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## **3036: DISCIPLINE**

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This policy provides the standards and procedures for instituting corrective action or dismissal of non-Senate academic appointees. Corrective action or dismissal may be instituted for good cause, including but not limited to misconduct, unsatisfactory work performance, or dereliction of academic duty. For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion and dismissal for unsatisfactory work performance shall involve the regular peer review process. Such peer review shall be advisory to the administrator authorized to institute the demotion and dismissal action.

### **RESPONSIBILITY**

Department Chairs, supervisors and other appropriate administrative authorities have the responsibility to ensure that each appointee has the appropriate training and mentoring opportunities in order to successfully carry out the job duties and responsibilities of his or her position. It is expected that each aforementioned supervisor will ensure that timely communications, documentation and performance review have occurred prior to initiating corrective action and/or any recommendation for dismissal.

### **PRIOR TO INSTITUTING ACTION**

Prior to instituting corrective action and/or dismissal as described in the sections that follow, efforts to resolve the problem should be attempted.

For performance-related issues, supervisors are responsible for counseling individuals as deficiencies in job duties occur. If deficiencies continue, counseling memos should be issued to the appointee. The documentation, in the form of a counseling memo should clearly identify the problem area(s), the expected standards, and refer to any previous discussions the supervisor has had with the appointee. The supervisor should follow-up with the appointee at an appropriate interval, informing him or her whether the deficiency has been corrected or further improvement is required.

Performance reviews should appropriately address any deficiencies that required documentation. If during the course of the performance review it is determined that previously acknowledged deficiencies still exist or performance continues to be unsatisfactory, corrective action should be instituted.

For actions that involve serious misconduct, such as those involving the health and safety of other University employees, or that may involve the misuse of University property, it may be appropriate to initiate corrective action and/or dismissal immediately.

### **TYPES OF CORRECTIVE ACTION AND DISMISSAL**

Corrective actions include written warning with consequence, written censure, suspension without pay, or demotion. Corrective action shall normally be taken in progressive steps, beginning with a written warning, except when corrective action is the result of conduct which an appointee knows or reasonably should have known was unsatisfactory. Unsatisfactory conduct may include but is not limited to dishonesty, theft or misappropriation of University property, fighting on the job, insubordination, acts endangering others, sexual harassment or other serious misconduct.

Written warning is a formal communication that informs the appointee of a deficiency in performance or an incident of misconduct. A written warning contains not only the specifics of the performance or an incident, but also a method for correction and a clear statement of the probable consequence if the deficiency or misconduct is not corrected.

Written censure is a formal reprimand that conveys institutional rebuke. It may be issued to an appointee for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. Written censure informs the appointee of the serious nature of the event. A written notice of intent must precede the issuance of a written censure.

Suspension is debarment without pay from the appointee's responsibilities for a stated period of time. An appointee may be suspended for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. A written notice of intent to suspend must precede the issuance of a written notice of suspension.

Demotion is a temporary or indefinite reduction in rank, step, and/or salary. An appointee may be demoted for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. A written notice of intent to demote must precede the issuance of a written notice of Suspension.

For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion for unsatisfactory work performance shall involve the regular peer review process.

Dismissal is the termination of employment initiated by the University prior to the ending date of appointment. An appointee may be dismissed for continued poor performance as a consequence of a previous written warning. An appointee may also be dismissed without previous written warning or as a result of conduct the appointee knows or reasonably should have known was unsatisfactory or inappropriate. In both cases, a written notice of intent to dismiss must precede the issuance of a written notice of dismissal.

For non-Senate academic appointees who are subject to peer review for performance evaluation, dismissal for unsatisfactory work performance shall involve the regular peer review process.

## **PROCEDURES**

Corrective action or dismissal as defined by this policy is subject to review and approval of the Vice Provost for the Faculty.

### **A. INVESTIGATORY LEAVE**

An appointee may be placed on an immediate investigatory leave with pay without prior written notice for the purpose of reviewing or investigating charges of misconduct or dereliction of duty, which, in the judgment of the supervisor, requires removal of the appointee from responsibilities and/or University premises. Such investigatory leave must be confirmed in writing to the appointee normally within five working days after the leave is effective. The notice shall include the reasons for and the expected duration of the leave.

### **B. WRITTEN WARNING**

A written warning issued under this policy as a result of continued poor performance, a less than satisfactory performance review, or due to inappropriate or unsatisfactory conduct must state the serious nature of the performance or conduct and a probable consequence appropriate to the circumstance.

### **C. WRITTEN NOTICE OF INTENT**

A written notice of intent shall be provided to the appointee prior to initiating a written censure, suspension without pay, demotion, or dismissal. Notice of intent is not required for a written warning. The notice of intent shall provide:

- the serious nature of the deficiency or conduct;
- the intended action, including any salary consequence of the action;
- proposed effective date;
- reason for the action and or basis of the charges, including copies of pertinent material upon which the intended action was based;
- the appointee's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written notice of intent;
- the name of the person to whom the appointee should respond.

#### D. WRITTEN NOTICE OF ACTION

Following the review of an appointee's oral or written response, if any, to the notice of intent, a written notice of action shall be issued to the appointee. The notice of action shall be issued within thirty (30) calendar days of the date of issuance of the written notice of intent. Such notice of action shall:

- notify the appointee of the corrective action or dismissal to be taken;
- notify the appointee of the effective date of the action;
- notify the appointee of the right to grieve the action under **APM 140**.

The notice of action may specify corrective action less severe than that described in the notice of intent, or it may specify that no corrective action will be taken; however, the notice of action may not include an action more severe than that described in the notice of intent.

#### E. REPRESENTATION

An appointee may be self-represented or may be represented by another person at any stage of the corrective action or dismissal process.

#### F. EXTENSION OF TIME

Prior to the expiration of any time limit, extensions may be granted for good cause by the Vice Provost for the Faculty.

#### G. RECORDS

A copy of the written warning, written censure, suspension, demotion, dismissal, the written notice of intent, and a copy of all supporting documents upon which the decision to take corrective action or dismissal was based shall be placed in the appointee's official personnel file. Such materials may be considered in connection with a recommendation or decision in a personnel action involving the individual if the materials are made part of the personnel review by the Vice Provost for the Faculty. An appointee shall have the right to have inserted into the personnel file any statement or response to these materials in accordance with **APM 160-30**.

#### H. NOTICE PROCEDURES

Any notice to the appointee pursuant to this procedure shall be deemed conclusive by delivery to the appointee's last known address.