



**TEXAS SOUTHERN UNIVERSITY**  
**MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES**

**SECTION: Human Resources**  
**AREA: Employee Relations**

**Procedure 02.05.03**

<b>SUBJECT: Discipline and Termination Policy</b>
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**I. PURPOSE AND SCOPE**

The purpose of this policy is to provide non-faculty University employees with a written procedure for progressive discipline and dismissal from employment. This policy does not apply to graduate assistants, probationary employees, temporary employees or student workers whose student status is a condition of employment. These employees may be dismissed at any time for any reason.

**II. PROBATIONARY PERIOD**

A regular, non-exempt employee is probationary during the first six (6) months of continuous employment or during the first six (6) months of reemployment following a break in service for any reason. A regular, exempt employee is probationary during the first twelve (12) months of continuous employment or during the first (12) months of reemployment following a break in service. At any time during this probationary period, an employee is not subject to this discipline and termination policy and may be terminated at any time. If the probationary period is interrupted by any authorized leave other than earned sick leave, the probationary period will be extended by the amount of time the employee is absent from work.

**III. AT-WILL STATUS**

Texas Southern University is an “at-will” employer. All administrators and staff serve the University without a fixed term and do not have vested rights in continued employment. This policy is for guidance purposes only and is specifically not intended to create any property right, right to notice or opportunity for a hearing beyond that mandated by state and federal laws. Failure to follow procedures as outlined in this policy will not create claims based on failure to meet standards of procedural due process beyond those mandated by state and federal laws. Failure by the University to follow the procedural steps outlined in this policy will not form the basis of any employee's appeal of his or her dismissal from employment.

**IV. EMPLOYEE’S RESPONSIBILITY**

- A. Employees are expected to acquaint themselves with performance criteria for their jobs and with all rules, procedures, and standards of conduct established by the Board of Regents of Texas Southern University.

- B. Failure to comply with such rules, procedures, and standards and failure to maintain satisfactory work performance can constitute grounds for disciplinary action, up to and including dismissal from employment.
1. Work performance includes all aspects of an employee's work and is judged by the supervisor.
  2. Work performance that is not consistent with an employee's job description and job duties will be subject to disciplinary action, up to and including dismissal from employment.
- C. The following are examples of conduct that may result in discipline or dismissal from employment. This list is non-exhaustive and is meant to represent serious offenses for which discipline or immediate dismissal may be warranted:
1. Falsifying a state document or information in a state document
  2. Gambling or participating in lotteries or other games of chance on university premises.
  3. Soliciting, collecting money, or circulating petitions on the premises other than within the policies of the University.
  4. Bringing alcohol or controlled substances onto the campus, using alcohol or controlled substances or having alcohol or controlled substances in one's possession.
  5. Being under the influence of alcohol or controlled substances on the campus at any time. (Note: this provision does not apply to the consumption of alcoholic beverages served in accordance with University policy at University-sponsored events.)
  6. Abuse or waste of tools, equipment, fixtures, property, supplies, or goods that are property of the University.
  7. Creating or contributing to unhealthy or unsanitary conditions.
  8. Violating safety rules or accepted safety practices.
  9. Insubordination.
  10. Disorderly conduct, horseplay, or use of abusive language on the premises.
  11. Violating or refusing to adhere to any of the University's Policies and Procedures.
  12. Harassment of other employees, including sexual harassment as defined by MAPP 02.05.13.
  13. Fighting, encouraging a fight, or threatening, attempting, or causing injury to another person on the premises.
  14. Neglect of duties, loafing, or wasting work time.
  15. Theft, dishonesty, or unauthorized use of University property, including records and confidential information.
  16. Creating a condition hazardous to another person on the premises.
  17. Destroying or defacing University property or records, or the property of another member of the University community.
  18. Repeated tardiness or absenteeism, absence without proper notice to the supervisor, unexcused and/or unapproved absences or unavailability for work.
- NOTE: notice to a supervisor of an absence does not excuse the absence.***

19. Inability to perform assigned duties in a satisfactory manner.
20. Use of University resources, including the Internet and email, for activities not related to job performance.
21. Behavior outside work that affects job performance.
22. Possession of a weapon on University premises.
23. Commission of a felony offense.

