



**OFFICE OF THE DIRECTOR  
THE UNIVERSITY OF TEXAS SYSTEM POLICE  
POLICIES AND PROCEDURES MANUAL**



TITLE: <b>DISCIPLINE AND APPEAL PROCEDURE</b>		
POLICY NUMBER: <b>B-11</b>	EFFECTIVE DATE: <b>11/01/05</b>	RESCINDS / AMENDS: <b>ATTACHMENT TO CODE OF CONDUCT</b>
RELATED LAWS:	RELATED STANDARD(S) / RULE(S): A-1 Chapter 6 – UT System Police Standards B-8 Code of Conduct B-10 Grievance Procedure	

**I. PURPOSE**

To establish a framework for the discipline of officers of The University of Texas System Police and to provide an appeal procedure for disciplinary action resulting in suspension without pay, demotion, and termination from employment. An “officer” is defined in Policy Number B-8, Code of Conduct, 1.3.10.

The provisions of this policy do not constitute a contract, express or implied, between any officer and The University of Texas System and its institutions. No provision of this policy and its procedures should be interpreted as providing additional rights, including rights contrary to the "employment at will" doctrine.

**II. CONDUCT AND PERFORMANCE**

Each officer is expected to become familiar with the performance criteria for his or her particular position and with all rules, procedures and standards of conduct established by the Board of Regents of The University of Texas System and, his or her institution and police department. An officer who does not fulfill the responsibilities established by such performance criteria, rule, procedures, and standards of conduct may be subject to disciplinary action.

Disciplinary action may be taken against an officer for unsatisfactory work performance or misconduct.

**A. Work Performance**

Work performance is to be judged by a supervisor’s evaluation of the quality and quantity of work performed by each officer. Failure of an officer to maintain satisfactory work performance standards, including meeting reasonable and objective measures of efficiency and productivity, can constitute grounds for disciplinary action, including termination.

B. Misconduct

Violations of the Code of Conduct, Policies and Procedures of the Office of the Director of Police, the Board of Regents *Rules and Regulations*, local laws, state laws, federal laws, provisions of an institution's *Handbook of Operating Procedures*, or the institution's Police Department rules and regulations may subject the offender to disciplinary action, including termination.

III. DISCIPLINARY ACTION

Disciplinary action taken will depend on the degree of severity of the offense, action or inaction, the record of the officer, and the seriousness of the consequences of the action or violation. Oral reprimands are considered to be corrective action, not disciplinary action. Disciplinary actions imposed against an officer for misconduct or unsatisfactory work performance, include, but are not limited to:

A. Written Reprimand

A written reprimand is a formal written memorandum setting forth the infraction or performance issue and indicating that the reprimand has been approved by the Chief of Police. The officer shall be given the original and a copy shall be placed in his or her personnel file.

B. Disciplinary Probation

Disciplinary probation is a review period with terms and conditions.

1. The length of disciplinary probation shall not exceed six (6) months. During the probationary period, progress reports will be prepared every thirty (30) days by the officer's immediate supervisor and forwarded to the Chief of Police or designee. Each progress report will be discussed with the officer.
2. At the time an officer is notified that he or she is being placed on disciplinary probation, he or she will also be advised of the terms and conditions of the probation.
3. If at any time during the probationary period it is apparent that the officer is not making a conscientious effort to correct the causes for being on probation, the officer's immediate supervisor shall make recommendations to the Chief of Police, or designee, for additional discipline, including termination.

C. Suspension Without Pay

Suspension without pay is time off without pay for not less than one week for officers in an exempt status and not to exceed thirty (30) days for any other officer. An officer who is suspended without pay continues to accrue vacation and sick leave, to be covered by group insurance and to be entitled to other employee benefit programs.

D. Demotion

Demotion is a reduction from one salary group to a lower salary group. An officer who is demoted continues to accrue vacation and sick leave, to be covered by group insurance and to be entitled to other employee benefit programs.

E. Termination from employment

The officer is removed from the payroll.

