

R841, Minimum Requirements for Disciplinary Sanctions of Staff Personnel Policy¹

R841-1. Purpose: To provide minimum requirements to the institutions for the development of policy on the imposition of disciplinary sanctions, including termination, of staff members in the System of Higher Education institutions, and the procedures by which such sanctions are initiated and processed. Each institution shall adopt or amend its policy and procedures as necessary to comply with these minimum requirements.

R841-2. References

- 2.1. Policy and Procedure R831, Minimum Requirements for Non-Faculty Staff Employment Grievances Policy.
- 2.2. Policy and Procedure R845, Guidelines for Payment in Lieu of Notice Policy.

R841-3. 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 to the individual of a written statement, except that if the individual cannot be personally located at the usual place of institutional 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. **Human Resource Office:** that office or individual in the institution charged with the administration and record maintenance of personnel matters or such other person as may be specially designated by the institution president to act in regard to the policy.
- 3.4. **Sanctions:** disciplinary measures authorized to be imposed upon staff members including a written warning, reduction in pay, probation, suspension without pay, demotion, or dismissal from employment.
- 3.5. **Staff Member:** a classified or professional employee in a non-faculty position who receives compensation for work or services from funds controlled by the institution, regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked. There are two categories of Staff Member subject to this policy:
 - 3.5.1. **Regular Staff Member:** a staff member whose employment is defined by the institution as being of a continuous nature, initially funded for a non-temporary period, who has successfully completed the probationary period. This includes exempt and non-exempt employees not covered by a similar faculty procedure, but may exclude certain executive or at will personnel as defined by the institution. Normally, a regular staff member is one assigned to work 75% or more (or such other percent as set by institutional policy) in a position expected to last more than 6 months (or such other period as set by institutional policy.)

¹ Approved January 9, 1987; amended January 24, 1997 and September 16, 2005.

3.5.2. Part-time, Temporary, or Probationary Staff Member: a staff member assigned to work less than full-time, or in a position considered temporary or expected to be of short duration, as defined by the institution; or a newly hired employee in a regular position but still in the probationary status. Normally, a part-time staff member is one assigned to work less than 75% (or such other percent as set by institutional policy) a temporary position is one not expected to be available after 6 months (or such other period as set by institutional policy.)

3.6. Termination: includes dismissal, reduction in force, and end of temporary employment.

R841-4. Minimum Requirements

4.1. General Requirements: Under institution policy, disciplinary actions and sanctions shall be handled in a manner to achieve the least adverse effect upon the staff member and the institution.

4.2. Minimum Requirements for Part-time, At-Will, Temporary or Probationary Staff Member

4.2.1. Staff members in regular positions are considered as being on probationary status during an initial period determined by institutional policy. It is expected that such staff members will make every effort to become competent and qualified in their jobs during the probationary period.

4.2.2. By the nature of the type of employment, suspension, termination or release from employment may be effected prior to the end of the probationary period or for other part-time, at-will, temporary or probationary staff members, at any time, without prior notice, with or without "cause."

4.3. Minimum Requirements for Regular Staff Member: The imposition of sanctions, including the dismissal of a regular staff member 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 institution:

4.3.1. Negligence

4.3.2. Incompetence

4.3.3. Excessive absence or unauthorized absence without leave

4.3.4. Misuse of institutional property and funds

4.3.5. Disorderly conduct

4.3.6. Fraud or falsification on employment application

4.3.7. Unsuitability to job requirements

4.3.8. Use of alcohol or drugs, or being under the influence thereof while working

4.3.9. Insubordination

4.3.10. Unjustified interference with the work of others

4.3.11. Violation of applicable statutory requirements or institutional regulations relating to employment practices, including but not limited to regulations prohibiting discrimination or harassment because of race, color, ethnic origin, religion, sex, age, disability, or other legally impermissible behavior.

4.3.12. Conviction of a crime by a court of competent jurisdiction.

4.3.13. Violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the institution.

4.4. Minimum Requirements for Disciplinary Sanctions Generally

4.4.1. Whenever feasible, regular staff members should be given an opportunity to improve their performance before sanctions are imposed.

4.4.2. Institutions shall define sanctions and may provide that certain serious sanctions require the review of the human resource office and/or higher level supervisor before they are imposed.

4.4.3. After remedial actions as provided in 4.4.1 above, and before a sanction of suspension or termination is imposed on a regular staff member, an institutional officer shall meet with the staff member, explain the perceived deficiencies and charges, explain the proposed sanctions, and provide opportunity for the staff member to respond to the charges. After deliberation and consideration of the staff member's response and explanations, the institutional officer may make the decision to impose the sanction. The institutional officer shall inform the staff member of the decision in writing, including an explanation of how the staff member can exercise his or her rights to appeal the decision. The sanction can be imposed immediately. If the sanction is termination or suspension without pay, it is understood that a successful appeal by the staff member may result in reinstatement of employment and payment of back wages.

4.4.4. Regular staff members being formally disciplined by imposition of sanctions must be advised of their right to use the available avenues of review and redress, including institutional grievance and equal opportunity procedures.

4.5. Minimum Requirements for Involuntary Terminations

4.5.1. Regular staff members terminated for cause, and part-time, at will, temporary or probationary staff members being terminated for any lawful reason are not entitled to advance notice of termination.

4.5.2. Regular staff members terminated due to a reduction in work force are entitled to notice or payment in lieu of notice pursuant to institutional policy under the guidelines of Policy and Procedure R845.

4.5.3. Involuntarily terminated regular staff members shall receive from their supervisors a written statement summarizing the problems encountered, any attempts to correct them, and the cause assigned for their termination.

4.6. **Limitations on Disciplinary Procedures:** While progressive discipline is allowed, an institution may not institute disciplinary proceedings against an employee more than once based on the same facts, circumstances, or events.