## V. PROGRESSIVE DISCIPLINE

The University values its employees and is committed to delivering fair and equitable treatment to them, including offering the best solutions to any problems that arise within the employer/employee relationship. Progressive discipline should be followed when a non-probationary employee fails to comply with the rules, procedures and protocols that have been adopted for all University employees.

The University specifically retains the right to dismiss an employee without pursuing progressive disciplinary procedures when it is determined that the employee's conduct or job performance warrants immediate dismissal. In addition, not every step must be taken in each case. The department head, the Human Resources department, and when applicable, legal counsel, will agree on the appropriate steps based on each situation.

All formal discipline will be made a permanent part of the employee's personnel file. Certain circumstances may require remedial action for poor performance such as a performance improvement plan, reassignment and/or additional training.

### A. Oral Reprimand

This is the least severe disciplinary action. The employee should clearly understand the gravity of the action and that the warning is disciplinary in nature. When presenting an oral reprimand, the supervisor should specifically point out the error or problem.

### B. Written Reprimand

When the supervisor determines that an employee has failed to respond to an oral reprimand or has committed an infraction of sufficient severity to warrant more severe disciplinary action, a written reprimand may be prepared and issued to the employee. To achieve its intended purpose of addressing and resolving issues of job-related conduct or job performance of employees, the written reprimand will, at a minimum:

1. state explicitly the inappropriate job-related conduct or unacceptable job performance of the employee;
2. describe any previous efforts to make the employee aware of the need for a change in conduct or job performance pertinent to the situation or event;
3. state precisely what corrective measures are expected, and within what time frame, if appropriate; and
4. specify the adverse personnel actions the employee may expect to be taken.

**C. Suspension without Pay**

An employee may be suspended without pay as a disciplinary measure for those causes that require more severe action than a written reprimand but are not considered sufficiently serious to warrant dismissal from employment. Such suspension may also be appropriate if the action of the employee would normally be cause for dismissal but mitigating circumstances are present which indicate that it is highly unlikely the employee would repeat the behavior.

1. Suspensions without Pay require the prior written approval of the Office of Human Resources. Managers/supervisors shall consult with the Director of Human Resources, or designee, prior to issuing a suspension without pay.
2. Managers/supervisors are authorized to suspend an employee without pay for up to five (5) working days. In situations involving policy violations, employee fraud, theft or dishonesty, an exempt or nonexempt employee may be suspended without pay for more than five working days with the approval of the Associate VP of Human Resources.
3. The employee will be notified in writing of the suspension without pay, the reason for the suspension, and the beginning and ending dates of the suspension.

**D. Suspension with Pay (for Investigation)/Administrative Leave**

The employee is paid while suspended from regular duties. This type of suspension is used when a supervisor or other University official needs to investigate the circumstances surrounding an alleged offense or violation of policy more thoroughly, and the continued presence in the work place of the employee alleged to have committed the offense is detrimental to operations.

1. A Suspension with Pay requires the prior written approval of the Office of Human Resources. Managers/supervisors shall consult with the Director of Human Resources, or designee prior to issuing a Suspension with Pay.
2. The suspending official must notify the employee in writing as soon as possible of the suspension with pay, including the reasons for the suspension and the dates covered by the suspension.
3. Copies of this memorandum must be provided to the suspending official's supervisor and the Office of Human Resources.
4. The employee's time while on suspension with pay should be recorded as Administrative Leave.

**E. Transfer, Demotion and/or Salary Reduction for Disciplinary Reasons**

The President or Associate VP of Human Resources may transfer, demote and/or reduce the salary of an employee for disciplinary reasons because of work performance or job-related conduct that does not meet established standards. Also, the supervisor, after

consulting with the Human Resources department, may transfer, demote and/or reduce the salary of an employee for disciplinary reasons because of work performance or job-related conduct that does not meet established standards.

