**Progressive Discipline for Non-faculty**

**Summary/Purpose:** Guidelines to be observed in working with any employee to improve job performance or correcting improper conduct are given. Also, outlined are the progressive steps to take when corrective action is necessary.

Job performance is of paramount importance to the University. It is the policy of the University to assist employees in improving job performance or correcting improper conduct to avoid termination when possible. If any employee is performing unsatisfactorily or exhibiting improper conduct, the supervisor should work with the employee in an attempt to improve his/her conduct or performance. Utilization of the University's Employee Assistance Program (EAP) offered through the University Counseling Center should be considered by the supervisor when substance abuse or mental or emotional stress is suspected. This Progressive Discipline Policy does not alter or affect the University's employment at-will policy.

The following guidelines will be observed in working with employees:

1. The employee should be informed of the conditions of employment and the employee's job duties should be reviewed as necessary.
2. The University's rules and requirements of the employee should be fair.
3. The University should apply the applicable rules and requirements evenly and without discrimination.
4. The employee should be given forewarning of the possible consequences of his/her actions, except in cases of misconduct so serious the employee could be expected to know that such conduct may result in discharge.
5. A record of the incident or substandard performance in which disciplinary action may result should be made.

This policy does not apply to temporary employees or to employees who have not completed the probationary period. This policy also does not apply to the non-renewal of a contractual employee.

If corrective action is necessary, a system of progressive steps consisting of increasingly stronger degrees of action will normally be followed as outlined below. Such actions are considered constructive measures for the correction of deficiencies in employee performance or conduct. The nature or severity of the offense will determine the first step.

1. **Notice**—A verbal notice should normally be given by supervisors to employees as a first step in the process of correcting minor deficiencies. This verbal notice meeting should also serve as an opportunity for initial counseling with the employee so that deficiencies may be resolved before they become more serious. However, it is recognized that some first offenses
of a more serious nature may require stronger action. For greatest effectiveness, notices should be given in private by the supervisor.

The notice should be documented, where the duplication of the same or similar problem may be cause for dismissal. The record should set forth the date of the deficiency, details of the deficiency, name of witnesses or other persons involved, if any, and the name of the supervisor who gave the notice. The documentation of the notice should be maintained in a departmental file.

2. **Formal Warning**--Formal warnings are to be used for recurring or more serious deficiencies, or where there is a future possibility of more severe action including dismissal, or after notices have been unsuccessful.

Formal warnings are to be issued in writing and must indicate to the employee the specific nature and date(s) of the deficiency, what action is required to improve the deficiencies, and that more severe action may result if the employee does not correct the deficiency.

The formal warning will be completely documented by the supervisor with a copy to the Director of Human Resources. The record should provide the details specified in item 1 above. A written copy of the warning is provided to the employee.

Suspensions without pay for a maximum of two days may be utilized as a form of discipline. The suspension must be approved by the department head and reviewed by the Director of Human Resources. The employee is to be informed of the right to a review of the suspension by the vice chancellor or the vice chancellor's designee.

3. **Dismissal**--Dismissal is a last resort after other measures have failed and should be reasonably related to the seriousness of the employee's performance in view of his/her length of service and prior record at the University. Dismissal may be necessary due to the frequency or nature of offenses or because of continued substandard performance. Serious offenses, however, may be cause for immediate suspension pending investigation without prior progressive steps as outlined in Item 4 below. Very serious offenses may be cause for immediate dismissal.

Dismissal of employees is initiated by authorized University supervisory personnel after discussion with the Director of Human Resources or designee.

Employees against whom dismissal action is taken are to be advised in writing by the Director of Human Resources of such dismissal.

4. **Suspension, Pending Investigation**--This action should be taken in cases when the infraction is of such serious nature (theft, willful damage to property or persons, and other similar infractions) that it may warrant dismissal, pending review of the facts. The suspension should be followed immediately by a thorough investigation of the case. The Department of Human Resources will be informed of all such suspensions and the circumstances surrounding such actions.
5. **Dismissal Procedure**--Before an employee is dismissed, the employee must have a meeting with the employee's supervisor or department head. At this meeting, the supervisor should explain the details and reasons for the recommended dismissal. This meeting will constitute the first level of review in the dismissal process.

Should the employee no longer be reporting to work and unavailable for a meeting, the employee should be notified by Certified Mail, return receipt requested, of the pending dismissal and offered the opportunity to meet with the supervisor or department head.

Employees against whom dismissal is taken will then be *advised in writing by the Director of Human Resources of such dismissal*. This written notice may contain the reasons for dismissal or they may be given verbally. The reasons will be made available to the employee in writing if he/she so requests. If only verbal notice of the reasons is given, then a confidential record of this notice shall be made by the person giving such notice.

The written notice of dismissal will inform the employee that he/she has a right to a review of his/her dismissal through the Grievance Process provided he/she makes application in writing to the Director of Human Resources within five workdays from receipt of the notice. In the event the employee is no longer reporting to work, the written notice shall be mailed, by Certified Mail, return receipt requested, to the employee at his/her last known address, and the employee will have five days after receipt of the notice to request a review.

If the employee should request a review within the time allowed, the employee will be provided (1) the opportunity to appeal the dismissal through the Grievance Process, and (2) if requested, a written statement of the reasons for dismissal. The appeal will begin at the hearing stage of the Grievance Process. If a written request for a hearing is not received within the time specified, the dismissal action by the University will be final.

6. **Effective Date of Dismissal**--The effective date of dismissal shall be the date specified in the written notice of termination unless such date of termination is extended by the review process or by the University. This date should coincide with the date of the dismissal meeting with the employee's supervisor or department head.

7. **Time Limit**--When a sequence of corrective actions has been started, the sequence will be considered terminated 12 months after the last action initiated. If problems arise again after this 12-month period, a new sequence of actions shall be started.