may, at the discretion of the appropriate Vice President and Human Resources, be suspended without pay while criminal proceedings are pending. Exceptions to the suspension will be at the discretion of the University President or designee. Employees arrested, charged and/or convicted with a misdemeanor and/or felony crime may be dismissed immediately at the discretion of the appropriate Vice President and Human Resources. Prior to any such determination, the employee shall be given notice of the proposed action and an opportunity to respond. When dismissal is recommended, the employee may or may not be eligible for rehire.

If an employee is found guilty of any criminal charges, pleads guilty, pleads no contest, or is placed on diversion or deferred judgment from any criminal charges, an administrative investigation into the incident(s) which are the subject of the criminal charges may be conducted. The employee may be dismissed or otherwise disciplined.

When an employee's driver's license is suspended or revoked for any length of time and a valid driver's license is a requirement for the position occupied the employee shall not perform any job function that requires a valid driver's license. The employee is required to notify management and Human Resources no later than the next workday. Failure to notify management and Human Resources could result in disciplinary action. If the employee's driver's license is suspended for more than seven calendar days, the employee may be reassigned to a position that does not require a driver's license or may be subject to dismissal.

#### **VI. Performance Improvement Plans**

It is recommended that a performance improvement plan be developed and implemented to provide an employee with adequate feedback on the nature of deficiencies in work performance and on expectations in correcting the deficiencies. For further assistance in the development of performance improvement plans, please contact Human Resources.

#### **VII. Dispute Resolution**

Employees are urged to discuss all discipline related concerns, problems or grievances with their immediate supervisor in an effort to resolve the issue. If the matter cannot be resolved with the immediate supervisor, the concerns should then be discussed with managers in the chain of command. Whenever possible, it is the goal of the University to promptly and mutually resolve all employee concerns within the department. Employees are encouraged to consult with Human Resources to obtain guidance in solving problems. Eligible employees may grieve disciplinary actions by following the appropriate grievance procedure. Employees holding provisional or probationary appointments are not eligible to grieve disciplinary actions.

#### **VIII. Abandonment of Position**

Any unauthorized absence from work for a period of three consecutive working days, for which the employee does not provide a satisfactory explanation, is considered to be abandonment of the position and presumed voluntary resignation. When an employee has been absent from work for three or more consecutive working days and leave has not been approved for this absence, management shall write a letter to Human Resources outlining the specific dates the employee has been absent, the date of the last contact with the employee, the way in which the employee made the contact or was contacted [i.e. mode of communication], and the efforts made by department to contact the employee. The employee's manager must have made at least one attempt to contact the employee. If the employee is not contacted, or if the employee does not comply with instructions to return to work, Human Resources will write a letter advising the employee of the unauthorized absence from work, the effective date of the presumed voluntary resignation and provide the employee an opportunity to explain the absences by contacting Human Resources within three calendar days.

#### **Effective Date:**

November 2, 2016



CHAPTER 3



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