



TEXAS SOUTHERN UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Employee Relations

Procedure 02.05.03

SUBJECT: Discipline and Termination Policy

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. Harassment of other employees, including sexual harassment as defined by MAPP 02.05.11.
 12. Fighting, encouraging a fight, or threatening, attempting, or causing injury to another person on the premises.
 13. Neglect of duties, loafing, or wasting work time.
 14. Theft, dishonesty, or unauthorized use of University property, including records and confidential information.
 15. Creating a condition hazardous to another person on the premises.
 16. Destroying or defacing University property or records or the property of another member of the University community.
 17. Refusing to adhere to established rules and policy.
 18. Repeated tardiness or absenteeism, absence without proper notice to the supervisor, unexcused absences or unavailability for work.
 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 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 Employment Compliance Officer 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 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 Executive Director 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.
4. The employee will be given an opportunity to respond orally when notified and within twenty-four (24) hours in writing, and the suspension will not begin until the employee's response, if any, has been received and considered.

D. Suspension with Pay (for Investigation)

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 Employment Compliance Officer prior to issuing a Suspension with Pay.
2. The suspending official must notify the employee by memorandum 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 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.
5. The employee will be allowed to respond orally when notified and in writing within 24 hours of receiving the notice to the person who issued the notification. The action will not become effective until the employee's response, if any, has been received and considered.

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 Executive Director of Human Resources or a designated appointee, such as the Employment Compliance Officer, 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 legal counsel 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 orally when notified and in writing within 24 hours of receiving the notice. The dismissal will not become effective until the employee's response, if any, has been received and considered. If the employee does not respond within 24 hours, the dismissal is automatically effective.

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 Executive Director of Human Resources 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. If the letter is undeliverable or not claimed by the absent staff member, the supervisor should contact the Executive Director of Human Resources.

1. The letter should advise the staff member that their employment with the University will be terminated if the employee does not respond within one (1) business day of the date of receipt of the letter.
2. The letter should also provide the name and contact number of the supervisor to contact, and advises the absent staff member that the termination will be recorded as job abandonment.

A staff member who abandons their job is entitled to payment for unused and accrued vacation time. 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 under this provision.

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 back pay to the date of the dismissal. A lesser form of discipline may be imposed if warranted.

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

Suspensions without pay and dismissal from employment may be appealed by the affected employee pursuant to the University's Grievance Policy. The time limits set forth in the grievance policy must be adhered to by both the employee and the appropriate supervisory and administrative staff. The failure of the employee to process the appeal in a timely manner shall constitute withdrawal of the appeal. The failure of management to respond to the appeal in a timely manner shall constitute authorization for the employee to process the appeal to the next step.

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 Section of Human Resources to convert or terminate benefits coverage and retirement account.


2. It is supervisor's responsibility to take the actions listed below:
 - a. Notify the college/division 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/division 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 to offices and/or buildings to the college/division or departmental administrator.
 - e. 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.
 - f. 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.

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 be re-employed to do the same job or another job 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: Executive Director of Human Resources  6/17/09

Review: Every three years, on or before September 1

VIII. APPROVAL

Jim McShan

Vice President for Finance

John M. Rudley

President

Effective Date: 06/24/09