1. Demotion means a change in duty assignment to a position of lower rank. Such reduction in rank will normally be accompanied by a decrease in salary rate.
2. Transfer means a reassignment and/or change in duty assignment to a position of similar rank.
3. Reduction in salary may accompany a demotion or may be implemented without a change in title or duty assignment.
4. The supervisor will notify the employee in writing of the transfer, demotion and/or reduction in pay, the reasons for this action, and the effective date of the action.

## VI. TERMINATION

### A. Voluntary Termination

Voluntary terminations include resignations and retirement. A timely notification is expected from employees who voluntarily terminate employment with the university. Failure to provide this written or verbal notice could affect consideration for future employment at the University.

### B. Dismissal or Involuntary Termination

Dismissal from employment or involuntary termination involves the discharge of an employee due to unsatisfactory job performance or misconduct. Certain rule infractions may justify immediate dismissal as outlined in Section IV.C of this policy.

1. Supervisors are authorized to initiate an action to terminate an employee with prior approval of the Associate VP of Human Resources or a designated appointee, such as the Director of Human Resources, and after consulting with legal counsel.
2. The supervisor is responsible for coordinating disciplinary actions and dismissals with his/her departmental head.
3. Dismissal from employment may occur immediately after consulting with and receiving the written approval by Human Resources.
4. The employee must be given written notice of the dismissal.
5. The prescribed personnel action form confirming the dismissal must be processed through administrative channels.
6. Two weeks' notice may be given to an employee depending on the circumstances of his or her dismissal.

7. The employee will be given the opportunity to respond in writing to the dismissal within twenty-four (24) hours of receiving the notice. Any written response to the dismissal may be submitted to the Associate VP of Human Resources.

#### C. Job Abandonment

A staff member who is absent for three (3) working days without notice is deemed to have quit. The supervisor should consult immediately with the Associate VP of Human Resources, or designee, when an employee fails to come to work and does not contact the department head. After consultation with Human Resources, the supervisor sends a letter with assured delivery, such as express mail or certified mail, to the absent staff member at the last address on record.

1. The letter should advise the staff member that their employment with the University is terminated effective as of the date of the notice letter due to their abandonment of the job.

A staff member who abandons their job is entitled to payment for unused and accrued vacation time, if eligible to receive the time when the job is abandoned. There is no sick leave pay.

When a staff member abandons their job, the department is responsible for completing all necessary documents to complete the termination, stop payroll, and stop benefit premium payments. In addition, the terminating staff member's University identification card, keys, outstanding funds to the University, and other University property must be returned to the University. An employee who abandons their job may not appeal their termination.

#### D. Reinstatement

If it is subsequently determined that the dismissal from employment was made without adequate cause, the employee may be reinstated in the same position held at the time of dismissal and may be paid any applicable back pay to the date of the dismissal. If the employee is reinstated based on the dismissal not being for adequate cause, a lesser form of discipline may be imposed for the infraction, if warranted. Consideration for reinstatement may be submitted to the Associate VP of Human Resources.

#### E. Restitution

The employee being dismissed may be required to make restitution for damages to property or equipment, for theft, for unauthorized purchases or payment of wages, for unauthorized travel expenses, or for other illegal or improper actions. If restitution is not made under the terms and conditions mandated, the employee may be subject to legal action.

## F. Appeals

If an employee wishes to file an appeal against a termination decision he or she may do so if a request for an appeal is submitted in writing to the Associate VP of Human Resources within one (1) business day of the termination notice being issued. The appeal can be hand delivered to the Office of Human Resources (Hannah Hall room 126) or emailed to the Associate VP of HR, and must include the following information: employee name, address, contact information (email/phone) reason for appeal and supporting documents.

The Associate Vice President of Human Resources, or designee, will review the appeal along with any available supporting documentation. The outcome of such review may include any one, or a combination, of the following actions:

1. Schedule a meeting with the terminated employee
2. Request additional written information from the employee
3. Make a determination based on the information provided

The actions taken by the Associate VP of HR (or designee) will be final.

