



POLICY MANUAL

GENERAL

Number 311

Subject: Disciplinary Procedures

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311.1 POLICY

Utah State University strives to provide continuous employment through effective planning and proper selection of employees.

The University's objective for disciplinary action is to correct violations, improve performance, avoid recurrence, and protect the interests of the University. Normally, employees are given an opportunity to improve their performance before sanctions are imposed. *However, some circumstances may warrant immediate sanctions, including dismissal.*

Professional and classified employees being formally disciplined by imposition of sanctions need to be aware of their rights to use available avenues of review and redress, including discussing the issues with a representative of the Office of Human Resources and following the University grievance policy and/or equal opportunity complaint procedures.

The imposition of sanctions, including dismissal of an employee for cause, may result for any of the following job-related reasons under circumstances that demonstrate the inability or unwillingness of the employee to meet his or her responsibilities to the University. *It is impossible to provide an exhaustive list that identifies every type of conduct or performance problem that may result in some form of discipline.* However, to offer University employees some guidance, the following list provides examples of conduct that may result in the application of disciplinary sanctions: negligence; incompetence; violation of University policies; excessive or unauthorized absence; misuse of institutional property or funds; disorderly conduct; fraud; falsification on an employment application; unsuitability to job requirements; being under the influence of alcohol or drugs while working; insubordination; unjustified interference with the work of others; violation of applicable statutory requirements or University regulations relating

to employment practices, including, but not limited to, regulations prohibiting discrimination or harassment because of race, color, religion, sex, national origin, age, disability, veteran's status, sexual orientation, or other legally impermissible behavior; conviction of a crime by a court of competent jurisdiction; and violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the institution.

When significant allegations are identified, a professional or classified employee may be suspended with pay pending notice of and an opportunity to respond to the charges at a meeting. After an investigation has taken place and the employee has been given an opportunity to discuss the results, appropriate action will be taken by the University.

The University's philosophy of discipline is one of constructive action, administered fairly and consistently. Normally, disciplinary action will be progressive; however, sanctions may be initiated at any step in the process at the University's discretion, depending on the performance problem, the type of conduct, or the nature of the offense involved.

Throughout the entire disciplinary process, all parties involved should maintain confidentiality to ensure the rights of the employee and the institution.

311.2 PROCEDURES

2.1 Guidelines for Payroll Employees or Staff Employees in their Introductory Period

(1) Dismissal from employment may be effected prior to the end of a staff employee's introductory period or at any time for part-time or temporary staff with or without cause and without giving the employee a written statement of cause for dismissal, for any lawful reason deemed adequate by the University, including but not limited to, unsatisfactory performance, unacceptable behavior, or violations of University policy.

(2) Supervisors should maintain written documentation regarding the dismissal of part-time and temporary employees and staff employees in their introductory period. This documentation should include a statement of the problems encountered, attempts to correct them and the reason for dismissal. A copy of this documentation should be forwarded to the Office of Human Resources for review and inclusion in the appropriate primary personnel file.

(3) Part-time and temporary employees and staff employees in their introductory period do not have access to the University's formal grievance process (policy 325). However; these employees have the right to respond, explain, correct, or deny in writing any facts in question and send their reply to the Office of Human Resources, for inclusion in their file.

(4) The progressive disciplinary procedures outlined in the following section need not be followed for part-time and temporary employees, and staff in their introductory periods of employment.

2.2 Disciplinary Procedures for Professional and Classified Employees

The University believes the disciplinary procedures set forth below are generally appropriate concerning employee conduct and performance. Provisions of these procedures are not, however, absolute rules. These guidelines outline general policies that supervisors should consider when counseling and disciplining staff employees. Normally, progressive discipline will involve the following steps, but exceptions or deviations may occur whenever the University deems that circumstances warrant that one or more steps in the process should be skipped. Accordingly, some circumstances may warrant immediate dismissal. Before imposing sanctions, administrators should consult with the Office of Human Resources.

(1) Progressive steps.

If an employee fails to perform his/her work in accordance with the requirements of the position and the expectations of the University, the supervisor should talk to the employee to find out the facts of the situation prior to any disciplinary or discharge action. Depending on the situation, there are exceptions which may occur in the progressive disciplinary procedures outlined here.

(a) Oral warning. Initial disciplinary action should be in the form of an oral discussion and warning. This meeting should be held in private and should provide an opportunity for problem solving that results in clear problem identification, correction strategies, and employee commitment to improve. This meeting should be documented with a note to the employee's file and a copy to the employee. This note should inform the employee that this is the first step in the disciplinary process.

