Employee Discipline and Concerns Policy

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General Description

Policy Summary:

Trinity University's goal is for supervisors and employees to feel free to have open and informal discussions when complaints and problems arise. The supervisor should encourage their employees to discuss their problems freely and openly. The Chief Human Resources Officer is available to assist any individual or group of employees and the supervisor in resolving a problem. The supervisor is responsible for establishing and maintaining an atmosphere where employees can improve their job performance and develop self-discipline. Continued emphasis on developing correct work habits through effective orientation, training, performance evaluations, and ongoing, meaningful communication is essential to achieve the goals of the University.

This policy describes the procedures supervisors should follow to address an employee's misconduct, including Progressive Discipline and termination of employment. It also describes the procedures employees should follow to express concerns regarding their treatment in response to their own misconduct.

The provisions in this policy shall not be construed as a modification of the “at will” nature of an employee’s employment with the University.

Purpose:

This policy aims to establish the procedures for progressive discipline and termination and for employee complaints regarding their treatment during discipline and/or termination.

The Progressive Discipline policy was developed to notify employees that misconduct or unacceptable job performance must be corrected and that they may face termination without improvement. A Progressive Disciplinary approach provides employees adequate time to correct their behavior before termination is necessary.

The University has established reasonable rules in its Human Resources policies for employees to know, understand, and observe. Whenever possible, a supervisor should use counseling and other non-punitive methods before taking formal corrective action because counseling is a fundamental part of supervisory responsibilities in dealing with employees.

When any University policy is violated, and where the University, in its sole discretion, elects not to effectuate immediate termination of employment, the supervisor may initiate corrective action to bring the employee's job performance and/or job conduct up to the expected standard.

Scope:

This policy applies specifically to staff employees. Individuals who teach as a condition of their staff employment are considered staff employees for this policy.

Exceptions:

None.

Responsible Department:

Human Resources

Policy Content

Progressive Discipline

Progressive Discipline is a step-by-step process designed to modify and improve unacceptable employee performance or behavior. A supervisor may resolve many situations through verbal counseling or discussion with the employee; however, some one-time incidents may be severe enough to merit a written warning, suspension (without pay), final warning, or termination.

In consultation with Human Resources, the supervisor will determine the appropriate level of discipline for each situation.

There may be situations where the severity or impact of the unacceptable performance or behavior warrants immediately pursuing written discipline, including creating a performance improvement plan (“PIP”) to correct unsatisfactory performance issues, a final discipline, or the termination of employment.

In most circumstances, a supervisor must decide to escalate disciplinary action to a higher level of discipline in consultation with Human Resources. Situations may arise where an employee’s conduct and performance fall under this policy and the Conduct and Job Performance Guidelines. In those

situations, the supervisor will assess the totality of the circumstances when determining appropriate action. Trinity reserves the right to combine or skip steps depending on each situation's facts and the nature of the offense(s).

Examples of performance and conduct covered by this policy may include, but are not limited to:

- Violations of University policies, and federal or state laws.
- Violations of protocols, regulations, or procedures governing safety or compliance for students or employees.
- Misuse of fiscal or electronic resources or Trinity facilities.
- Inappropriate or unprofessional behavior, such as behaviors described in the Conduct and Job Performance Guidelines

Progressive Discipline Procedures

These are the procedures for the Progressive Discipline Policy.

The steps below are designed to help employees correct inappropriate behavior. All steps of the progressive discipline policy should be documented in consultation with Human Resources.

Step 1 - Verbal Warning:

In many situations, a verbal warning or counseling is sufficient. The purpose of a verbal warning is . is to clarify policies and expectations and steps for improvement. The impact of the incident or violation should also be taken into consideration. The supervisor should document that the conversation occurred, considering the significance of the impact of the act or omission. A follow-up email to the employee after the counseling is recommended.

Step 2 - Written Warning (including the development and implementation of a Performance Improvement Plan ("PIP"):

If the conduct addressed by a verbal warning is repeated or additional problems occur, the supervisor should follow up with a written warning in the form of a letter.

