



Policy and Procedures Manual Application: All Full Time Personnel Section A8 DISCIPLINARY ACTION

A 8. DISCIPLINARY ACTION

East Central University is an “at-will” employer. The contents included in this Handbook in no way modify or amend the right of the University as an “at-will” employer in originating or terminating employment of personnel. “At-will” employment is for no specified term and is terminable at the will of either the employee or employer. Promises or representations made by anyone except in writing by the President of East Central University concerning the conditions of employment, expressed or implied, do not negate the right of the University to terminate employment at any time, without notice and with or without cause.

Step 1: POSITIVE DISCIPLINE

In order for the University to give each employee a full opportunity for work success, there must be good employee selection procedures, meaningful employee orientation, appropriate on-the-job training, periodic performance appraisals, and a positive employee discipline approach by supervisors, when necessary.

Disciplinary action is a corrective process to help employees, strengthen work performance, and achieve success. Problems must be handled in a way that supports the positive discipline concept and minimizes the interruption of University services. The University expects its supervisors to direct his/her disciplinary efforts toward positive employee development and success.

When discipline is necessary, the positive guidelines below should be used to assure fairness and consistency throughout the University. The guidelines are meant to be flexible, but will be suitable for most University discipline situations. All disciplinary actions can be coordinated with the direct supervisor and/or appropriate Vice President. Employee disciplinary notice forms are available in the policy manual located on the Employment Services website and the Employment Services Office.

Step 2: ORAL REMINDER

An oral reminder involves a discussion between a supervisor and an employee about a minor work performance problem. The objective is to correct the problem by indicating how actual performance falls short of desired performance. The supervisor should record and maintain on file the date of the discussion and a brief summary of the items discussed, including witnesses if appropriate. If the problem persists, a written reminder is appropriate.

Step 3: WRITTEN REMINDER (WARNING)

If the offense is of a serious nature, a written reminder (warning) would be an appropriate action. The written reminder formalizes the discussion between the supervisor and employee; and it should include discussion as to how actual performance differed from that desired, how correction is to take place, a definition of the time frame within which correction is expected, and consequences if performance correction is not achieved. The employee is requested to sign the counseling/disciplinary form only to acknowledge receipt of the form. The employee should be provided with a copy of the form if he/she wants a copy. The original should be sent to the Employment Services Office for inclusion in the personnel file. If the employee refuses to sign the reminder, this fact should be duly noted on the reminder.

If an employee does not receive a written reminder for at least 12 months, the reminder should be considered inactive. Inactive reminders will not be considered in determining employee promotion or transfer.

Step 4: DISCHARGE

This is the action taken when positive steps have been used but performance has not changed, or when an employee has committed a major offense.

A major offense includes dishonesty, threatening University operations, or the safety and well-being of individuals therein. This represents behavior that is unacceptable to the University. Examples include theft or willful destruction of University property, threatening or harassing others, fighting, falsifying University records, possession of illegal drugs and/or paraphernalia, insubordination, or other acts of misconduct, or any violation of state or federal statutes, knowingly or unknowingly.

Recommendation for discharge should be documented in writing and a copy sent to the department director and/or Vice President for review before any further actions are taken. Documentation should include the employee's name, date of the incident, explanation of the circumstances resulting in the recommendation for discharge, and reference to all previous disciplinary steps taken. The Vice President may conduct the hearing which includes the following steps:

- 1) Review of documentation
- 2) Interview the employee
- 3) Interview the supervisor, department supervisor, and any other relevant persons
- 4) Final meeting with employee providing him/her an opportunity to present any additional information and question statements

NOTE: THE POSITIVE DISCIPLINE AND DISCHARGE PROCEDURES ARE TO BE USED AS GUIDELINES IN MAKING DISCIPLINARY DECISIONS. THE PROCEDURES DO NOT ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP. THE UNIVERSITY RESERVES THE RIGHT TO TERMINATE AN EMPLOYEE AT ANY TIME.