



**Policy Title: Staff Disciplinary Actions Policy Number: 807**  
**Policy**

**Date Issued: January 15, 2007**

**Responsible Executive: Vice President  
for Human Resources**

**Date Last Revised: September 24, 2018**

**Responsible Office: Human Resources**

## **Staff Disciplinary Actions**

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### **Policy Statement**

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Baylor University requires employees to follow university policies and to meet performance and behavioral expectations. Supervisors are required to hold employees accountable for performance and behavior in the workplace. When performance and/or behavior fails to meet expectations, disciplinary action should be both positive and corrective in nature.

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### **Reason for the Policy**

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The purpose of this policy is to provide guidance on when and how disciplinary actions are to be taken. It is the policy of Baylor University to encourage fair, efficient, and equitable solutions when an employee fails to meet certain standards of performance and/or conduct. The progressive disciplinary action steps below shall generally be followed by all supervisors. They may be modified and/or steps eliminated depending upon the nature and severity of the allegations and/or conduct. Human Resources will assist and review the determination of appropriate corrective actions steps before such action is taken.

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### **Individuals/Entities Affected by this Policy**

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All Staff Employees

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### **Exclusions**

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Some types of conduct violations require coordination with or may be superseded by other regulations, policies, and/or departments (e.g., Title IX Office, Civil Rights Coordinator).

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## Related Documents and Forms

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### University Policies and Documents

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BU PP 023 – Standards of Personal Conduct  
BU PP 024 – Code of Ethics  
BU-PP 028a – Employee Civil Rights Policy  
BU-PP 804 - Performance Appraisal & Development  
BU-PP 822 - Staff Grievance  
BU-PP 833 – Staff Separation  
Employee Job Description

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### Forms and Tools

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Managers should contact Human Resources for appropriate forms and tools.

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### Definitions

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These definitions apply to terms as used in this policy.

<b>Human Resources</b>	Human Resources partners with different departments to find specialized solutions and provide personalized advice and solutions for the department's needs.
<b>Corrective Action</b>	A process of communicating with the employee to improve attendance, unacceptable behavior or performance.
<b>Disciplinary Action Document</b>	A form agreed between each party that states the employee's name and the area that needs development.

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### Contacts

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<b>Subject</b>	<b>Contact</b>	<b>Telephone</b>	<b>Office email/web site</b>
<b>Policy Questions</b>	Human Resources	254-710-2000	askHR@baylor.edu

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### Responsibilities

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<b>Employee</b>	Understand the disciplinary procedural steps.
<b>Supervisor</b>	Contact Human Resources to assist with the steps of the disciplinary action procedures for the employee. Understand the disciplinary procedural steps.
<b>Human Resources</b>	Support and oversee the disciplinary action procedural steps.

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## Principles

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All Baylor University employees are responsible for acquainting themselves with performance criteria for their particular job, along with rules, procedures, and standards of conduct established by the institution and their department and maintaining standards of conduct suitable and acceptable to the work environment. An employee who does not fulfill the responsibilities set out by such performance criteria, rules, procedures and standards of conduct may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy creates a contractual obligation on Baylor nor does it alter the “at will” status of any employee. Baylor may terminate an “at will” employee at any time with or without cause and with or without advance notice.

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## Procedures

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Baylor University’s policy of disciplinary action consists of procedural steps which are generally administered in progressive order. **In some cases, one or more steps may be modified and/or eliminated depending upon the nature and severity of the allegations and/or conduct.** To assist supervisors in determining the appropriate level of corrective action in a particular situation, and to promote consistency in the application of the corrective action process, a chart at the end of this policy provides general examples of infractions and some appropriate action steps. Each case must be evaluated on its own merits and rarely, if ever, will two cases be exactly alike. As such, the chart and procedures are intended as general guidance, not comprehensive nor prescriptive. Individual circumstances are evaluated in consultation with HR when considering corrective action. Failure to consult with HR does not invalidate the employment action.

### DOCUMENTED CONVERSATION

When a problem is identified, generally the supervisor will provide a warning to the employee through a documented conversation. The document will encourage the employee to improve the performance and/or behavior concerns and ensure the employee is aware that additional performance and/or behavioral issues may result in corrective action. If performance and/or behavioral concerns do not improve, or if additional issues arise, corrective action will be taken. The supervisor should notify HR regarding this conversation and provide a summary of dialogue. Many times, this conversation is a catalyst for the change needed to meet expectations.

