

# Progressive Discipline Guidelines for Faculty Employee Relations Matters

Progressive discipline is a process that includes a series of graduated steps to address performance or conduct, typically beginning with verbal counseling and potentially leading to further discipline, up to and including dismissal from employment. The steps in the progressive discipline process are intended to foster productive working relationships and to resolve conduct issues at the earliest and least confrontational stage, whenever possible. The supervisor's responsibility in this process is to identify issues, address concerns expediently, and provide constructive guidance to faculty in an effort to promote a healthy and productive work environment.

Supervisors should inform their area's HR Professional of any faculty employee relations concerns and ensure HRP's are aware of and have been consulted on intended faculty disciplinary actions. The HRP (or supervisor) should also consult with the Office of the Provost, or Office of the Senior Vice President for Health Sciences as applicable, for any disciplinary actions.

## **Informal Discipline**

### ***Counseling***

This initial step entails issuing informal counseling to the employee in the form of verbal feedback and/or a written counseling memorandum. Verbal counseling may be appropriate for more minor infractions, where the supervisor may take notes to document the conversation and place them in a supervisory file. The supervisor may also follow up the verbal conversation with an email to document what was discussed.

A written counseling memo typically serves to best document the behavior or performance concern, especially if the concern is pervasive or recurrent and needs immediate correction. Counseling - either verbal or written - should be provided within a short period of time from when the problematic conduct or performance concern occurred and should include clear expectations for what needs to improve regarding behavior and/or performance moving forward. Managers may also assign certain training or development as part of the written counseling in instances where additional learning is needed to correct performance or conduct concerns.

Depending upon the level of severity, a supervisor may bypass the informal counseling step and move to formal discipline.

## **Formal Discipline**

**\*Remember to always consult with the Office of the Provost, or the Office of the Senior Vice President for Health Sciences as applicable, before engaging in any of the below actions.**

### ***Written Warning***

If problematic conduct/performance concerns escalate, or if the initial concern warrants, a written warning letter may be issued. Examples of conduct that typically warrant moving directly to a

written warning (or to more severe disciplinary action in some cases) include, but are not limited to - violation of policy, disruptive behavior, unprofessional conduct, unsatisfactory work performance, intentional failure to comply with reasonable directives from a supervisor, and unethical or inappropriate conduct.

Written warning letters should:

- Clearly outline the concern(s) and/or issue(s), including specific details such as dates and times of infractions where possible.
- Include reference to any previous counseling and/or warning, as applicable.
- Provide clear and specific expectations for behavior and/or performance improvement, including goals and deadlines for doing so, if applicable. May also assign relevant training as applicable.
- Clearly state the potential disciplinary consequences for continued poor behavior/misconduct and/or unsatisfactory performance.
- Offer an opportunity for the faculty member to respond in writing to the written warning, typically within 2 - 3 business days of receiving it.

The supervisor should ideally meet with the faculty member to deliver the written warning letter and discuss the details contained in it. It is typically recommended that a third party be present at this meeting, such as the unit HR Professional or a unit-level faculty affairs administrator. Meetings may be conducted in-person or virtually; however, it is important to have a “face to face” conversation so please use video if conducting a virtual meeting. In-person meetings are recommended where feasible.

Faculty are given the opportunity to respond verbally during this meeting, as well as in writing as noted above. Any written response is kept on file with the written warning documentation. If the response serves to adequately refute or significantly mitigate the underlying basis of the written warning, the written warning may be nullified. Otherwise, all documentation (including any written response) is maintained in the faculty member’s personnel file.

Except in cases of serious misconduct or performance concerns, a second written warning letter may be issued before proceeding to more severe forms of disciplinary action, such as dismissal.

### ***Suspension***

Disciplinary suspension, which may be with or without pay, may occur if behavior/performance concerns continue after the written warning(s). It may also be imposed without notice where behavioral, performance or misconduct issues pose an immediate risk or threat, or where the faculty member is being investigated for alleged criminal activity that is related to their job or to the university’s mission.

Note that administrative leave with pay may also be imposed, if appropriate, when a faculty member is the subject of an investigation alleging serious misconduct or safety concerns.

### ***Dismissal***

A faculty member (including tenured faculty) may be dismissed for cause under the following circumstances:

- Conviction of a felony
- Committing an act of serious misconduct (which may or may not have been preceded by a formal warning)
- Demonstrating a pattern of unacceptable conduct or poor job performance that has not been corrected after being given notice of the concerns and opportunity to correct them (i.e. counseling, written warning)
- Neglect, inability or failure to do the normal and expected satisfactory teaching, research and other services within the areas of presumed professional competence.
- Professional incompetence which includes failure to continue scholarly development within the individual's discipline and failure to fulfill University assignments.
- Moral turpitude.
- Violation of academic or professional ethics.
- Unprofessional conduct that significantly adversely affects the functioning of the department, school or university.
- Bona fide financial emergency in a department or school, or reorganization or termination of programs as defined by established university policies and procedures.

Dismissal letters may not be issued without due process notification. (See “Due Process” section below). They must also stipulate that the faculty member is afforded 45 business days to appeal the decision with the University Appeal Committee, if desired. (See “Appeals” section below)

## **Due Process**

Faculty must be given an opportunity to respond in writing to any formal disciplinary action, including dismissal. Before dismissing a faculty member for cause, the supervisor should advise the employee, in a written due process notice, that they intend to do so and why. Typically, faculty are given 2 – 3 business days to respond to this notice. The Office of the Provost, or the Office of the Senior Vice President for Health Sciences as applicable, must be consulted after the faculty member responds to the due process notice or made aware that no response was submitted. Any mitigating or aggravating factors should be considered before making a final decision to move forward.

## **Appeals**

Faculty members may appeal a dismissal for cause action in accordance with the process outlined in the [Faculty Promotion and Tenure Policies and Procedures](#) (Section 11.3). Any request for a hearing of the case by the University Appeal Committee must be initiated by the faculty member within 45 business days of the dismissal notice.