Formal Corrective Action Guidelines

Non-Faculty Employees

Purpose

The purpose of these guidelines is to state the position of the University relative to the administration of discipline in an equitable and consistent manner. Although support employees and administrative/professional employees covered by these guidelines are considered “at will” employees, meaning that they can be terminated for a reason, or no reason at all, it is in the best interest of the University to ensure fair treatment of all employees and make certain that discipline is handled in a timely fashion and in a fair uniform way.

In order to respect both the rights of employees and of the University, it is important that all Deans, Directors, Department Heads, Managers and Supervisors provide adequate documentation of the disciplinary and termination process when an employee is discharged for cause.

General Guidelines

1. The intent for the disciplinary process is to improve employee performance or eliminate misconduct or rule violations, i.e. conduct issue versus skill deficiency and performance issue.

2. For the most effective use of the disciplinary action, it is necessary that supervisory employees be familiar with University policies and department regulations so that infractions are quickly and accurately identified.

3. In order to eliminate unintentional poor performance and misconduct, supervisors must educate their employees concerning policy, procedures, and job expectations. A supervisor must also be willing to discuss situations or events which may, if not corrected, eventually lead to on-the-job problems.

4. The supervisor must consider the nature and seriousness of the infraction, all relevant facts and information, and any mitigating circumstances. Good judgment must be used in determining the degree of disciplinary action taken in each case and must be non-discriminatory in the administration of these guidelines.

5. Generally, there are four types of formal corrective action which may be applied. These include verbal warning, written warning, suspension, and dismissal. However, not all performance or conduct problems lend themselves to this progressive discipline. There are times when immediate and serious disciplinary action, including suspension or dismissal, is warranted. Application of these actions will depend upon the nature and severity of the problem. Any of the disciplinary actions may be taken without regard to prior problems or prior discipline.
6. Before administering formal corrective action, the supervisor is responsible for conducting a thorough investigation.

7. If after a thorough investigation the supervisor believes that any action taken beyond informal counseling is warranted, it is the duty of the immediate supervisor to initiate disciplinary action and/or advise the Dean, Director, or Senior Department Head of the possible need for such action. When any type of formal corrective action is being considered, the Office of Human Resource Management should be contacted to ensure appropriate applicability, documentation, and procedure is followed. Within each department the authority and approval levels for this process must be established and communicated.

8. It is the supervisor’s responsibility to ensure that all University policies and department regulations are enforced uniformly and fairly. Inconsistent or unfair treatment will undermine the entire process.

9. In some situations, poor performance, i.e. a skill deficiency may not be considered willful but must still be addressed. The steps taken could be comparable to steps described herein. The intent of the discipline would be to document the substandard performance but should also include steps taken to help the employee improve their performance. This could include: a training class to improve technical skills, reviewing expectations with supervisor, reference materials, scheduling regular meetings to check in on progress, etc. The purpose would be to help the employee improve performance so they can remain in the position. However, if the employee cannot successfully perform in the position regardless of their effort, termination may be necessary.

**Explanation of the various types of formal corrective action**

1. **Verbal Warning.**

   A verbal warning may be given in cases where a departure from established work routines occurs without sufficient justification. Although this is considered a departmental matter, the supervisor should document the department file. The “note to file” should include employee’s name, date of occurrence, issue discussed, and recommended actions.

2. **Written Warning.**

   A written warning is a formal statement, which becomes part of the employee’s permanent personnel file. Examples of problems which may result in a written reprimand include, but are not limited to: serious disruptions in the workplace, failure to follow proper work routine or business practice, repeated actions not corrected by verbal warnings, or where infractions could lead to suspension or dismissal if repeated.
3. **Suspension.**

An employee may be required to remain off the job in a pay or non-pay situation for a specified period of time for disciplinary purposes, following verbal and written warnings, and without warning for more serious initial offenses. Immediate suspension may be in order if:

a. Circumstances make attendance at work dangerous to the employee or others.

b. When time for an investigation is needed.

c. When circumstances seriously impair the employee’s effectiveness on the job.

d. When prior warnings have not had the desired impact to correct the negative behavior.

4. **Other Types of Corrective Action**

Formal corrective action may also include demotion, salary reduction, reassignment to another position within the Supervisor’s area of responsibility, etc. Application of these actions will depend upon the nature and severity of the problem and is not appropriate for all situations.

5. **Discharge.**

The decision to discharge employees should be made in conjunction with the Dean, Director, or appropriate Senior Department Head, Division Head and the Office of Human Resource Management. This policy helps to ensure that all established policies and procedures have been followed and that the decision to terminate an employee is, in fact, the proper decision and consistent with past practice.

a. Discharge may be a result of one serious event, such as: insubordination, defiance of authority, theft, intoxication, act of aggression or violence, or any other willful act of misconduct or violation of the University’s Mission Statement. This list is not all inclusive and is only intended as examples.

b. The employee must understand exactly why they are being terminated. It is best communicated in a letter, which should be presented to the individual in a formal, private meeting. The supervisor should have another senior member in the chain of command present during the termination meeting.

c. In the event of a serious incident, without any solid facts or information, it is advisable to suspend the employee pending a thorough investigation. If it is obvious that an event deserving discharge occurred, but with possible mitigating circumstances, it is advisable to suspend with intent to discharge.
Writing the Notice of Discipline

The notice of discipline should be clear and concise. The statement should include:


b. Relevant history.

c. Disciplinary measure.

d. Expected change in performance or behavior. (Written Warning and Suspension.)

e. Consequences of not meeting the expectations. (Written Warning and Suspension.)

Caution: Try to be as specific and factual in your written documentation. Avoid extraneous issues and opinions not substantiated by facts of evidence. Written documents generally are subject to review by a third party (discipline committee, arbitrator, lawyers, etc.), and information that is not relevant, fact-based or whitewashes the real issues will destroy credibility of the document.

The original copy of the written warning or letter of suspension is given to the employee. A copy should remain in the department and copies should be sent to the Division Head and the Office of Human Resource Management for the employee’s personnel file.

Issuing the Disciplinary Notice

1. Select an appropriate time and place to present the disciplinary notice in person.

2. Be objective, tactful, and thorough.

3. If employee protests that the action is unfair, remind the individual of the appropriate processes available within the University. (See The Administrative Policy No. 30: Affirmative Action, Equal Education and Employment Opportunity, and Human Relations in the Workplace and Classroom.

Administrative Leave

If the situation warrants, the supervisor may give consideration to the appropriateness of Administrative Leave, non-disciplinary time-off with pay. Administrative Leave is usually issued when time is needed to investigate a situation to ensure proper action is taken and when it is inappropriate and impractical for the employee to remain at work.
The Office of Human Resource Management is available for consultation and providing assistance through this process. Additional training resources are available upon request, including a copy of the Documenting Discipline DVD. The DVD will illustrate a step-by-step approach to documenting employee issues and writing formal letters of discipline.