

<p><b>The University of North Texas at Dallas Policy Manual</b></p>	<p><b>Human Resources</b></p>
<p><b>5.021 Staff Employee Discipline</b></p>	

**Policy Statement.** The University of North Texas at Dallas strives to effectively and efficiently identify, correct, and discipline unacceptable demonstrations of work-related performance and employee conduct. The purpose of this policy is to establish a procedure for the discipline and dismissal of staff employees. No provision of this policy shall confer rights to employees that are contrary to the employment-at-will relationship.

**Application of Policy.** This policy applies to staff employees.

**Definitions.**

1. **At-Will Employment.** “At-Will Employment” means an employment relationship of indefinite duration that may be terminated by either party, at any time, without cause or for any reason except one that is unlawful.
2. **Disciplinary Actions.** “Disciplinary Actions” mean actions taken by management to address and correct deficient work standards or employee misconduct.
3. **Management Position.** “Management position” means a faculty or staff position that has supervisory responsibilities over and authority to hire and terminate staff employees.
4. **Staff Employee.** “Staff Employee” means an individual who is employed part-time, full-time, or in a temporary capacity. “Staff employee” does not include faculty, employees under contract, or individuals who are required to be students as a condition of employment.
5. **Reviewing Official.** “Reviewing official” means an employee who is responsible for reviewing a termination decision and meets the following criteria: (1) serves in a management position above the level of the individual taking a termination action and over the area in which the terminated employee worked, and (2) has authority to take remediating action.
6. **Workday.** “Workday” means a day when UNT Dallas is open for official business, excluding days when only essential personnel are required to work.

7. **Work Standards.** “Work Standards” mean policies, procedures, work-related requests, needs of the University, and standards of work-related performance and employee conduct established by the University, a division, or department.

### **Procedures and Responsibilities.**

1. **Basis for Disciplinary Actions.** Employees are expected to be familiar with their job responsibilities and comply with all rules, procedures, and standards of conduct established by the University, and their division or department. Failure to meet satisfactory work standards can result in disciplinary action up to and including involuntary discharge.
2. **Oral Warning.** A discussion in which the supervisor explains why an employee’s work performance or conduct is not meeting expectations. Additionally, an oral warning details steps the employee must take to correct the performance or conduct or to prevent further occurrence.
3. **Written Warning.** A memorandum or letter to the employee in which the supervisor identifies areas of deficient performance or concerns about employee conduct and places the employee on notice that more severe disciplinary action will be taken in the absence of sustained improvement or positive change in conduct. Supervisors who plan to issue a written warning should consult Human Resources prior to its issuance. Written warnings should identify resources that are available to the employee to aid in improving his or her performance and include the available resources in the written warning.
4. **Disciplinary Suspension.** An interruption of work, without pay, for a determined number of days.
  - a. A disciplinary suspension must be presented to an employee in writing and include, at a minimum, the reason or reasons for suspension, and the dates the suspension begins and end.
  - b. Supervisors who wish to suspend an employee must consult Human Resources prior to issuance.
  - c. Disciplinary suspensions of exempt employees may be imposed for one or more full days for violation of a major safety rule or for a serious infraction of workplace conduct rules, including but not limited to violation of the sexual harassment, workplace violence, and drug and alcohol policies; and violation of state or federal law. Disciplinary suspension of exempt employees for any other reason must be in full work-week increments.

5. **Involuntary Discharge.** The immediate termination of employment. Supervisors who wish to terminate an employee must consult Human Resources before taking termination action. If the supervisor determines that the employee should be discharged, the employee must be informed, in writing, of the reason(s) for involuntary termination at the time of discharge. The termination is effective immediately upon delivery of the notice.
  
6. **Basis for Involuntary Termination.** All involuntary terminations, except discharges listed in paragraph 8 below, must be based on the employee's failure in one or more of the following responsibilities to be:
  - a. Prompt and timely in attendance.
  - b. Honest in all work-related communications, disclosures, submissions, and financial responsibilities.
  - c. Responsive to all lawful work-related requests from a University official and to the needs of the work unit.
  - d. Respectful, cooperative and professional to all.
  - e. Competent in fulfilling the responsibilities of the position.
  - f. Compliant with all federal and state laws, and applicable Regents Rules, System Regulations, and policies.
  
7. **Review of Discharge.** All staff employees, except those who report directly to the President, may request review of a termination action in accordance with this policy. Staff employees who report directly to the President may not request review of a termination action. A review of a termination action shall be performed by a reviewing official.
  1. A request for review must be submitted to the reviewing official no later than five (5) workdays after the staff employee receives notice of termination or after the employee receives notice of a decision by a reviewing official, as applicable. All requests for review must be made by the terminated employee, in writing, and must state the reason(s) the employee disputes the termination and the relief sought.
  2. Staff Employees reporting to a position other than a Vice President:
    - a. Staff employees reporting to a position other than a Vice President are allowed two levels of review, unless the first level of review is conducted by the President.

- b. A second review, if requested, must be conducted by a person in the position of Vice President or above, and must be submitted to Human Resource within five (5) workdays after the staff employee receives notice of completion of the first level review.
    - c. The decision of the second reviewing official is final.
- 3. Staff Employees reporting directly to a Vice President:
  - a. Staff employees reporting directly to a Vice President may request review of the decision by the President.
  - b. The President's decision is final.
- 4. A reviewing official must consider all written information submitted by the terminated employee for review and has sole discretion to allow the employee to present information in person. A reviewing official may obtain and consider any additional information the reviewing official believes is appropriate in performing the review. A reviewing official must inform the staff employee of the reason(s) for the decision, in writing. Human Resources is responsible for designating reviewing officials in first and second level reviews.
- 5. The entire review process shall be completed no later than forty-five (45) workdays from the date the first request for review is received by the appropriate reviewing official. The President may authorize an extension when delay is attributable to the terminated employee or when delay is outside the control of a reviewing official. The authority to grant an extension may not be delegated.
- 6. In the event a terminated employee makes an allegation of a nature that requires investigation (such as discrimination, harassment, retaliation or a violation of other policies) during the review process, the allegation will be referred to the appropriate office to determine whether an investigation is warranted and the review process will be suspended until a determination is made by that office. Suspension of the review process for purposes of making a determination under this section does not extend the time for completing the review process unless approved by the President, in writing.
- 7. No action may be initiated to fill the position of a staff employee who has requested review until the review process is complete.

Responsible Party: Employees, Supervisors, Reviewing Officials and President

- 8. **Involuntary Terminations Other Than Discharge.** Discharges for reasons other than performance or conduct are governed by other UNT Dallas policies.

**References and Cross-references.**

UNT System Regulation 05.100

Approved: 08/30/2010

Effective: 08/30/2010

Revised: 08/06/2012