IV. PROCEDURES FOR IMPOSING AND APPEALING CERTAIN DISCIPLINE

A. Scope

The following procedure is applicable to misconduct and unsatisfactory work performance of an officer that results in a decision to impose a disciplinary penalty of suspension without pay, demotion, or termination from employment.

This procedure does not apply to:

1. suspension with pay pending investigation of allegations relating to an officer;
2. non-disciplinary demotion or termination resulting from reorganization or financial exigency;
3. dismissal of officers during the initial 180 day period of employment; or
4. decisions or actions that are reviewable pursuant to procedures provided by other approved policies or procedures of The University of Texas System, its institutions, the Office of the Director of Police, or the institution's Police Department. (Example: Decisions or actions resulting in a verbal reprimand, written reprimand or disciplinary probation are reviewable pursuant to procedures provided in Grievance Procedure, Policy Number B-10.)

B. Imposing Discipline

1. Pre-discipline Notification to Officer

The Chief of Police, or designee, shall inform the officer of the reasons for the proposed disciplinary action and the facts upon which he or she relies. The officer shall be provided an opportunity to respond to the charges and to persuade the Chief of Police, or designee, that the grounds for the disciplinary action are mistaken or incorrect before a final decision is made to take the disciplinary action.

2. Decision of Chief of Police

If the Chief of Police, or designee, is not persuaded by the officer's response that the decision to take disciplinary action is incorrect or mistaken, the Chief of Police, or designee, will impose the discipline and inform the officer in writing of the following:

- a. whether the disciplinary action is a suspension without pay, demotion, or termination and its effective date;
- b. if suspension without pay, a specific period;
- c. the specific incident, misconduct, course of conduct, unsatisfactory work performance or other basis for the disciplinary action;
- d. previous efforts, if any, to make the officer aware of the need to change or improve work performance or conduct; and
- e. reference to any relevant law, rule, regulation, or policy.

C. Appealing Disciplinary Actions

Disciplinary actions resulting in suspension without pay, demotion, and termination from employment may be appealed by the affected officer pursuant to the process set forth below. The time limits set forth must be adhered to by both the officer and the Vice President for Business Affairs (or administrative equivalent; hereinafter called Vice President) unless extended by the Vice President for good reason. The failure of an officer to comply with the time limits shall constitute a withdrawal of the appeal.

1. Written Appeal to Vice President

- a. The affected officer may present a written appeal to the Vice President within ten (10) calendar days from the date of notification of the applied disciplinary action. The written appeal shall contain:
  - (1) A complete statement of the circumstances related to the alleged misconduct and/or unsatisfactory work performance, including time(s) and date(s) of relevant facts;
  - (2) The discipline applied;
  - (3) A clear and concise statement of why the disciplinary action was inappropriate; and
  - (4) The correction requested.
- b. The officer shall deliver a copy of the appeal and all attachments to the Chief of Police or designee.

- c. All information supporting the affected officer's position should be included as the appeal will be considered complete after the ten (10) calendar day period and no further changes or additions will be allowed.

2. Response of Vice President

a. Suspension without Pay or Demotion

If the disciplinary action taken was suspension without pay or demotion, the Vice President, or designee, will review the written appeal.

- (1) The Chief of Police, or designee, within five (5) calendar days of receipt of the officer's appeal, shall tender to the Vice President, or designee, the affected officer's personnel file, to include documentation pertaining to the suspension without pay or demotion of the officer. The Chief of Police or designee may also submit to the Vice President, or designee, a written response to the officer's appeal. A copy of the written response of the Chief of Police, or designee, shall be provided to the affected officer.
- (2) Within ten (10) calendar days after receiving information from the Chief of Police, the Vice President, or designee, will render a decision. The written decision will be mailed by regular mail and/or hand-delivered to the affected officer's last known home address. Each officer is responsible for keeping their Chief of Police notified of his or her current mailing address.
- (3) The decision of the Vice President, or designee, is final.
- (4) If the appeal of the suspension without pay or demotion is successful, the affected officer shall receive payment for wages lost as a result of the suspension without pay or demotion.

b. Termination from Employment

If the disciplinary action taken was termination from employment, the Vice President shall, at his or her discretion, either hear the appeal in person or request the Director of Police, U.T. System Administration, appoint an Appeal Review Board (hereinafter called Board) to hear the appeal.