On the other hand, if a single incident is more serious than is appropriate for a verbal warning, the supervisor should issue a written warning in the form of a letter.

The letter should:

- Describe the unacceptable conduct in detail, including the specific performance concerns, problematic behaviors, or actions.
- Outline clear expectations for improvement and the standard of performance or behavior required.

- Introduce a Performance Improvement Plan (PIP), if applicable, to provide structured support and specific steps for the employee to address the identified issues. The PIP should include timelines, measurable objectives, and regular check-ins to track progress.
- State that further disciplinary action (such as a final written warning or termination) will occur if the behavior is repeated or if the employee fails to meet the requirements of the PIP within the specified timeframe

Employees will be asked to sign a copy of the written warning.

The employee's signature indicates that the disciplined employee is aware of the warning, and not necessarily in agreement with the warning. Should any employee refuse to sign a written warning, a witness (other than the supervisor) should sign to the effect that the employee did see the warning but refused to sign it.

The supervisor will also sign the exact same copy of the written warning, as did the employee. This signed copy will be forwarded through the appropriate administrative channels in the division and then to the Chief Human Resources Officer for inclusion in the employee's personnel file.

A second copy of the written warning will be given to the employee(s) who received the written warning.

Step 3 - Final Written Warning (which may include a suspension without pay):

If the conduct addressed by the written warning is repeated or additional problems occur, discipline may progress to a final written warning, which may include an unpaid suspension. However, a single incident may be severe enough to merit an immediate final warning and suspension without pay.

As noted above, the supervisor should consult Human Resources prior to taking disciplinary actions at higher levels, such as written warnings, final written warnings (with or without unpaid suspension), and termination.

The supervisor should follow up with a written final warning in a letter. The letter should describe the unacceptable conduct, outline expectations, and state that further disciplinary action will occur if the behavior is repeated.

Step 4 - Termination of Employment:

If the conduct addressed by the final written warning is repeated or additional problems occur, discipline may progress to termination. After consultation with Human Resources, the supervisor should provide the employee with a written termination letter. The letter should describe the unacceptable conduct and notify the employee that their employment has been terminated.

Employment may be terminated based on progressive discipline within a 12-month period or based on the severity of a single incident.

Determinations Regarding Misconduct

The purpose of Progressive Discipline is to assist employees by being clear and precise about problems and the consequences if the same or other mistakes or misconduct reoccur. Discipline must be applied in a fair, indiscriminate, and consistent manner.

Before discipline is administered, the Office of Human Resources or its designee must generally complete a fair and objective investigation. At the University's discretion, an employee may be placed on paid administrative leave during an internal investigation.

The department must contact Human Resources before placing an employee on administrative leave and conducting any misconduct investigation. The employee is expected to be available during their regularly scheduled work hours. However, they should not be in the workplace and y should not conduct business on behalf of Trinity while on administrative leave.

Impact of Written or Final Progressive Discipline Warning

Internal Transfers

The employee must share with the hiring manager the circumstances and severity of the disciplinary action before the job offer. This would include any current written or final warnings in place. This information may be a deciding factor in the hiring decision. Failure to disclose a disciplinary action before accepting an offer of transfer may also result in additional discipline, up to and including the termination of employment.

Annual Increase

Employees on a final written warning, including a performance improvement plan, may not be eligible

for an annual increase during the evaluation period. However, at the supervisor's discretion and in consultation with Human Resources, an increase for an employee on a disciplinary warning, including a performance improvement plan, may be considered provided they have significantly met and understand performance expectations.

Employees on a written discipline warning during the evaluation period may not be eligible for an annual increase.

Termination of Employment

Misconduct that involves dishonesty, violation of the law, or significant risks to Trinity operations or the safety or well-being of oneself or others is grounds for immediate termination of employment. A supervisor's decision to terminate employment must be made in consultation with Human Resources. Examples of misconduct that may lead to immediate termination of employment include but are not limited to:

1. Violations of Trinity University policy or procedure, including:

    a. Anti-Harassment and Equal Opportunity and Affirmative Action Policies
    b. Hours of Work
    c. Drugs and Alcohol
    d. Conduct and Job Performance

2. Violence in the workplace, including:

    a. Possessing an unauthorized weapon on Trinity time or premises in violation of the University's Firearms Policy.
    b. Threatening or assaulting another person on Trinity time or premises.

