

<b>Policies of the University of North Texas</b>	Chapter 05
<b>05.033 Staff Employee Discipline and Involuntary Termination</b>	<b>Human Resources</b>

**Policy Statement.** The University of North Texas is committed to recruiting, developing and retaining quality staff employees in an at-will employment relationship that fosters successful performance and requires accountability from all employees. The University of North Texas strives to effectively and efficiently identify, correct and discipline unacceptable demonstrations of work related performance and employee conduct. As such, it is the philosophy and expectation of the University of North Texas that when appropriate, progressive discipline is utilized. 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 as defined below.

**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” are those actions taken by management to address and correct deficient work performance 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. The term does not include faculty, professional librarians, employees under contract, or individuals who are required to be a student as a condition of employment.
5. **Reviewing Official.** “Reviewing official” means a University of North Texas employee who is responsible for reviewing a termination decision.
6. **Workday.** “Workday” means a day when UNT is open for official business, excluding days when only essential personnel are required to work.
7. **Work Standards.** “Work Standards” mean rules, policies, procedures, and standards of work-related performance and employee conduct established by the University, a division, or department.

**Procedures and Responsibilities.** Basis for Disciplinary Actions. Employees are expected to be familiar with their job responsibilities and comply will all rules, policies, procedures, and standards of conduct established by the University, and their division or department. Failure to meet the responsibilities set out in section 2 of this policy can result in disciplinary action up to and including termination. Progressive discipline is encouraged where appropriate, but not required. Discipline will be based on the seriousness of the performance deficiencies/misconduct.

Responsible Party: Employees and Supervisors

I. Disciplinary Action. Failure of an employee to meet the responsibilities set out in Section 2 of this policy or to otherwise maintain satisfactory work performance standards or employee misconduct may result in a verbal or written warning or disciplinary suspension. Failure to meet the responsibilities set out in Section 2 of this policy also can result in involuntary termination.

A. Verbal Warning. A discussion in which the supervisor explains the deficiencies related to work performance and/or misconduct. During the discussion, the supervisor should explain the severity and impact of the deficiencies and detail those steps needed to correct the performance or conduct and to prevent a further occurrence. Supervisors who plan to issue a verbal warning are encouraged to consult with Human Resources prior to issuing the verbal warning.

B. Written Warning. This is a formal discussion, confirmed by a written notice to the employee, which details how the work performance and/or misconduct has failed to meet standards. The supervisor should identify the area(s) that need improvement and the action(s) that will be taken in the absence of sustained improvement. Supervisors who plan to issue a written warning are encouraged to consult with Human Resources prior to issuing the written warning.

C. Suspension. The interruption (without compensation) of the active employment status pending completion of an investigation and decision as to the extent of disciplinary action; or suspension may be disciplinary action in itself. Prior to any suspension, the supervisor must consult with Human Resources. If suspension is warranted, the employee will be informed in writing of the action being taken, the number of days suspended and the reasons for the suspension.

Disciplinary suspensions of exempt employees under the Fair Labor Standards Act 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 reason other than violation of major safety and workplace conduct rules must be in full work week increments.

II. Involuntary Termination. Before termination of employment can be considered, the supervisor must consult with his/her own direct supervisor and Human Resources. If the supervisor determines that employment should be terminated,, an employee must be informed in writing of the reason(s) for involuntary termination at the time of termination. All involuntary terminations, except those listed in section 3 of this policy must be based on the employee's failure in one or more of the following responsibilities:

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 System or Institution 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.

III. Review of Involuntary Termination. All staff employees, except those who directly report to the President, may request review of a termination action. A review of a termination action will be performed by a reviewing official. The reviewing official must have authority to take remediating action and be in a management position above the level of the individual taking the termination action and over the area in which the terminated employee worked.

- A. A request for review must be submitted to Human Resources 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 submitted by the employee in writing using the appropriate university request form.
- B. Staff employees below the level of Assistant Vice President (or an equivalent position) will be allowed two levels of review. The reviewing official has five (5) workdays in which to respond to the review request. The response must be submitted to Human Resources. A second level review, if requested, must be conducted by a person in the position of Vice President or above. The request for a second level review must be submitted to Human Resources within five (5) workdays after the staff employee receives notice of completion of the first level review. The second reviewing official has ten (10) workdays in which to respond to the review request. The response should be submitted to Human Resources. The decision of the second reviewing official is final.
- C. Staff employees at the level of Assistant Vice President (or an equivalent position) will be allowed one level of review. The reviewing official has ten (10) workdays to respond to the request for review. The response should be submitted to Human Resources. The decision of the reviewing official is final.
- D. 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 he/she believes is appropriate in performing the review.
- E. A reviewing official must inform the staff employee of the reason(s) for the decision in writing.
- F. The entire review process will be completed no later than forty-five (45) workdays from the date the initial request for review is received by Human Resources. The President may authorize an extension when a delay is outside the control of a reviewing official. The authority to grant an extension may not be delegated.
- G. No action may be initiated to fill the position of a terminated staff employee who has requested review until the review process is complete.

H. 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.

Responsible Party: Employees, Review Officials and Human Resources

IV. Involuntary Terminations Other than for Performance/Conduct. Involuntary terminations for reasons other than performance or conduct will be governed by other UNT policies.

Responsible Party: Employees and Supervisors

**References and Cross-references:**

UNT System Regulation 05.100

Grievance Policy 05.042

Procedural Guidelines for a Complaint of Discrimination, Including Harassment Policy 16.006

Responsibilities and Rights of Employees under the UNT Compliance Program 04.006

Fair Labor Standards Act

**Forms and Tools.**

Corrective & Disciplinary Actions Toolkit

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