(b) Written warning. A written reprimand may be issued to an employee who does not correct a performance deficiency in response to an oral warning when a serious violation of University policy has been committed. The purpose of a written reprimand is to make certain that the employee is fully aware of the performance deficiency or misconduct he/she has committed, what is expected, and a reasonable time frame in which to accomplish the improvement. The employee should sign the reprimand signifying it has been received. Should the employee decline to sign, it should be so noted. The employee will receive a copy of the warning and the original should be sent to the Office of Human Resources to be filed. Supervisors are encouraged to consult with a representative of the Office of Human Resources before issuing a written reprimand.

(c) Final written warning with probation. A final written reprimand incorporating a probationary period of 3 weeks to 6 months may be issued to an employee who fails to respond positively to previous sanctions including oral and written warnings. The purpose of the final written warning is to make certain the employee understands the

seriousness of the misconduct and that further misconduct will most likely result in dismissal.

The letter should clearly define the problem and work expectations, set up a schedule of progress meetings between the employee and supervisor, state what is satisfactory completion of probation, and state that satisfactory performance will result in retention. The letter should also state that failure to perform satisfactorily during this probationary period may result in dismissal. The employee should sign the reprimand and keep a copy. The signed original should be sent to the Office of Human Resources.

Supervisors must consult with a representative of the Office of Human Resources before placing staff employees on probation.

(d) Suspension. A staff employee may be suspended with pay when continued employment may be harmful to the University or impede the outcome of a thorough and fair investigation of the facts regarding an alleged offense.

A staff employee may be suspended without pay in cases involving gross misconduct or chronic behavioral problems for which there seems to be no other appropriate response.

(2) Other sanctions.

Other sanctions may be imposed when deemed appropriate to induce the change required. Before imposing sanctions, administrators should consult with the Office of Human Resources.

(3) Final sanction.

The final sanction in the disciplinary process will be taken when the University is satisfied that the staff employee has been given an opportunity to meet the appropriate behavior or performance standard and has failed to do so, or when the particular circumstances warrant immediate dismissal in the best interests of the University.

Before imposing sanctions, administrators should consult with the Office of Human Resources (see policy 399).

(4) Written documentation.

Dismissed staff members shall receive from their supervisors a written statement summarizing the problems encountered, attempts to correct them, and the basic reason(s) for dismissal. A copy will be given to the affected employee and the original should be sent to the Director of Human Resources (or his/her designated representative) to be placed in the employee's primary file.

A staff employee may resign rather than face disciplinary action. By doing so, however, the employee loses the right to file a grievance. Employees cannot be compelled to

resign; resignation must be entirely voluntary. Resignations should be made in writing and cannot be rescinded without mutual agreement of the employee and the University.

2.3 Alternatives for Employees Involved in Disciplinary Procedures

If a University employee questions actions encountered during the disciplinary process, or if they feel proceedings are unwarranted or unjust, the following resources are available to discuss appropriate disciplinary processes with the employee:

(1) Department heads, supervisors, deans and vice presidents,

(2) the Office of Human Resources.

Staff employees may also request a hearing under the guidelines of the grievance policy (325).

3.11.3 DEFINITIONS

3.1 Discipline

Employment-related action (including imposition of sanctions) undertaken to correct or modify unacceptable job performance or behavior to acceptable standards.

3.2 Notice

Actual personal delivery of a written statement to an individual. If the individual cannot be personally located at the usual place of employment during assigned working hours, notice may be given by mailing the statement to the employee at his or her last known address. If notice is mailed, it is deemed effective for all purposes when deposited in an appropriate mailbox or mail slot.

3.3 Probationary Period

A period of 3 weeks to 6 months wherein an employee is expected to address and improve performance or any other aspect of employment as addressed by his/her supervisor. *Specific employment actions including suspension and/or dismissal can occur at any time during the probationary period if the probationary conditions are not being met by the employee.*

3.4 Sanctions

Disciplinary measures authorized to be imposed upon staff employees including an oral or written reprimand, temporary reduction in pay (not to exceed 10% of the gross amount payable for any payroll period), probation, suspension with or without pay, or dismissal from employment.

311.4 RESPONSIBILITY

4.1 Department Heads, Supervisors, Deans, and Vice Presidents

Responsible for maintaining discipline and enforcing consistent and fair performance standards following the guidelines outlined in this policy. Supervisors must consult with the Office of Human Resources prior to any disciplinary actions.

4.2 Office of Human Resources

Responsible for communicating the University's philosophy of discipline for constructive improvement and assisting supervisors in the application of these guidelines.

4.3 Employees

Responsible for working closely with supervisors to address and improve performance according to the procedures outlined in this policy.