

## **Progressive Discipline for Non-faculty**

**Summary/Purpose:** The University's progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues.

Outlined below are the steps of the University's progressive discipline policy and procedures. The University reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the conduct and performance issues have on the organization.

If any employee is performing unsatisfactorily or exhibiting improper conduct, the supervisor should work with the employee in an attempt to improve his/her conduct or performance. Utilization of the University's Employee Assistance Program (EAP) offered through the University Counseling Center should be considered by the supervisor when substance abuse or mental or emotional stress is suspected. This Progressive Discipline Policy does not alter or affect the University's employment at-will policy.

The following guidelines will be observed in working with employees:

1. The employee should be informed of the conditions of employment and the employee's job duties should be reviewed as necessary.
2. The University's rules and requirements of the employee should be fair.
3. The University should apply the applicable rules and requirements evenly and without discrimination.
4. The employee should be given forewarning of the possible consequences of his/her actions, except in cases of misconduct so serious the employee could be expected to know that such conduct may result in discharge.
5. A record of the incident or substandard performance in which disciplinary action may result should be made. Refer to the section "Process" below regarding documenting formal progressive discipline through a Progressive Discipline Action Notice in [connectu.olemiss.edu](http://connectu.olemiss.edu).

This policy does not apply to temporary employees or to employees who have not completed the probationary period. This policy also does not apply to the non-renewal of a contractual employee.

**Types of Progressive Discipline Actions (Steps):**

1. **Notice** - A counseling or verbal warning creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of the University's policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance or resolve the problem.

Within five business days, the supervisor will prepare written documentation of the verbal counseling. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.

2. **Formal Warning** - Formal warnings are to be used for recurring or more serious deficiencies, or where there is a future possibility of more severe action including dismissal, or after notices have been unsuccessful.

The written warning involves formal documentation of the performance, conduct or attendance issues and consequences.

The immediate supervisor and another manager or director should meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. The manager will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations. A formal warning may be referred to as a final warning.

The formal warning will be completely documented by the supervisor with a copy to the Director of Human Resources or designee. The record should provide the details specified in item 1 above, if applicable.

Suspensions without pay for a maximum of two days may be utilized as a form of discipline. The suspension must be approved by the department head and reviewed by the Director of Human Resources or designee. The employee is to be informed of the right to a review of the suspension by the vice chancellor or the vice chancellor's designee.

3. **Dismissal** - The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, the University will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, the University reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

## The University of Mississippi

The manager's recommendation to terminate employment must be approved by the Director of Human Resources or designee.

Employees against whom dismissal action is taken are to be advised in writing by the Director of Human Resources or designee of such dismissal.

4. ***Suspension, Pending Investigation*** - This action should be taken in cases when the infraction is of such serious nature (theft, willful damage to property or persons, and other similar infractions) that it may warrant dismissal, pending review of the facts. The suspension should be followed immediately by a thorough investigation of the case. The Department of Human Resources will be informed of all such suspensions and the circumstances surrounding such actions.
5. ***Dismissal Procedure*** - Before an employee is dismissed, the employee must have a meeting with the employee's supervisor or department head. At this meeting, the supervisor should explain the details and reasons for the recommended dismissal. This meeting will constitute the first level of review in the dismissal process.

Should the employee no longer be reporting to work and unavailable for a meeting, the employee should be notified by Certified Mail, return receipt requested, of the pending dismissal and offered the opportunity to meet with the supervisor or department head.

Employees against whom dismissal is taken will then be *advised in writing by the Department of Human Resources of such dismissal*. This written notice may contain the reasons for dismissal or they may be given verbally. The reasons will be made available to the employee in writing if he/she so requests. If only verbal notice of the reasons is given, then a confidential record of this notice shall be made by the person giving such notice.

*The written notice of dismissal* will inform the employee that he/she has a right to a review of his/her dismissal through the Grievance Process provided he/she makes application in writing to the Department of Human Resources within five workdays from receipt of the notice. In the event the employee is no longer reporting to work, the written notice shall be mailed, by Certified Mail, return receipt requested, to the employee at his/her last known address, and the employee will have five days after receipt of the notice to request a review.

If the employee should request a review within the time allowed, the employee will be provided (1) the opportunity to appeal the dismissal through the Grievance Process, and (2) if requested, a written statement of the reasons for dismissal. The appeal will begin at the hearing stage of the Grievance Process. If a written request for a hearing is not received within the time specified, the dismissal action by the University will be final.

6. ***Effective Date of Dismissal*** - The effective date of dismissal shall be the date specified in the written notice of termination unless such date of termination is extended by the review process or by the University. This date should coincide with the date of the dismissal meeting

with the employee's supervisor or department head.

7. ***Time Limit*** - When a sequence of corrective actions has been started, the sequence will be considered terminated 12 months after the last action initiated. If problems arise again after this 12-month period, a new sequence of actions shall be started.

### **Performance and Conduct Issues Not Subject to Progressive Discipline:**

Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities.

Similarly, theft, substance abuse, intoxication, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.

### **Formal Documentation Process:**

After the supervisor has reviewed the performance and/or incident, including discussing the concern(s) with the employee, the supervisor must communicate to a human resources manager to request access to the electronic progressive discipline action notice. The supervisor will receive an email with instructions to access the online form on the University's site, connectU, at [connectu.olemiss.edu](http://connectu.olemiss.edu), within the "Performance & Engagement" tile within the "To Do" section (top of the page).

The electronic form is made available to the supervisor and the employee for acknowledgement. The form will also be routed to the supervisor's manager (next level manager) and Human Resources. Once received, a Human Resources representative will acknowledge receipt and the form will be completed. A copy of the form is retained in each person's "Completed" folder within the Performance module, accessed through the drop down menu.

### **Related Policies:**

[Separation from Employment](#)

[Terminations](#)