

Discipline Procedures for Non-Faculty Employees

Issued: February 2, 2017

POLICIES

Responsible Official: Vice President for Finance and Administration

Responsible Office: Human Resources

Policy Statement

It is the policy of Austin Peay State University to counsel employees with performance issues in an effort to improve performance, and to provide a clear and consistent method for providing discipline.

Purpose

The purpose of this policy is to establish a disciplinary procedure which will afford consistent and equitable treatment of all professional/administrative and clerical/support employees at Austin Peay State University.

Content

Procedures

- I. Application
- II. Disciplinary Policy
- III. Examples of Circumstances and Instances of Misconduct Requiring Disciplinary Action
- IV. Supervisory Responsibility
- V. Forms of Disciplinary Action

Procedures

I. Application

- A. Section V of this policy does not apply to probationary employees. All new professional/administrative and clerical/ support employees are on probation for a period of six (6) months. (The probation period may be extended beyond six (6) months if necessary.) If during this probation period there is a cause for disciplinary action, it may result in dismissal. An employee may be

terminated without notice during the probationary period.

- B. This disciplinary policy does not preclude "no cause" termination under the terms of the employment contract. Section V. of this policy has no application to such terminations.
- C. This disciplinary policy does not require oral or written warnings, as per Section V. below, when circumstances are presented which require immediate discharge. While not all inclusive, examples of circumstances which may require immediate discharge are:
 - 1. Buying, selling, using, possessing, or being under the influence of alcohol, marijuana, cocaine or any illegal substances while on University premises
 - 2. Conviction of a crime or felony involving moral turpitude
 - 3. Theft
 - 4. Assault on University property
 - 5. Falsification of records, including information on the employment application
 - 6. Willful actions which endanger the safety of self or others
 - 7. Willful damage to university property
 - 8. Conviction of a criminal statute
 - 9. Gross misconduct which interrupts functions of the University

In circumstances requiring immediate discharge, APSU will follow paragraph V. E. below.

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.

- 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 who have successfully completed the initial probationary period in their current position are eligible for a hearing

pursuant to the Tennessee Administrative Procedures Act for discipline involving suspension without pay or termination.

II. Disciplinary Policy

- A. Normally, the basis of disciplinary action is for the purpose of correcting an individual's conduct and to warn that repetition of this or similar behavior can result in discharge.
- B. 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 similarly grave reason. Dismissal requires approval of the division head.

III. Examples of Circumstances and Instances of Misconduct Requiring Disciplinary Action

- A. There are many instances of misconduct which normally do not warrant immediate discharge for the first offense but should result in disciplinary action being taken. While not all inclusive, some examples are:
 - 1. Improper use of university time
 - 2. Improper use of equipment
 - 3. Failure to follow required safety practice
 - 4. Repeated or unreported absenteeism or tardiness
 - 5. Disregard for general university policy
 - 6. Failure to report an accident

IV. Supervisory Responsibility

The supervisor is responsible for maintaining proper conduct and discipline of employees under his/her supervision. When disciplinary action appears to be necessary, the supervisor will conduct an interview with the employee:

- 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. Documentation is critical in any employee disciplinary action. It serves as the basis for the action and is used to defend the University's position in grievance or other required hearings. Supervisors must completely document all disciplinary actions and ensure that copies with the employee's signature acknowledging receipt are provided for the employee's personnel file.

V. Forms of Disciplinary Action

- A. Oral Counseling: If the problem was unintentional; caused by inattention or neglect; or of minor significance, and the employee has not been reprimanded for other offenses during the previous six (6) months, an oral warning is appropriate. The basic cause of the incident should be clearly pointed out, suggestions made for its correction, and the employee told what consequences to expect should future incidents occur. The supervisor may administer an oral warning without prior approval and should record the date of the warning and other pertinent information.
- B. Written Counseling: If the problem was caused by apparent willful disregard of instructions, a written warning or other disciplinary measure(s) including suspension or discharge may be necessary. When the supervisor has reason to believe that the action was impulsive or occurred under similar mitigating circumstances, as opposed to premeditation, a written warning may be appropriate. Repeat occurrences require more drastic action. A written warning shall also be given for less serious offenses if it becomes necessary to reprimand an employee orally more than once during a six (6) month period. If a written warning is decided upon, a record of the facts shall be made by the supervisor. The written warning will be issued to the employee by their supervisor and a copy will be forwarded to human resources to be placed in the employee's personnel file.
- C. Probation: When an employee has failed to respond to counseling or has committed an offense so serious that termination is to be considered if performance or behavior does not improve, the employee may be placed in a probationary status. Prior to putting the employee on probation, the supervisor must consult with the division head 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.

- D. **Time off Without Pay:** This action may be taken to impress upon the employee the serious nature of the action or offense. It may be imposed separately or in conjunction with probation. This should be considered as a notice that the employee is facing possible termination if his/her performance or behavior does not improve. The supervisor will consult the appropriate division head and the CHRO or his/her representative, and, if time off without pay is decided upon, the duration of the time off period will be determined through such consultation. In addition to the time off without pay, a letter of warning will be issued and a copy placed in the employee's personnel file. The division head will be the final approval authority for these actions.
- E. **Termination:** When a professional/administrative or clerical/support 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 division head.
 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 division head.
 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 division head will notify the employee in writing of the decision.
- F. When in the judgment of the employee's supervisor, immediate suspension of a professional/administrative or clerical/ support employee 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 procedures in Paragraph D will then be promptly followed.

Revision Dates

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