

Austin Peay State
University

Discipline Procedures for Employees

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POLICIES

Issued:
Responsible Official: Vice President for Finance and Administration
Responsible Office: Human Resources

Deleted: May 31, 2022

Policy Statement

It is the policy of Austin Peay State University to apply clear and consistent methods of disciplinary action to address performance and/or /conduct issues.

Purpose

The purpose of this policy is to establish a clear, consistent, and fair framework for addressing employee conduct and performance across Austin Peay State University. This policy is intended to:

- Promote accountability and professionalism in the workplace
- Provide a structured approach to addressing conduct and performance concerns
- Ensure that disciplinary decisions are based on conduct and job-related expectations
- Support corrective action and performance improvement where appropriate
- Align institutional practices with applicable law and university policy

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For faculty, this policy reflects the distinction between disciplinary action and tenure status and clarifies how discipline operates alongside the protections of academic freedom.

Scope

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This policy applies to all university employees, including:

- Full-time and part-time faculty (tenured, tenure-track, and non-tenure-track)
- Staff employees (administrative, professional, and clerical/support)

- Academic and administrative leaders, including chairs, deans, and supervisors

This policy governs disciplinary actions related to employee conduct and performance. For faculty, this includes conduct and performance issues that may be addressed through progressive discipline.

This policy does not govern:

- The award, review, or revocation of tenure
- Faculty evaluation, promotion, or tenure review processes
- Matters addressed under separate university policies, including but not limited to discrimination, harassment, or Title IX procedures

Where multiple policies may apply, the university will determine the appropriate process based on the nature of the concern.



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The purpose of this policy is to establish clear disciplinary procedures which will afford consistent and equitable treatment of all staff employees (e.g. professional/administrative and clerical/support) at Austin Peay State University.

Content

- Procedures**
- I. Application
 - II. Supervisory Responsibility
 - III. Forms of Disciplinary Action
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Definitions

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For purposes of this policy, the following definitions apply:

Adequate Cause (Faculty Only)
Adequate cause shall have the meaning set forth in APSU Policy 1:025 (Policy on Academic Tenure), as may be amended from time to time.
Adequate cause is distinct from misconduct and is applicable only in cases involving potential suspension without pay or termination of faculty.

Disciplinary Action
Any corrective or adverse action taken in response to employee conduct or performance, including but not limited to counseling, written warning, reprimand, suspension, or termination.

Employee

Any individual employed by the university, including faculty and staff, whether full-time or part-time.

Faculty Member

A full-time or part-time employee holding academic rank or instructional appointment, including tenured, tenure-track, and non-tenure-track faculty, as further defined in APSU Policy 1:025.

Misconduct

A violation of university policy, rule, or standard of conduct, or behavior that fails to meet professional expectations associated with an employee's role.

Misconduct is distinct from adequate cause and does not, by itself, determine whether discipline will rise to the level of suspension or termination.

Performance Deficiency

A failure to meet established job expectations or responsibilities associated with an employee's position.

For faculty, performance expectations related to teaching, research, and service are governed by applicable academic policies, including APSU Policy 1:025 and the RTP Procedures and Guidelines. This policy does not replace or supersede those processes and shall not be used as a substitute for academic evaluation.

Progressive Discipline

A structured approach to addressing misconduct or performance deficiency through graduated levels of intervention, which may include informal counseling, written warning, reprimand, suspension, or termination. The university may bypass progressive steps depending on the severity or circumstances of the conduct.

Principles of Discipline

Disciplinary action at Austin Peay State University shall be guided by the following principles:

1. Conduct and Performance Expectations

Disciplinary action may be taken when an employee's conduct or behavior fails to meet the standards of conduct, behavior, attendance, or job performance consistent with the requirements of the position.

For faculty, expectations of professional responsibilities are further defined in applicable academic policies, including APSU Policy 1:025 and the RTP Procedures and Guidelines. Applicable principles of academic freedom are addressed in [APSU Policy X:XXX] and remain in effect in the application of this policy.

2. Separation from Academic Evaluation (Faculty)

For faculty members, disciplinary action is separate from academic evaluation processes related to teaching, research, and service.

Concerns regarding faculty performance in these areas shall be addressed through established academic evaluation and review processes unless such concerns rise to the level of adequate cause as defined in APSU Policy 1:025.

3. Progressive Discipline

The university will apply appropriate progressive disciplinary measures, based on individual situations, to address conduct or performance concerns and to support remediation and improvement.

Progressive discipline may include a range of sanctions from informal to formal. The university may impose higher-level sanctions when warranted by the nature, seriousness, or impact of the behavior.

4. Consistency and Equity

Disciplinary action shall be applied in a clear, consistent, and equitable manner across the university.

Supervisors and administrators are responsible for ensuring that similarly situated employees are treated in a similar manner, taking into account the nature and circumstances of the conduct.

5. Supervisory Responsibility and Documentation

Supervisors are responsible for monitoring employee conduct and performance, addressing concerns at the earliest opportunity, and ensuring appropriate documentation of disciplinary actions.

