

Policy: 2-9 Rev: 8  
Date: June 30, 2004

[Rev. 7](#)

Subject: **DISCIPLINARY ACTIONS AND DISMISSAL OF STAFF EMPLOYEES**

I. PURPOSE

To establish University policy regarding the imposition of disciplinary actions and dismissal of staff employees for cause.

II. REFERENCES

[Policy and Procedure 2-6](#), Equal Opportunity and Nondiscrimination Employment.

[Policy and Procedure 2-8.1](#), Reduction in Force and Severance Pay.

[Policy and Procedure 2-25](#), Staff Employee Grievances and Appeals.

[Policy and Procedure 2-32](#), Discrimination Complaints.

[Policy and Procedure 2-59](#), Staff Compensation

III. DEFINITION

- A. Administrative Leave with Pay - A paid leave of absence imposed to allow a supervisor adequate time to conduct an investigation and consult with a Human Resources representative to determine whether disciplinary action is appropriate for the unsatisfactory job performance or unacceptable personal conduct of staff employee. Administrative leave with pay in excess of five(5) working days requires the approval of the Human Resources Vice President.
- B. Disciplinary Action - Action undertaken by a supervisor to correct or modify unsatisfactory job performance or unacceptable personal conduct which may include a written reprimand, written warning, disciplinary suspension without pay, demotion, dismissal for cause, or other action deemed appropriate by the supervisor.
- C. Permanent Staff - Those staff employees whose employment status is expected to last nine months or longer and who are regularly scheduled to work 20 or more hours per week. Permanent staff employees may be full-time (1.0 FTE) or part-time (equal to or greater than .5 FTE but less than 1.0 FTE).
- D. Probationary Staff - Those staff employees hired, for or reinstated to, a permanent full-time or part-time position and serving a probationary period. Probationary staff employee are at-will employees.
- E. Temporary Staff - Those staff employees whose employment is for a period expected to last less than nine months or whose employment is expected to last less than nine months or longer

and who are regularly scheduled to work less than 20 hours per week (.5 FTE). Temporary employees may be full-time or part-time, receive no benefits, and are employed at-will.

- F. Employment At-will - Employment that is terminable by the University for any reasons or for no reason at all.

#### IV. POLICY

- A. For permanent staff employees, the University of Utah administers corrective discipline that is proportionate to the severity and frequency of the employee's unsatisfactory performance or unacceptable personal conduct. At all times discipline must be administered in a fair manner and without regard to race, color, sex, age, sexual orientation, disability, veterans status, religion, or national origin.
- B. Temporary and probationary staff employee are at-will employees, and as such, may be terminated by the University for any reason or for no reason at all and without advance notice.
- C. All newly hired and reinstated permanent staff employees serve a probationary period except as provided in [PPM 9.1](#) (paragraph IV.B.4.) or except as authorized by the cognizant vice president. During the probationary period, permanent staff employees are at-will employees, and may be terminated by the University for any reason or for no reason at all without advance notice. Supervisors are expected to discuss performance expectations and standards with probationary employees and, provide direction on how to improve performance.
- D. Disciplinary actions taken in accordance with this policy must be for:
  - 1. unsatisfactory job performance; or
  - 2. unacceptable personal conduct.
- E. Unsatisfactory job performance occurs when, in the supervisor's reasonable opinion, an employee fails to satisfactorily meet job requirement as set forth in the relevant job description or as directed by the appropriate supervisor of the work unit. The determination of unsatisfactory job performance is generally made by the immediate supervisor. In determining whether an employee's performance is unsatisfactory, a supervisor should consider any one or a combination of the following factors:
  - 1. the quality of work;
  - 2. the quantity of work;
  - 3. work habits;
  - 4. promptness;
  - 5. the timely performance of work;
  - 6. related analysis, decisions, or judgement;

7. the accuracy of the work;
8. the appraisal of result-oriented expectations and behaviors
9. absenteeism or tardiness;
10. the ability to follow instructions, directions, and procedures;
11. the appropriateness of work performed;
12. ability to work well and display appropriate interactions with co-workers, supervisors, and customers; or
13. other factors that, in the opinion of the supervisor, are appropriate to determine whether an employee's performance constitutes unsatisfactory job performance.

Employees are to be informed and given an opportunity to improve their unsatisfactory job performance before disciplinary actions are imposed.

- F. Unacceptable personal conduct occurs when an employee engages in conduct for which no reasonable person should expect to receive prior warning that such conduct is unacceptable. The determination of unacceptable personal conduct is made by the immediate supervisor, based on what is reasonably expected of an employee in the work unit, without the need for issuing prior warning that these behaviors are unacceptable. Unacceptable personal conduct includes:
1. Job-related conduct which constitutes a violation of State or Federal law, or University policies and procedures;
  2. Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the University;
  3. The violation of written or unwritten work rules that should be known to the employee;
  4. falsification of a University application or other employment documentation;
  5. Insubordination;
  6. Misuse of University property or resources, including records or funds;
  7. Unjustified interference with the order, safety, or efficiency of the work unit;
  8. Unauthorized disclosure of private, confidential, proprietary, privileged or controlled information or records;
  9. Falsification of records or reports;
  10. Unauthorized possession, use or distribution of alcohol or controlled substances, or being under the influence thereof at the work unit or while on University business away from the work unit;

11. Violation of applicable statutory requirements, policies, or procedures that protect the environment and the health and safety of others;
  12. Improper or unsafe operation of a vehicle owned or leased by the University;
  13. Possession or use on University premises or while conducting University business off campus, of any firearms or other dangerous weapons, unless such possession or use has been authorized by the University.
  14. Theft or unauthorized possession of University property;
  15. Harassment based upon race, color, religion, gender, national origin, sexual orientation, age, veteran status, disability, or other bases prohibited by state or federal laws and University policies and procedures; or
  16. research misconduct as defined in [PPM 6-1.1](#), or
  17. other acts that, in the reasonable opinion of the supervisor, constitute unacceptable personal conducts.
- G. By law or policy, some duties assigned to positions in the University may be performed only by persons who are duly licensed, registered, or certified as required by the relevant law or policy. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards for classifications established by Human Resources. Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law or policy. Failure to obtain or maintain the legally required credentials constitutes a basis for immediate dismissal without prior warning. An employee who is dismissed for failure to obtain or maintain credentials shall be dismissed under the procedural requirements applicable to dismissals for unacceptable personal conduct.

## V. PROCEDURES

- A. Prior to imposing any disciplinary actions of written warning, of final written warning, disciplinary suspension, demotion or dismissal, supervisors must consult with the Human Resources Department for review and approval of the action.
- B. Permanent employees being disciplined by the imposition of a written reprimand, written warning, demotion, suspension, or dismissal must be advised by the appropriate supervisor of their right to grieve such disciplinary action pursuant to:
  1. Staff Employee Grievance and Appeals ([PPM 2-25](#)).
  2. Discrimination Complaints ([PPM 2-32](#)).
- C. Probationary and temporary staff employees do not have the right to the staff grievance process as outlined in [PPM 2-25](#). They do, however, have the right to file a discrimination complaint as outlined in [PPM 2-32](#).

## D. Imposition of Disciplinary Actions

Disciplinary actions may be imposed upon staff employees when the appropriate supervisor determines that such actions will result in a beneficial change in conduct, deter future violations, promote respect for and commitment to the observance of applicable regulations, or promote the efficient and economical administration of University affairs. Disciplinary actions should not be disproportionately severe in relation to the grounds for their imposition, and should give due consideration to any special circumstances that may tend to reduce the seriousness of the employee's actions or omissions.

1. When disciplinary actions are to be imposed, the supervisor shall take into consideration the seriousness of the action before imposing a particular action.
2. When a supervisor has just cause to take disciplinary action for unsatisfactory job performance, s/he is to follow a progressive disciplinary process that includes:
  - a. Written Warning - the least serious of actions is typically given as a first written warning. A written warning should include:
    1. the reason for the warning letter;
    2. specific description of the performance deficiencies;
    3. performance expectations for the future;
    4. a specific and reasonable time for improvement to occur;
    5. the consequences of failure to improve the performance; and
    6. a specific date to follow-up and review the employee's ability or failure to improve his/her performance;
  - b. Final Written Warning - the final notice to the employee specifically stating that unless the employee is able to demonstrate improvement in his/her job performance, further disciplinary action will be taken up to and including dismissal. A final written warning must include the same elements as the first written warning outlined in paragraph V.D.2(a) above.
3. Only a department director, or comparable senior level management representative and above may impose disciplinary actions beyond a written warning or reprimand. S/he has the option to:
  - a. suspend the employee without pay for up to five (5) days (exempt staff employees must be suspended for an entire 40-hour week period);
  - b. demote the employee to a lower classification and pay grade than the current job;  
or
  - c. dismiss the employee.

4. When a supervisor deems it appropriate to impose one of the three disciplinary actions described in the preceding paragraph, s/he shall:
  - a. The supervisor shall provide written notification of his/her intent to impose the stated disciplinary action to the Human Resources Department (Employee Relations Office).
  - b. A Human Resources representative shall conduct an initial review of the circumstances and consult with the Office of General Counsel as appropriate.
  - c. If the supervisor is allowed to proceed with the disciplinary action, the Employee Relations Office shall schedule a Pre-disciplinary Conference with the employee for the purpose of providing the employee with an opportunity to respond to the allegations of unsatisfactory job performance or unacceptable personal conduct. The employee shall be provided written notice of the Pre-disciplinary Conference no less than 24 hours before the scheduled conference.
  - d. Following the Pre-disciplinary Conference, the supervisor shall consult with the Human Resources representative regarding the employee's responses to the allegations given at the Pre-disciplinary Conference. The Vice President for Human Resources or his/her designee shall make the decision as to what disciplinary action may be imposed by the supervisor.
  - e. The supervisor shall provide written notification to the employee regarding the specific disciplinary action, if any, to be imposed. The written notification to the employee must include:
    1. the disciplinary action being taken;
    2. the reason for the disciplinary action being taken;
    3. the effective date(s);
    4. the employee's right to grieve the disciplinary action pursuant to [PPM 2-25](#) and [PPM 2-32](#); and
    5. in cases of dismissal, advice to contact the Benefits Office to be appraised of rights under COBRA and other benefit plans.
5. If a supervisor has just cause to take disciplinary action for unacceptable personal conduct as defined in paragraph VI.I, s/he has the option to bypass the progressive disciplinary process, and impose disciplinary action deemed necessary and appropriate for the personal conduct so long as the steps provided in paragraph V.D.4 are followed.
6. A copy of the notification of disciplinary action must be given to the employee and placed in the employee's personnel file in Human Resources. A copy must also be sent to the Benefits Office if the action taken in any way affects the employee's benefits paid for and received from the University.

- E. Employees dismissed for cause, and employees separated before the end of the probationary period are not entitled to receive advance notice of separation from the University.

Approved: Board of Trustees 7/13/98

Editorially 6/30/04

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OUTDATED