The above-mentioned appeal provision is not available to probationary employees, as probationary employees are not subject to this Discipline and Termination Policy and may be released at any time.

## G. Exit Interview

Upon termination, each regular benefits-eligible staff employee who is terminating, retiring, or taking a leave of absence without pay, is responsible for settling all outstanding obligations and for securing University clearance. The terminating employee is required to complete the exit checklist form, which shall indicate that the employee has properly cleared all open or outstanding accounts with the University. The dismissal clearance process includes returning all University property such as keys, laptop computers, tools, equipment, credit cards and motor vehicles. In addition, all financial matters with the University must be cleared at this time.

Terminating employees are also encouraged to complete the exit interview questionnaire whether their termination was voluntary or involuntary.

1. It is the employee's responsibility to take the actions listed below on or before their last day of work:
  - a. Return all tools, uniforms, equipment, university credit cards, manuals, university identification cards, and other university property in his/her possession to his/her supervisor.
  - b. Return all keys to offices and/or buildings to his/her supervisor.
  - c. Return all library materials to the appropriate library and/or pay any outstanding library fines.

- d. Settle all financial matters and/or indebtedness to the university.
  - e. Pay any outstanding parking tickets and return parking access cards.
  - f. Contact the Benefits unit of Human Resources to discuss any benefits you may be eligible for after terminating from the University.
2. It is supervisor's responsibility to take the actions listed below:
- a. Notify the college/department administrator of the employee's termination and forward the original resignation letter, if applicable.
  - b. Ensure the employee has taken all necessary actions listed above, and notify the college/department administrator of status.
  - c. Notify the Office of Information Technology of the employee's termination to cancel all user accounts, access codes, and passwords.
  - d. Return all keys and/or access cards to offices and/or buildings to the college/division or departmental administrator.
  - e. Return all parking access cards to the TSU police department – parking enforcement unit.
  - f. Report to TSUDPS a terminating employee's failure to return or removal of university property. Failure to return university property may be construed as theft, and appropriate legal action may be taken if the property is not returned on demand.
  - g. Submit a personnel action form (PAF) within five (5) working days of the employee's termination to Human Resources to remove the employee from payroll; terminate applicable benefits coverage; and reflect any vacation leave, accrued but not taken (and eligible sick leave in the event of the employee's death), that is to be paid upon termination.
  - h. Provide the Office of Human Resources with a copy of the termination letter/ resignation letter within five (5) working days of the employee's termination.


All documents pertaining to the exit interview and clearance may be obtained in the Office of Human Resources or on the HR website.

#### H. Eligibility for Rehire

Employees who are in good standing when their employment at the University ends may reapply for available positions for which they are qualified. Upon rehire, an individual will serve an initial probationary period of employment as set out in this policy. Vacation, longevity pay and all other benefits or privileges of employment will accrue based on the employee's total length of employment with the State of Texas.

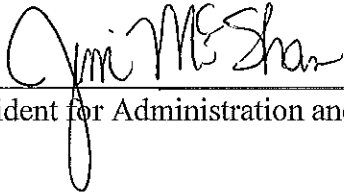


VII REVIEW AND RESPONSIBILITIES

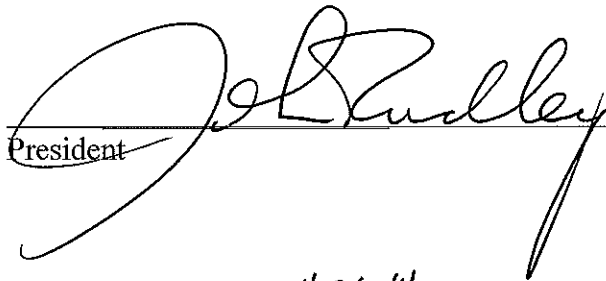
Responsible Party: Associate Vice President of Human Resources/ CHRO 

Review: Every three years, on or before September 1

VIII. APPROVAL



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Vice President for Administration and Finance



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President

Effective Date: 4-28-14