



Policy Number: IV.09  
Policy Level: Operating Policy  
Originally Issued: May 21, 2014  
Reviewed: November 16, 2017  
Policy Owner: President

Policy Implementation: Director of Human Resources

## Employee Disciplinary Procedures

### I. Policy Statement and Purpose

This policy specifies the structure and procedures for progressive disciplinary action or sanctions in cases of misconduct by employees of the University.

As specified in the *Employee Code of Ethics and Professional Responsibilities*, conduct that is contrary to the standards of the Code may be considered unacceptable and in some instances may require disciplinary action where the alleged misconduct is investigated and resolved in a fair, responsible and timely manner. University discipline and sanctions, as distinguished from types of departmental counseling, reprimand, or action, should be reserved for employee misconduct that is either serious in itself or is made serious through its repetition and/or its consequences.

The authority to discipline employees in appropriate cases derives from the shared recognition by employees and the administration that the purpose of discipline is to maintain conditions supporting each employee's ability to fulfill their duties in working towards the common purpose of achieving the University's mission, and to maintain conditions where all members of the University community can avail themselves of the programs and services offered by the institution.

### II. Disciplinary Procedures

As professionals, most employees are clearly dedicated to performing their duties related to achieving the institution's mission. However, on occasion, it may be necessary to investigate and resolve instances of unacceptable behavior or conduct in a fair, responsible and timely manner. The institution supports a progressive disciplinary structure that encourages and mentors employees when they conduct themselves inappropriately or violate University policies and procedures. **While recognizing that a progressive discipline process is desired, more serious instances of misconduct may need to be addressed outside the progressive structure and proceed immediately to more severe actions or sanctions.**

In general, the progressive disciplinary structure will proceed through the following steps:

- Informal Verbal Counseling/Coaching
- Formal Verbal Counseling/Alert
- Written Counseling/Formal Written Reprimand
- Suspension
- Dismissal

#### **Informal Verbal Counseling/Coaching**

In instances of unacceptable behavior or conduct that are considered minor infractions and isolated



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incidents, informal verbal counseling and coaching may take place between an employee and their

supervisor (the College Dean in the case of faculty members). The informal counseling and coaching should be aimed towards making the employee aware that the conduct is not acceptable and of the steps that need to be taken to correct the unacceptable behavior. No permanent record of informal counseling/coaching will be kept.

### **Formal Verbal Counseling/Alert**

In situations that are deemed more serious in nature or where informal counseling has been administered and the misconduct is repeated, formal verbal counseling sessions may take place between an employee and their supervisor (the College Dean in the case of faculty members) to alert the employee of the unacceptable behavior or conduct. Every effort to determine and resolve the cause of the problem should be made. At this step, a written record of the alert does **not** appear in the employee's personnel file. However, documentation of the verbal counseling and alert must be retained in area/departmental/College files, and a copy of this documentation must be distributed to the employee.

### **Written Counseling/Formal Written Reprimand**

Written counseling sessions take place between a supervisor (the College Dean in the case of faculty members) and an employee when either:

- The misconduct of the employee is a repeated violation and formal verbal counseling/alert has been administered; or
- Where the misconduct hinders or compromises the functions of the department in which the employee works or hampers the functions of the University.

Following the counseling session, documentation of the session and the formal reprimand will be forwarded to the appropriate Cabinet member for review and approval. If approved, the documentation and formal reprimand will be added to the employee's personnel file in the Office of Human Resources. The documentation must specify any restrictions or prohibitions imposed as part of the reprimand, and, if appropriate or applicable, should include a performance improvement plan, a timeline for completion of the plan, and a timeline for the lifting of restrictions. Copies of these documents must also be provided to the employee.

### **Suspension**

Suspension, or release from duty, is a more severe action that may be used to continue investigations and/or for constructive improvement. Suspensions are issued when it is determined that a second reprimand would not suffice or that an initial incident is too severe for a reprimand yet not sufficiently severe for dismissal. Suspensions may vary in length, according to the severity of the offense or deficiency. Where a suspension has failed to produce the proper results, consideration should be given for a more lengthy suspension or the dismissal of the employee. The final decision on the suspension of an employee is made by the President.



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Written documentation and notice of all suspensions will be documented and added to the employee's personnel file in the Office of Human Resources. Copies of these suspension notices must also be provided to the employee.

Suspension notices must contain all of the following:

- The reason(s) for the discipline;
- The inclusive dates of the suspension; and
- The employee's right of appeal through the University's [\*Employee Grievance Procedure\*](#).

### **Dismissal**

An employee's employment may be terminated after other disciplinary measures have failed or when a first time incident of misconduct occurs that is extremely serious. An employee may be discharged at any time without regard to any progressive steps if he or she commits an offense that is so serious that, in the University's judgment, the employee's continued presence would be contrary to the well-being of the University or its employees. The University's Office of Human Resources should be consulted beforehand when the dismissal of an employee is being considered. The final decision on the dismissal of an employee is made by the President, and is subject to appeal through the University's *Employee Grievance Procedure* and through applicable state regulations and procedures.

## **III. Responsibility for this Operating Policy**

### **Policy Owner**

As part of the initial approval of this policy by the President and subsequent to the original dissemination of the policy, the President remains the policy owner for the ongoing evaluation, review, and approval of this policy. Subsequent reviews and revisions to this policy must be in accordance with approved operating policy procedures and processes.

This policy will be reviewed every three years or more frequently as needed.

### **Responsibility for Policy Implementation**

The President has assigned the responsibility of implementing this policy to the Director of Human Resources, under the direction of the Vice President for Financial Affairs.

In accordance with Act 2012-497, all full-time employees, whether tenured, non-tenured, non-probationary, or probationary, who were employed by the University on October 1, 2012, shall retain any and all rights and privileges as provided in Chapter 24C of Title 16, Code of Alabama 1975 (the "Students First Act of 2011"). All employees hired after October 1, 2012, will follow the new personnel policies and procedures adopted by the University unless specifically excluded. Effective dates for the new personnel policies and procedures will be retroactive to October 1, 2012, unless alternate effective dates are specifically identified.