

**1. Title**

Discipline and Dismissal of Classified Employees

**2. Rule and Regulation**

Sec. 1 Policy. It is the policy of The University of Texas System to encourage fair and efficient processes to resolve disputes arising out of the employment relationship and to meet the requirements of State and federal law.

Sec. 2 Establishment of Policies. System Administration and each U. T. System institution shall adopt a policy governing discipline and dismissal of classified employees. Such a policy, at the minimum, shall comply with the provisions below and become effective upon approval by the appropriate Executive Vice Chancellor and the Vice Chancellor and General Counsel.

2.1 Purpose. The purpose of a policy is to provide a procedure for the discipline and dismissal of classified employees who are subject to its provisions.

2.2 At-Will Employees. Classified employees are at-will employees who serve without tenure. No provision of this policy or any policy adopted by System Administration or any U. T. System institution shall confer rights to employees that are contrary to the employment-at-will doctrine.

Sec. 3 Required Provisions. The policy adopted by System Administration and each U. T. System institution shall address the following elements:

3.1 Applicability. The policy shall be applicable to conduct or job performance of a classified employee that results in a decision to impose a disciplinary penalty of demotion, suspension without pay, or dismissal. The policy shall not apply to:

(a) Faculty or Police. Institutional police or faculty who are subject to other approved discipline or dismissal procedures;

(b) Suspension. Suspension with pay pending investigation of allegations relating to an employee;

- (c) Appointed Positions. Decisions not to offer reappointment to persons whose appointment for a stated period of one year or less expires at the end of such period;
  - (d) Positions without Fixed Term. Employees who are appointed to positions without fixed term and serve at the pleasure of a specific administrative officer;
  - (e) Student Status. Persons who are employed in positions that require student status as a condition of employment; or
  - (f) Dismissal. Dismissal of employees:
    - (1) who occupy positions that are dependent upon funding from a specific source and such funding is not received;
    - (2) as a result of a reduction in force;
    - (3) due to financial exigency;
    - (4) during any probationary period of employment;
    - (5) who are appointed for a stated period that is less than 180 days;
    - (6) who are appointed at a per diem or hourly rate and work on an as needed basis;
    - (7) who have not attained or maintained the necessary clearance, certification, or licensure for their positions; or
    - (8) who have exhausted applicable leave entitlements.
- 3.2 Conduct Subject to Disciplinary Actions. The policy shall include provisions pertaining to requisite standards of conduct for employees, work performance, and unacceptable conduct that can subject an employee to disciplinary action.

- 3.3 Procedures. The policy shall include disciplinary and appeal procedures consistent with the following provisions:
- (a) Notice and Opportunity to Respond. The employee shall be informed in writing of the reasons for the proposed disciplinary action and the facts upon which the proposed discipline is based. The employee shall be provided with a reasonable opportunity to respond to the proposed disciplinary action before a final decision is made to take disciplinary action.
  - (b) Appeals. The employee shall be provided a process to appeal a disciplinary demotion, suspension without pay, or dismissal to the vice president or administrative equivalent for the employee's department.
    - (1) The vice president or administrative equivalent shall, at his or her discretion, handle the appeal or appoint a delegate(s). The decision of the vice president or administrative equivalent is final.
    - (2) The employee has the right to be represented during the appeal by an attorney or other individual representative. If the employee is represented by an attorney or an individual from an employee organization, the institution may be represented by an attorney from the institution or the Office of General Counsel of The University of Texas System.

### **3. Definitions**

Classified Employee – any employee in a position that has been designated as a classified employee in the Classified Personnel Pay Plan of the employing U. T. System institution.

Financial Exigency – a state in which financial demands call for budget cuts.

Work Performance – includes all aspects of an employee's work including the performance of job duties and adherence to work conduct standards.

**4. Relevant Federal and State Statutes**

*Texas Government Code* [Section 554.002](#) – Retaliation Prohibited for Reporting Violation of Law

*Texas Government Code* [Section 617 et seq.](#) – Collective Bargaining and Strikes

**5. Relevant System Policies, Procedures, and Forms**

*Regents' Rules and Regulations*, [Rule 30501](#) – Employee Evaluations

*Regents' Rules and Regulations*, [Rule 30602](#) – Employee Grievance

*Regents' Rules and Regulations*, [Rule 30101](#) – Classified Personnel Pay Plan

*Regents' Rules and Regulations*, [Rule 30103](#) – Standards of Conduct

[The University of Texas System Administration Policy UTS133](#), Classified Pay Plan

Office of General Counsel - [Model Policy for Discipline and Dismissal of Classified Employees](#)

**6. Who Should Know**

Employees

**7. System Administration Office(s) Responsible for Rule**

Office of Human Resources  
Office of General Counsel

**8. Dates Approved or Amended**

November 9, 2007  
December 10, 2004

**9. Contact Information**

Questions or comments regarding this Rule should be directed to:

- [bor@utsystem.edu](mailto:bor@utsystem.edu)