3. Serious neglect of duty or insubordination, including:

    a. Violation of safety rules, dishonesty, falsification of University records, breach of confidentiality, unauthorized use of University resources for personal gain, unauthorized removal or destruction of property belonging to others.

4. Criminal Activity and Disclosures, including:

a. Failure to disclose a criminal arrest or conviction within three (3) business days; reports should be made to the employee's supervisor and Human Resources.
b. Failure to disclose criminal convictions as requested during a criminal background check performed according to University policy.
c. Conviction of a crime involving dishonesty, violence, or other behavior that impacts suitability for employment.
d. Activity that involves dishonesty, violence, or behavior that impacts suitability for employment whether or not it results in criminal prosecution or conviction.

Employees' vacation leave may not be paid out for terminations deemed gross misconduct. Depending on the severity of the behavior, an employee may be marked ineligible for rehire.

Employee Concerns

Policy Summary

Trinity University encourages fair, efficient, and equitable solutions for problems arising out of the employment relationship and to meet the requirements of state and federal law. Trinity strives to promote an environment of open communication, feedback, and discussion. The University recognizes that there are times when the need arises for employees to raise a complaint, problem, issue, or concern relating to their work or work environment. The University is committed to promptly addressing all concerns efficiently, without bias.

Purpose

This policy aims is to provide a framework to provide a framework for formally raising workplace concerns and ensuring that those concerns receive a prompt, fair, and unbiased review.

Scope

All staff, faculty, and student employees of the University.

Exceptions

All students enrolled and not employed through the University.

Where this policy conflicts with another policy, which is specific to the subject matter of a particular complaint, e.g., the policies on discrimination, harassment, and sexual misconduct, the other more

specific policy overrides this policy .

Policy Content

Concerns covered under the scope of this policy are as follows:

- Disciplinary issues
- Demotions
- Reassignments that are adverse
- Transfers that are adverse
- Involuntary terminations

Employees involved with rule violations, whether given written warnings, suspensions or a termination, still may proceed with this procedure to the extent that they are eligible.

All concerns should be brought to the attention of the Chief Human Resources Officer by the appropriate supervisor.

A concern should be brought to the immediate supervisor's attention within five (5) working days of the action that is the subject of the concern.

All employees must be able to seek resolution of a concern free from fear of retaliation per the University's Whistleblower Policy. Any such retaliation may be subject to disciplinary action, up to and including termination. Any staff member or student employee subjected to retaliation due to utilizing this procedure should contact Human Resources.

Making false statements to or otherwise misleading University representatives or outside parties may be grounds for disciplinary action up to and including termination.

This policy is subject to change at the University's sole discretion with or without notice. Nothing in this policy is contractual, either expressly or impliedly.

Informal Procedures

The subject of the concern should generally be discussed between the employee and the supervisor in a good faith attempt to resolve the dispute. If a resolution is reached, a written copy of the resolution shall be sent to the Chief Human Resources Officer for approval and, if approved, implemented.

If the concern involves allegations of harassment, discrimination, or other misconduct by the supervisor the appropriate policy reporting provisions should be followed. Moreover, if an employee's

concern is with the supervisor, the employee should contact Human Resources to discuss the issue and is not required to communicate directly with the supervisor.

Formal Procedures

I. Written Complaint to Supervisor, Department Chair, or Director

If the employee is not satisfied with the results of the informal discussion with their immediate supervisor, or the employee is not comfortable communicating directly with the supervisor, or those above the supervisor, the employee may submit a written concern complaint to Human Resources and the complaint should contain the following information:

1. Complaining party's name, department, and position;
2. Detailed outline of specific circumstances/issues leading to the claim and
3. Remedy or desired outcome.

Related Documents

Related Documents:

Document Type:	Document Name:	Document Number:
Policy	Performance Evaluations	HMRS-0008

Revision Management

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