



## **I. OVERVIEW**

The University uses a corrective discipline model which includes issuing fair and rationale discipline aimed at correcting problematic behavior and policy violations. Normally, corrective discipline includes the administration of increasingly severe measures when an OA fails to correct a problem after being given a reasonable opportunity to do so. The underlying principle of corrective discipline is to use the least severe action that is necessary to correct the undesirable situation. However, the University may find misconduct or violations of policy,<sup>1</sup> depending on their severity and nature, warrant the issuance of more severe discipline, including termination, even if less severe disciplinary actions have not been taken. Thus there is no mandatory sequence of disciplinary measures.

## **II. ISSUANCE OF DISCIPLINE**

### **A. CORRECTIVE DISCIPLINE DEFINITIONS:**

**Written Reprimand:** A written notice provided to the OA detailing the basis of the discipline, what steps are needed to remedy the concerns and the supervisor's expectations for the OA in the future. A written reprimand may also require an OA to take certain actions. For example, an OA may be required to attend certain trainings or meet certain performance expectations. Failure to comply with expectations or requirements set forth in a letter of reprimand may result in additional discipline.

**Suspension:** A full release from duties without pay. When on suspension, an OA shall have limited or no access to campus.

**Demotion:** A demotion is a permanent reassignment to a lower level position with a lower base salary.

**Termination:** The immediate separation of an OA from university employment.

### **B. PROCESS:**

The issuance of corrective discipline under this policy is intended to address and correct policy violations and misconduct. Most performance related issues should be addressed under the OA Performance Management Procedure. If a performance issue cannot be corrected under the OA Performance Management Procedure (i.e. if a Performance Improvement Plan (PIP) is

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<sup>1</sup> For purposes of this procedure, misconduct and policy violations include but are not limited to failure to comply with university wide policies, unit level policies and procedures, failure to abide by clearly communicated expectations or directives set by the university or by a supervisors, theft, fraud, misuse of university property or funds, intentional failure to perform the functions of the job, conduct prohibited by UO policy 580-022-0045 and other violations of the law and conduct that call in to question an OA's ability to perform the duties of the job.

unsuccessful or if there are performance issues after the completion of a PIP) or if severe misconduct, abuse or misuse of institutional property, or policy violations occur, then discipline in the form of termination of employment may be appropriate. An OA's actions outside of the workplace may result in discipline if those actions impact or call into question the OA's ability to successfully perform their job or conform to university expectations of employment. In considering actions outside the workplace, the university will examine the nature of the action, the type of position held by the OA, and relevant legal authority.

The type of discipline that is issued depends on the particular situation. The discipline should reflect both the seriousness of the transgression and what previous efforts have been made to resolve it. Supervisors should consider the least severe action that is necessary to correct the undesirable situation. A failure of the OA to address the concerns, a reoccurrence of the underlying issue, or additional violations of a supervisor's expectations or university policy may result in more severe discipline. Additionally, serious matters, for example prohibited discrimination, theft or fraud may require a more severe type of discipline, like termination, to ensure the problematic behavior will cease, even if no previous discipline has been issued.

Prior to issuing discipline:

The supervisor must consult with Human Resources to obtain assistance in the review of the situation and the determination of the appropriate level of discipline. HR will assist in the decision as to whether a formal investigation is needed. Vice Presidents and/or Deans may establish further consultation requirements for their portfolios. The issuance of discipline more severe than a written reprimand must be approved by the appropriate Vice President/Senior Vice Provost or designee.

The OA must be given the opportunity to respond to the concerns prior to the issuance of discipline.

Please note: Performance issues should be addressed through the OA Performance Management Procedure, however the OA Performance Management Procedure and OA Corrective Discipline Procedure are not mutually exclusive, which means that behavior that constitutes a performance issue and a policy violation may be addressed through both processes at the same time. The fact that behavior is being addressed through both processes does not mean that one process is impacted or delayed by the other process. Therefore, for example, if an employee engages in repeated violations of the same policy, that employee may be subjected to termination. This is true even if the employee is in the middle of a performance improvement plan.

### **III. ADMINISTRATIVE LEAVE**

The university may place an OA on administrative leave with pay and impose other conditions that do not involve the loss of compensation while the university conducts an investigation or considers the imposition of discipline. See OA Time Off Policy XXXXX.

#### **IV. PRE-DEPRIVATION PROCESS**

Prior to imposing discipline involving the loss of pay or benefits or terminating an OA's employment or appointment, the University will provide the OA with written notice of the allegations and evidence against the OA and at least five days to respond to the contents of the notice and the action being proposed. In the context of a PIP, documentation of the PIP plan and the results shall be provided to the employee at the end of an unsuccessful PIP and shall constitute notice under this section. The employee should respond to the PIP notice prior to the expiration of the thirty day notice termination period described in the OA Performance Management procedure.

#### **V. RECORDKEEPING**

Discipline will remain in an OA's personnel file in accordance with the Faculty Records Policy and applicable records retention rules. Pursuant to the Faculty Records Policy, information relating to discipline is a personal record and therefore, unless the university has been served with a valid subpoena, court order or is otherwise required by applicable law to disclose, information relating to discipline will not be shared outside of the university without the OA's permission.

#### **VI. APPEALS**

Unless more specific procedures or policies apply, the issuance of discipline may generally be appealed through the OA Grievance Process ([link](#)).

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#### **RELATED RESOURCES**