### FIRST LEVEL WARNING & INITIAL IMPROVEMENT PLAN

The First Level Warning is a formal method of informing an employee of a University policy or department rules violation or of failure to perform job duties in an acceptable manner. Generally, a First Level Warning occurs after an employee has received coaching from their supervisor related to the issue(s) and a summary of the previously documented conversation(s) is provided to HR. This is intended to encourage the employee to change the behavior/performance. A copy of the First Level Warning is

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provided to the employee, as well as housed within the employee's personnel file located within HR.

An actionable plan for improvement is incorporated into the First Level Warning form. This plan typically is 30 days in length and requires follow up meetings with the supervisor throughout to ensure adequate progress. The supervisor will notify the employee, through the appropriate form, upon successful completion of this plan. In the event of further University policy or department rules violation, failure to perform job duties in an acceptable manner occur, or of additional concerns, the process may move to Step Three or further disciplinary action, up to and including termination.

#### SECOND LEVEL WARNING & EXTENDED IMPROVEMENT PLAN

The Second Level Warning is generally used when performance and/or behavioral problems persist or when action is more severe than warranting a First Level Warning. A copy of the Second Level Warning is provided to the employee, as well as housed within the employee's personnel file located within HR. The warning and improvement plan can last 30 to 60 days. In general, an employee currently within an extended improvement plan is not eligible for a transfer or promotion. The supervisor will notify the employee, through the appropriate form, upon successful completion of this plan. In the event of further University policy or department rules violation, of failure to perform job duties in an acceptable manner occur, or of additional concerns, the process may move to Step Four or further disciplinary action, up to and including termination.

#### FINAL WARNING

The Final Warning generally will be given at any time during the corrective action process or if the performance or resulting behavior is more severe than warranting a First or Second Level Warning. This warning may also result if the employee does not successfully complete the First or Second Level Warning improvement plans. In general, an employee currently within a final warning status is not eligible for a transfer or promotion. A copy of the Final Warning is provided to the employee as well as housed within the employee's personnel file located within HR. This warning includes a plan no longer than 30 days in length and is intended for immediate action to be taken ensuring the performance or behavior is addressed. Upon successful completion of this plan, the supervisor will notify the employee through the appropriate form. In the event of further University policy or department rules violation, of failure to perform job duties in an acceptable manner occur, or of additional concerns, the process will move to Step Five.

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## TERMINATION

Generally, if all prior appropriate disciplinary actions do not resolve the situation, or if the nature of the violation is so serious that a First, Second, or Final Level Warning is not appropriate, the employee may be terminated. The supervisor must consult with HR before an employee may be terminated. Again, this typical pattern does not alter the “at will” status of an employee and does not impose upon Baylor any notice of termination requirements.

## CORRECTIVE ACTION TRACK

Performance and/or attendance issues are addressed as a single track in the corrective action process. For example, generally, an employee who has been issued a First Level Warning for a performance issue would receive a second level warning for an attendance issue that warrants corrective action.

## LENGTH OF TIME CORRECTIVE ACTION REMAINS ACTIVE

The corrective actions listed above will be active for a period of one year or other appropriate length of time as defined by HR. Typically, if there is cause for further corrective action within one year, the next level of corrective action will be taken. The timeline for each case will be adjusted as appropriate for that case.

## CORRECTIVE ACTION NOTICE CONTENTS

Any corrective action taken should be supported by appropriate documentation. When corrective action is initiated, it should be documented in the provided template and be addressed from supervisor to employee. The employee and the supervisor receive and retain a copy of the signed corrective action notice for their records while the original is forwarded to HR for placement in the employee’s personnel file. The corrective action notice should include the following:

- The action being taken (i.e., first level warning, second level warning, final warning or termination)
- The specific violation or problem for which the action is being issued. (e.g., performance, behavioral issues, or conduct concerns)
- Specific instances of problem behavior or violations, including dates and times
- Review of past counseling discussions or corrective action steps as noted above, if applicable
- Description of the impact of employee’s behavior on organization or work group
- Statement of expectations and established time frame to be achieved
- Description of consequences (e.g., if this step fails, you may be subject to further corrective action up to and including termination of employment)
- Reference to the Employee Assistance Program (EAP)
- Supervisor’s signature

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- Employee's signature (including the following statement: "Employee signature does not necessarily indicate their agreement, but only that they have received this notice.") If the employee declines to sign it, this should be noted on the notice and forwarded to HR.