3. Hearing Procedures for Officers Terminated from Employment

- a. The hearing should be conducted as soon as practical, but not later than (30) calendar days from the date the appeal is received by the Vice President or from the date the Board is appointed.

- b. The Vice President or Chairperson of the Board shall preside at the hearing and ensure the order of presentation as well as decide on questions of relevancy. The Vice President or Chairperson of the Board shall have the discretion to determine the length of the hearing and the form and scope of examination allowed during the hearing. Upon request, the Vice President or Board may consult with and be advised by counsel from the Office of General Counsel of The University of Texas System Administration.
  - c. The affected officer may be represented at the hearing by an attorney or other individual representative of an employee organization that does not claim the right to strike. If the officer is represented by an attorney or a representative of an employee organization that does not claim the right to strike, the institution will be represented by an attorney from the Office of General Counsel of The University of Texas System Administration. The affected officer must give written notice of representation to the Chief of Police, or designee, at least fourteen (14) calendar days prior to the hearing.
  - d. In all appeal hearings, the institution shall make a tape recording of the hearing and make a copy of the tape available to the officer on request. The tape recording shall be the official record of the hearing.
  - e. The institution shall demonstrate by the greater weight of the credible evidence that the disciplinary action should be sustained.
  - f. The hearing shall consist of testimony by witnesses called by the institution and the affected officer; with both parties having the right to cross examine witnesses. Relevant exhibits may be introduced by either party and the Vice President or Board shall take notice of the officer's personnel record.
  - g. Neither the institution nor the affected officer has the authority to compel the attendance of a witness at the hearing. Any employee can be asked to appear as a witness for either party. It shall be the duty of an employee requested to testify to do so concerning any facts which may be relevant to the appeal. It is the responsibility of each party to assure attendance by its witnesses.
4. Post Hearing Rules and Procedures
- a. If the appeal was heard by the Board, the Board shall prepare and forward written recommendation(s) to the Vice President within five (5) calendar days from the close of the hearing. The Board shall also include a copy of the record (tape recording and exhibits). After reviewing the Board's recommendation(s), the Vice President shall mail his or her decision to the affected officer within twenty (20) calendar days from the receipt of the recommendation(s) from the Board.

- b. If the Vice President heard the appeal, he or she shall mail his or her decision to the affected officer within twenty (20) calendar days from the close of the hearing.
- c. The decision of the Vice President is final.
- d. If an appeal of termination is successful, the affected officer shall be reinstated to the same or similar position and receive payment of back wages less any unemployment compensation insurance benefits received by the officer after the date of termination. Employee benefits such as vacation and sick leave shall be credited back to the date of termination.

## VI. APPEAL REVIEW BOARD

### A. Appointment of Board Members

At the beginning of each fiscal year, the Director of Police of The University of Texas System Administration shall appoint officers from U.T. institution police departments, representing all ranks from guard to captain, to serve as the Appeal Review Board panel for that fiscal year. In the event a Vice President of an institution requests a Board be appointed, the Director of Police shall select three (3) officers, with one (1) alternate, from the panel to serve as an Appeal Review Board. One member of the Board must be of the same rank as the affected officer. Officers from the affected officer's institution will not be selected to serve. The highest ranking officer appointed to the Board shall serve as the Chairperson of the Board.

### B. System Coordinator

The Director of Police will assign a representative from Office of the Director of Police to coordinate matters relating to the hearing presided over by the Board. Prior to the start of the hearing, the representative will provide the Board an orientation related to procedure. The representative will be available to the Board to address questions related to policy or procedural issues.

## VII. DOCUMENTATION

Copies of all documents pertaining to disciplinary actions shall be filed in the officer's personnel file.

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Roy R. Baldrige  
Director of Police

REVIEWED BY OFFICE OF GENERAL COUNSEL:

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APPROVED: