


AUSTIN PEAY STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL

Policy Number: 5:053	Supersedes Policy Number: 5:053
Date: May 6, 1999	Dated: September 10, 1990
Subject: Discipline Procedures for Non-Faculty Employees	
Initiating Authority: Vice President for Finance and Administration	TBR Policy/Guideline Reference: N/A
Approved:  President	

I. General - Purpose and Application

- A. The purpose of this policy is to establish a disciplinary procedure which will afford consistent and equitable treatment of all Professional/Administrative and Clerical/Support employees at Austin Peay State University.
- B. Section V. of this policy does not apply to probationary employees. All new Professional/Administrative and Clerical/Support employees are on probation for a period of six (6) months. (The probation period may be extended beyond six (6) months if necessary.) If during this probation period there is a cause for disciplinary action, it may result in dismissal. An employee may be terminated without notice during the probationary period.
- C. This disciplinary policy does not preclude "no cause" termination under the terms of the employment contract. Section V. of this policy has no application to such terminations.
- D. This disciplinary policy does not require oral or written warnings, as per Section V. below, when circumstances are presented which require immediate discharge. While not all inclusive, examples of circumstances which may require immediate discharge are:

1. Buying, selling, using, possessing, or being under the influence of alcohol, marijuana, cocaine or any illegal substances while on University premises.
2. Conviction of a crime or felony involving moral turpitude.
3. Theft.
4. Assault on University property.
5. Possession of weapons on University property for the purpose of going armed.
6. Falsification of records, including information on the employment application.
7. Willful violation of safety rules.
8. Willful damage to University property.
9. Conviction of a criminal statute.
10. Gross misconduct which interrupts functions of the University.

In circumstances requiring immediate discharge, APSU will follow paragraph V. E. below.

The President may suspend any employee pending investigation of a circumstance which requires immediate discharge. It is the President's prerogative to suspend an employee with or without pay during an investigation. If the employee has been suspended without pay and is vindicated and/or reinstated, he/she will be paid full salary for the suspension period.

- E. Actions outlined in this policy do not prevent the employee from using established appeal/grievance procedures unless these procedures are prohibited by other University policy. Clerical/Support employees who have successfully completed the initial probationary period in their current position are eligible for a hearing pursuant to the Tennessee Administrative Procedures Act for discipline involving suspension without pay or termination.

II. Disciplinary Policy

- A. Normally, the basis of disciplinary action is for the purpose of correcting an individual's conduct and to warn that repetition of this or similar behavior can result in

discharge.

- B. No disciplinary action involving probation, suspension, or dismissal is to be taken against any employee until such disciplinary action has been discussed with the Director of Human Resources or his/her designated representative, except when, in the judgment of the employee's supervisor, immediate suspension is necessary to protect the safety of persons or property or for similarly grave reason. Dismissal requires approval of the President and generally will be based upon the recommendation of a Division Head.

III. Examples of Circumstances and Instances of Misconduct Requiring Disciplinary Action

- A. There are many instances of misconduct which normally do not warrant immediate discharge for the first offense but should result in disciplinary action being taken. While not all inclusive, some examples are:
1. Improper use of University time.
 2. Improper use of equipment.
 3. Failure to follow required safety practice.
 4. Repeated or unreported absenteeism or tardiness.
 5. Disregard for general University policy.
 6. Failure to report an accident.

IV. Supervisory Responsibility

The supervisor is responsible for maintaining proper conduct and discipline of employees under his/her supervision. When disciplinary action appears to be necessary, the supervisor will conduct an interview with the employee:

- A. To explain in what way the employee has failed in meeting the requirements or in what way his/her conduct has been unacceptable.
- B. To give the employee a clear understanding of exactly what is expected of him/her and why.
- C. To give the employee an opportunity to account for his/her actions or lack of actions.

- D. To take disciplinary action if the situation warrants it.

All disciplinary discussions should be conducted in a climate conducive to good understanding and reasonable discussion. Documentation is critical in any employee disciplinary action. It serves as the basis for the action and is used to defend the University's position in grievance or other required hearings. Supervisors must completely document all disciplinary actions and ensure that copies with the employee's signature acknowledging receipt are provided for the employee's personnel file.

V. Forms of Disciplinary Action

- A. Oral Counseling: If the problem was unintentional; caused by inattention or neglect; or of minor significance, and the employee has not been reprimanded for other offenses during the previous six (6) months, an oral warning is appropriate. The basic cause of the incident should be clearly pointed out, suggestions made for its correction, and the employee told what consequences to expect should future incidents occur. The supervisor may administer an oral warning without prior approval and should record the date of the warning and other pertinent information. The sample Performance/Behavior Problem Record attached to this policy has been developed for this purpose and should be used when appropriate.
- B. Written Counseling: If the problem was caused by apparent willful disregard of instructions, a written warning or other disciplinary measure(s) including suspension or discharge may be necessary. When the supervisor has reason to believe that the action was impulsive or occurred under similar mitigating circumstances, as opposed to premeditation, a written warning may be appropriate. Repeat occurrences require more drastic action. A written warning shall also be given for less serious offenses if it becomes necessary to reprimand an employee orally more than once during a six (6) month period. If a written warning is decided upon, a record of the facts shall be made by the supervisor. The written warning will be issued to the employee by his supervisor and a copy will be forwarded to Human Resources to be placed in the employee's personnel file.
- C. Probation: When an employee has failed to respond to counseling or has committed an offense so serious that termination is to be considered if performance or behavior does not improve, the employee may be placed in a probationary status. Prior to putting the employee on probation, the supervisor must consult with the Division Head and the Director of Human Resources or his/her representative. A written probation letter will be issued to the employee

outlining the change in status, the problems encountered, and the desired corrective action. A copy of the letter will be placed in the employee's personnel file. During the probationary period, the employee may be terminated at any time without notice. A recommended format for a probation letter is attached at the end of this policy.

- D. Time Off Without Pay: This action may be taken to impress upon the employee the serious nature of his act or offense. It may be imposed separately or in conjunction with probation. This should be considered as a notice that the employee is facing possible termination if his/her performance or behavior does not improve. The supervisor will consult the appropriate Division Head and the Director of Human Resources or his/her representative, and, if time off without pay is decided upon, the duration of the time off period will be determined through such consultation. In addition to the time off without pay, a letter of warning will be issued and a copy placed in the employee's personnel file. The President will be the final approval authority for these actions.
- E. Termination: When a Professional/Administrative or Clerical/Support employee is recommended for termination for disciplinary reasons:
1. The employee's supervisor will document the recommendation and discuss the facts and records of the case with his/her Division Head (President, Vice Presidents, Director of Athletics).
 2. The supervisor will review the case with the Director of Human Resources or his/her designated representative.
 3. The Director of Human Resources or his/her representative will review the case with the appropriate Division Head and the President.
 4. When a decision has been reached as to whether the employee shall be terminated and whether with or without further notice or pay, the President will notify the employee in writing of the decision.
- F. When in the judgment of the employee's supervisor, immediate suspension of a Professional/Administrative or Clerical/Support employee is necessary to protect the safety of persons or property or for similar reasons:
1. The supervisor will direct the employee to leave the University premises at once and either (a) to report back to the supervisor the following day or (b) to remain away until further notice.

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2. The procedures in Paragraph D above will then be promptly followed.

EMPLOYEE PERFORMANCE/BEHAVIOR PROBLEM RECORD

Employee Name _____ SSN _____

Position Title _____

Counseling Sessions:

1. Date: _____ Employee Signature: _____

Problem:

Topics Discussed:

2. Date: _____ Employee Signature: _____

Problem:

Topics Discussed:

3. Date: _____ Employee Signature: _____

Problem:

Topics Discussed:

(SAMPLE PROBATION LETTER)

Date

Mr. John Doe

Department
Austin Peay State University

Dear Mr. Doe:

This letter is your formal notification that you are being placed in a probationary status effective (date) for a period of six (6) months.

(In the second paragraph, the supervisor should specify the problems encountered and/or policy that has been violated. Counseling or evaluations that have previously outlined the problem should also be mentioned in this paragraph.)

(The third paragraph should specify the desired corrective action and/or performance expectations.)

If you do not achieve improvement as specified above, you may be terminated immediately at any time during the probation period.

John Smith (Supervisor)
Title
_____ Department

I acknowledge receipt of this letter

Employee Signature

Approved by Office of Human Resources:

Director of Human Resources