Failure to document as described above does not invalidate any Baylor action(s).

## PLANNING FOR THE CORRECTIVE ACTION MEETING

### **Before the Meeting**

- Provide HR all of the documentation related to the incident or issue. If there are other employees or any individuals who witnessed the incident or have first-hand knowledge of the performance problem, please allow HR to follow up with him or her individually.
- Notify and update the second level supervisor regarding the concerns. Include him or her in conversation with HR as appropriate.
- The supervisor will draft the initial disciplinary action document prior to the meeting and forward to HR. HR will have an opportunity to review and approve the document prior to the meeting.
- Anticipate questions that the employee will likely ask and be prepared with answers or a commitment to get back to the employee if the answer is not known.
- Arrange with the employee to meet with you in your office or other private area. Time the meeting so it is as least disruptive to the workplace and when the employee is least likely to be confronted by co-workers.
- Discuss with HR who should be present during the meeting.

### **During the Meeting**

- State the specific problem in terms of desired job performance as compared to actual job performance.
- Review previous counseling sessions or corrective action steps that have been taken.
- Give the employee a chance to respond and explain.
- Describe for the employee the specific change in job performance you expect.
- Ask the employee to confirm his/her understanding of your expectations.
- Tell the employee the corrective action step you are taking.
- Indicate your confidence in the employee's ability to perform properly in the future, if appropriate.
- Review the corrective action procedure and the consequences if stated expectations are not met.

## 6. Staff Disciplinary Actions

- Discuss the required next steps as listed in the corrective action notice.
- Request the employee to sign the corrective action notice.
- Refer to the Employee Assistance Program and how to access.
- Give a copy of the signed corrective action notice to the employee.
- The employee may provide a responding statement to the corrective action notice if he or she chooses to do so. This document will be housed along with the corrective action in the employee’s personnel file and may be facilitated by HR at the employee’s request.

**After the Meeting**

- Briefly summarize the meeting in writing with factual comments and examples of what occurred. Please provide HR a summary of the meeting if he or she is not present.
- Forward the signed corrective action notice to HR.
- Monitor the employee’s performance and maintain open communication to provide the employee with the opportunity and support for correcting the problem. Ensure follow up meetings are scheduled to actively monitor progress.
- Continue to appropriately document and provide corrective feedback for success.

At the appropriate time, complete the Employee Disciplinary Action Completion Notice form and forward to HR for inclusion in the employee’s personnel file.

Failure to follow any described step does not invalidate any Baylor action(s). Some steps will be modified, for example, if the alleged failure or misconduct involves the first or second line supervisor.

SAMPLE GUIDELINES

The following list is intended as a general guideline for corrective action; it is not comprehensive nor prescriptive. Individual circumstances are evaluated in consultation with HR when considering corrective action.

**Each situation is evaluated on a case-by-case basis, therefore, may vary from the chart below. Corrective action steps can progress more rapidly based on the severity of the situation.**

Conduct:	Examples of Progression:				
Absenteeism and/or tardiness	Documented conversation	First Level Warning	Second Level Warning	Final Warning	Termination

Failure to meet any job standards	Documented conversation	First Level Warning	Second Level Warning	Final Warning	Termination
Failure to work scheduled hours (leaving early or working overtime without permission)	Documented conversation	First Level Warning	Second Level Warning	Final Warning	Termination
Violations of safety rules or University safety practices (depends on severity)	First Level Warning	Second Level Warning	Final Warning	Termination	
Obscene, crude, vulgar, racially or sexually charged, or abusive language (depends on severity)	First Level Warning	Second Level Warning	Final Warning	Termination	
Inappropriate conduct towards other employees, students, visitors, contractors (depends on severity)	First Level Warning	Second Level Warning	Final Warning	Termination	
Improper use of University property and resources (depends on severity)	First Level Warning	Second Level Warning	Final Warning	Termination	

## 8. Staff Disciplinary Actions