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Staff Disciplinary Policy BU-PP 807

Policy:

The disciplinary policy is designed to be positive and corrective. The University's disciplinary procedure is intended to be fair and consistent. Moreover, it is the University's intent that supervisors work toward the prevention of personnel discipline problems.

Topics:

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Related policies:

BU-PP 028 — Civil Rights
BU-PP 031 — Sexual Misconduct
BU-PP 705 — Faculty Dismissal Policy
BU-PP 804 — Performance Appraisal & Development
BU-PP 805 — Employee Observation Process
BU-PP 805A — Employee Observation Form
BU-PP 822 — Staff Grievance
BU-PP 833 — Staff Separation

Additional information:

None

Contact:

Human Resource Services Office (x 2219)

Overview —

If discipline is necessary, the following conditions should be met:

- Seek to understand circumstances surrounding the issue, including:
 - > the history of performance and behavior in the job;
 - length of service;
 - the nature and severity of the unacceptable behavior or job performance;
 - any previous disciplinary action;
- Any action taken (based upon the facts) should be corrective rather than punitive and be appropriate to the offense; and
- The employee is treated professionally at all times.

Certain standards of performance duties and conduct should be maintained (see BU-PP 804 and job descriptions). Generally, these standards are recognized and followed by individual employees without need for action by the supervisor. When an employee fails to meet these standards, an oral reminder or counseling by the supervisor normally results in correction of the situation. However, when an employee does not respond to oral reminders or counseling, formal corrective action may be necessary.

The appropriate discipline must be determined based upon the circumstances and facts of each

case. Fairness and consistency require that the principles of discipline listed above shall be followed by all supervisors and department heads. The Human Resource Services Office is available to assist and review the determination of appropriate corrective action before such action is taken.

A progressive disciplinary procedure usually consists of an oral warning or counseling session, followed by written warnings, probationary actions, suspension without pay, or separation from employment. The seriousness of the situation determines the method used, i.e., for serious incidents immediate separation from employment would be appropriate; whereas, all of the disciplinary steps may be used for less serious incidents.

Causes for corrective action —

Types of unacceptable conduct for which immediate corrective action, including possible separation, may occur, include, but are not limited to, the following:

- prolonged unacceptable performance;
- continued neglect of job-related duty;
- · continued display of inadequate skills to perform job;
- intemperance;
- insubordination:
- unauthorized absences from work and unacceptable attendance patterns;
- misuse of University property;
- unprofessional conduct (using profanity, degrading and inappropriate jokes, displaying inappropriate materials, fighting);
- disruptive or discourteous behavior adversely affecting employees, students, visitors or other University constituents;
- theft, dishonesty and other unethical practices, e.g., falsification of records;
- arrest or conviction of an illegal act(s), on or off the job, which adversely affects job performance or the reputation of the University; and
- other behavior as identified by the University which violates policies and procedures;
- violation of confidentiality;
- violations of alcohol, drug, or firearms policies;
- sexual or racial harassment.

Note: The disciplinary policy and procedure concerning sexual misconduct is outlined in the University's Sexual Misconduct Policy (BU-PP 031). Also see the University's Sexual Harassment Policy in the Civil Rights Policy (BU-PP 028).

Informal procedures (oral warning/counseling) —

Should an employee fail to perform his/her work or conduct himself/herself in accordance with the standards of the University and department, the following action should be taken:

- 1. The supervisor should first counsel with the employee about the matter in a private and professional manner. The objective of the discussion is to establish an understanding of the issues and the expected work and conduct standards.
- 2. The supervisor should seek to better understand the cause for the employee's inappropriate conduct and unacceptable job performance.
- 3. The supervisor and the employee should discuss possible solutions to the problem(s), and establish an appropriate timeframe for achieving them.
- 4. Should the problem persist, the supervisor should document the counseling sessions and the performance or conduct issues. A copy of this documentation may be placed in the employee's departmental (not personnel) file in the event it becomes necessary to take formal action to correct the matter.

Formal warning procedures (written warning) —

For continued problems requiring action beyond oral warning/counseling sessions, a formal written warning may be given. This letter should be coordinated with the Human Resource

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Services Office.

- The warning letter should contain an explanation of the problem and circumstances, including a reference to previous oral warnings or counseling, suggested corrective actions, the time period for resolution of the problem, and the consequences of continued substandard performance or conduct.
- 2. The supervisor should give the employee the letter and discuss it during a formal discussion.
- 3. The employee will be required to sign the warning letter, acknowledging receipt of the letter. The employee may submit his/her comments as an attachment to the warning letter. A copy of the warning letter and any attachment should be forwarded to the Human Resource Services Office for inclusion in the employee's Personnel Records.

Probationary action —

Whenever a formal written warning fails to correct an employee's conduct or performance, placing him/her on observation is the next progressive step to correcting the problem. When placing an employee on observation, a supervisor shall follow the procedures outlined in BU-PP 805 - Staff Observation Process.

Suspension with/without pay —

Suspension without pay is a serious form of corrective action. It should be utilized only when the supervisor believes that it will cause the employee to correct the problem. The following process should be used when placing an employee on suspension:

- 1. The suspension should be for a specific period of time and only for the duration sufficient to correct or investigate the problem; it may range from the remainder of a workday to several days (e.g. 30, 60, or 90 days).
- 2. The employee will be given a written statement containing the reason for the suspension, the period of time of the suspension, and the expected conduct upon completion of the suspension.
- 3. A copy of the statement given the employee will be forwarded to the Human Resource Services Office for coordination of pay suspension with the Payroll Office and inclusion of the statement in the Employee's Personnel Record.

Termination —

Termination should be used as a last resort for uncorrected performance and conduct problems. When it becomes necessary to terminate an employee from the University for disciplinary reasons, the employee, in effect, will have terminated him/herself by his/her own failure to correct the conduct or performance problems. All terminations shall be conducted as follows:

- All terminations must be coordinated with Human Resource Services. A Human Resource Services Office representative must be present during an employee's termination.
- Termination may be initiated by the department head or immediate supervisor without prior warning only for serious offenses, e.g. dishonesty, theft of University property, leaving place of work without permission. Terminations must be effected in accordance with BU-PP 833 – Staff Termination Policy.

Employee grievance process —

An employee who contends that he/she has been disciplined or terminated from the University without just cause may present a written grievance claim in accordance with BU-PP 822, University Grievance Policy within five working days after notification of the discipline or termination.