Disciplinary actions should be clearly documented and communicated to the employee, including expectations for improvement where applicable.

Procedures

I. Application

A. All new staff employees are on probation for a period of six (6) months. (The probation period may be extended beyond six (6) months if necessary.) A staff employee may be terminated without notice during the probationary period. (Q: does probation apply to new faculty?)

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B. This disciplinary policy does not preclude "no cause" termination under the terms of the employment contract.

Thus disciplinary policy does not require oral or written warnings, when circumstances are presented which require immediate discharge.

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D. Actions outlined in this policy do not prevent the employee from using established appeal/grievance procedures unless these procedures are prohibited by other university policy. Clerical/support employees and faculty who have successfully completed the initial probationary period in their current position are eligible for a hearing pursuant to the Tennessee Uniform Administrative Procedures Act for discipline involving suspension without pay or termination.

E. No disciplinary action involving probation, suspension, or dismissal is to be taken against any employee until such disciplinary action has been discussed with the Chief Human Resources Officer (CHRO) or his/her designated representative, except when, in the judgment of the employee's supervisor, immediate suspension is necessary to protect the safety of persons or property or for similar exigent reasons. Dismissal requires approval of the senior administrator.

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II. Supervisory Responsibility

The supervisor is responsible for monitoring proper conduct and discipline of employees under his/her supervision. When disciplinary action appears to be necessary, the supervisor will counsel the employee at the earliest opportunity

- A. To explain in what way the employee has failed in meeting the requirements or in what way his/her conduct has been unacceptable.
- B. To give the employee a clear understanding of exactly what is expected of him/her and why.
- C. To give the employee an opportunity to account for his/her actions or lack of actions.
- D. To take disciplinary action if the situation warrants it.

All disciplinary discussions should be conducted in a climate conducive to good understanding and reasonable discussion. The supervisor is responsible for the appropriate documentation of discipline actions.

III. Steps of Disciplinary Action

- A. Oral Warning: This is the recommended initial step in the disciplinary process when the employee has not been reprimanded for any offenses within the previous six (6) months. The supervisor should clearly identify the cause of the incident, provide suggestions for improvement, and explain the potential consequences if the issue recurs. An oral warning may be administered without prior approval; however, the supervisor should document the date and relevant details and maintain this record on file. An employee, receiving an oral warning is considered to still be in good standing with the University.
- B. Written Warning and/or Performance Improvement Plan (PIP): This step is used when it becomes necessary to reprimand an employee more than once within a six (6) month period. Prior to issuing a written warning, the supervisor should review all prior counseling documentation in consultation with the CHRO or their representative. The supervisor will issue the written warning to the employee, and a copy will be forwarded to Human Resources for placement in the employee's personnel file.
- C. Probation: Prior to placing an employee on probation, the supervisor must consult with the senior administrator and the CHRO or their representative. A written probation letter will

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Commented [SJ1]: I imagine it has been difficult to try to harmonize the three discipline policies. Thank you for this work, especially on a tight timeline. However, I think it is still unclear when a faculty member would switch from policy 2:066 to policy 5:029. I think clarifying language needs to be added to III Steps of Disciplinary Action. This is needed because 2:066 details the progressive disciplinary steps for faculty. While similar to those in 5:029, they are not the same and faculty have some other courtesies/recourses such as rebuttal and appeal to the Discipline & Performance Improvement Policy Appeals Committee (for level 4 sanctions only). I am concerned that, as written, 5:029 is in conflict with 2:066 and may be applied instead of the progressive discipline for faculty described in 2:066. Is it possible to state here that "III. Steps of Disciplinary Action sections A and B apply only to staff employees and that disciplinary action for faculty would follow 2:066 until step C?"

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Deleted: Prior to putting the employee on probation, the supervisor must consult with the senior administrator and the CHRO or his/her representative. A written probation letter will be issued to the employee outlining the change in status, the problems encountered, and the desired corrective action. A copy of the letter will be placed in the employee's personnel file. During the probationary period, the employee may be terminated at any time without notice.

be issued to the employee outlining the change in status, the performance or behavioral issues, and the expected corrective actions. Probation should be considered a warning that the employee is facing possible termination if performance or behavior does not improve. A copy of this letter will be placed in the employee's personnel file. During the probationary period, the employee may be terminated at any time without notice. A new Performance Improvement Plan (PIP) may also be issued at this stage at the supervisor's discretion.

- D. Suspension With or Without Pay (Staff): A suspension may be issued to underscore the seriousness of an offense and may occur independently or in conjunction with probation. Suspension should be considered a warning that the employee is facing possible termination if performance or behavior does not improve. The supervisor must consult with the appropriate senior administrator and the CHRO or their representative to determine whether a suspension is appropriate and, if so, the duration. A suspension letter will be issued to the employee, and a copy will be placed in the personnel file. The senior administrator has final approval authority for suspensions.

When in the judgment of the employee's supervisor, immediate suspension of staff employees is necessary to protect the safety of persons or property or for similar reasons:

1. The supervisor will direct the employee to leave the University premises at once and either (a) to report back to the supervisor the following day or (b) to remain away until further notice.
2. The supervisor will contact the CHRO or his/her representative at the earliest opportunity to discuss further disciplinary action

E. Suspension With or Without Pay (Faculty)

1. A suspension may be issued by the Provost to underscore the seriousness of an offense and may occur independently or in conjunction with probation. Suspension should be considered a warning that the faculty member is facing possible termination if performance or behavior does not improve. The Provost must consult with the CHRO or their representative to determine whether a suspension is appropriate and, if so,

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Commented [SJ2]: Is it possible to add a sentence stating that level 5 infractions as described in 2:066 will be handled starting with section E? I think that faculty may get lost in transitioning from 2:066 to the appropriate section in 5:029.

the duration. A tenured or non-tenured faculty member will be provided with written notice of the grounds for suspension and an opportunity be heard by the Provost. If the suspension is upheld by the Provost, a suspension letter will be issued to the employee, and a copy will be placed in the personnel file. The President shall have final decision-making authority for suspensions.

- F. Termination: When a staff employee is recommended for termination for disciplinary reasons:
1. The employee's supervisor will document the recommendation and discuss the facts and records of the case with his/her senior administrator.
 2. The supervisor will review the case with the CHRO or his/her designated representative.
 3. The CHRO or his/her representative will review the case with the appropriate senior administrator.
 4. When a decision has been reached as to whether the employee shall be terminated and whether with or without further notice or pay, the supervisor will notify the employee in writing of the decision.
 5. With appropriate supporting documentation, the University may bypass any progressive disciplinary steps and/or move directly to termination in cases where the employee's conduct (1) has caused irreparable harm to a student, employee, or the University, or (2) jeopardizes the safety, integrity, or effective operation of University functions.
- G. Termination (Faculty): When a faculty member is recommended for termination for misconduct:
1. The Provost will document the recommendation and discuss the facts and records of the case with the CHRO or his/her designated representative.
 2. The CHRO or his/her representative will review the case with the Provost.
 3. When a decision has been reached as to whether the faculty member shall be terminated, the Provost will notify the employee in writing within seven (7) business days.
 4. Within fifteen (15) business days of the date of notification, the faculty member shall be provided with an opportunity for a hearing. The hearing will be conducted by a small tribunal consisting of the Provost and two other non-faculty administrators. At the conclusion of the hearing, the Provost will issue a recommendation to the President, who will make the final decision as to whether the termination will be upheld.

5. With appropriate supporting documentation, the University may bypass any progressive disciplinary steps and/or move directly to termination in cases where the faculty member's conduct (1) has caused irreparable harm to a student, employee, or the University, or (2) jeopardizes the safety, integrity, or effective operation of University functions.
- H. Termination for Gross Misconduct. In the case of gross misconduct, immediate disciplinary action up to and including termination should be taken.
1. Gross misconduct may include, but is not necessarily limited to:
 - a. Any act or omission which may seriously disrupt or disturb the normal operation of the University;
 - b. Any work-related conduct which would subject the employee to criminal conviction;
 - c. Theft or dishonesty;
 - d. Gross insubordination;
 - e. Destruction of University property;
 - f. Falsification of records;
 - g. Acts of moral turpitude or malfeasance;
 - h. Reporting for duty under the influence of intoxicants;
 - i. Illegal use, manufacture, possessions, distribution, or dispensing of controlled substances or alcohol;
 - j. Disorderly conduct;
 - k. Provoking a fight;
 - l. And/or such other similar acts involving intolerable behavior by the employee.
 2. In determining eligibility for unemployment compensation benefits, the definition of gross misconduct utilized by the Tennessee Department of Employment Security is not affected by the definition outlined in this section.
 3. An employee suspected of theft of institutional property may not resign as an alternative to discharge after the investigation has been completed.
 4. Any exceptions to this requirement must be approved by the President.
 5. If the employee resigns during the investigation, the employment records must reflect the situation at the date of resignation and the outcome of the investigation.
 6. Refer to Leave Policy 5:020 regarding the loss of unused leave if termination of employment is due to gross misconduct. Refer to T.C.A. § 8- 35-124 and T.C. A. § 8-50-

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807d for the loss of retirement benefits related to a gross misconduct termination.

7. Termination for gross misconduct does not prevent the employee from using established appeal/grievance procedures unless these procedures are prohibited by other university policy.

- I. The President may suspend any employee pending investigation of a circumstance which requires immediate discharge. It is the President's prerogative to suspend an employee with or without pay during an investigation. If the employee has been suspended without pay and is vindicated and/or reinstated, he/she will be paid full salary for the suspension period.

Revision Dates

APSU Policy 5:029 – Rev.:

APSU Policy 5:029 – Rev.: May 31, 2022

APSU Policy 5:029 – Rev.: June 11, 2020

APSU Policy 5:029 (previously 5:053) – Rev.: February 2, 2017

APSU Policy 5:029 – Rev.: March 19, 2008

APSU Policy 5:029 – Issued: May 2, 2006

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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Approved

President: signature on file
