

1. Title

Discipline/Dismissal of Employees

2. Policy

Sec. 1 Purpose. The purpose of this Policy is to provide a procedure for the discipline and dismissal of classified employees who are subject to the provisions of this Policy. Classified employees are at-will employees who serve without tenure. The provisions and procedures set forth in this Policy shall not confer rights to employees that are contrary to the employment-at-will doctrine.

Sec. 2 Policy Statement. It is the Policy of The University of Texas System Administration 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. 3 Applicability.

3.1 This policy and its procedures are applicable to conduct or job performance of a classified employee that results in a decision to impose a disciplinary action of demotion, suspension without pay, or dismissal.

3.2 This Policy does not apply to:

- (a) police who are subject to other approved discipline or dismissal procedures;
- (b) suspension with pay pending investigation of allegations relating to an employee;
- (c) 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 without the necessity of notice of nonrenewal as provided in the *Rules and Regulations* of the U. T. System Board of Regents or the U. T. System Administration's Policies;
- (d) administrative and professional employees who are appointed to positions without fixed term and who serve a specific administrative officer;
- (e) persons employed in positions that require student status as a condition of employment; or

- (f) dismissal of employees:
  - (i) who occupy positions that are dependent upon funding from a specific source and such funding is not received;
  - (ii) as a result of a reorganization;
  - (iii) because of financial exigency;
  - (iv) during any probationary period;
  - (v) who are appointed for a stated period that is less than six months;
  - (vi) who are appointed at a per diem or hourly rate and work on an as-needed basis;
  - (vii) who have not attained or maintained the necessary certification, licensure, clearance, or suitability (this includes but is not limited to maintaining a satisfactory criminal background as determined by the appropriate executive officer or his or her designee in accordance with U. T. System's criminal background check policy) for their position; or
  - (viii) who have exhausted applicable leave entitlements.

Sec. 4 Discipline and Dismissal Policy and Procedure

- 4.1 Employee Standard of Conduct. Each employee is expected to become familiar with the performance criteria for his or her particular job and with all rules, procedures, and standards of conduct established by the U. T. System Board of Regents, the U. T. System Administration, and the employee's department or unit. An employee who does not fulfill the responsibilities set out by such performance criteria, rules, procedures, and standards of conduct, may be subject to adverse personnel action.
- 4.2 Conduct Subject to Disciplinary Action.

- (a) Work Performance. Work performance is to be judged by the supervisor's evaluation of the quality and quantity of work performed by each employee. Failure of an employee to maintain satisfactory work performance standards or to meet a reasonable and objective measure of efficiency and productivity may constitute grounds for disciplinary action including dismissal. The term "work performance" includes all aspects of an employee's work.
  
- (b) Unacceptable Conduct.
  - (i) All employees are expected to maintain standards of conduct suitable and acceptable to the work environment. Disciplinary action, including dismissal, may be imposed for unacceptable conduct.
  
  - (ii) Examples of unacceptable conduct include, but are not limited to:
    - (A) falsification of timesheets, personnel records, or other institutional records;
  
    - (B) neglect of duties;
  
    - (C) smoking anywhere except in designated smoking areas;
  
    - (D) gambling, participating in lotteries, or any other games of chance on the premises at any time;
  
    - (E) soliciting, collecting money, or circulating petitions on the premises other than within the rules and regulations of the institution;
  
    - (F) bringing intoxicants or drugs onto the premises of the institution, using intoxicants or drugs, having intoxicants or drugs in one's possession, or being under the influence of intoxicants or drugs on the premises at any time;

- (G) abuse or waste of tools, equipment, fixtures, property, supplies, or goods of the institution;
- (H) creating or contributing to unhealthy or unsanitary conditions;
- (I) violations of safety rules or accepted safety practices;
- (J) failure to cooperate with a supervisor or coworker, impairment of function of the work unit, or disruptive conduct;
- (K) disorderly conduct, harassment of other employees (including sexual harassment), or use of abusive language on the premises;
- (L) fighting, encouraging a fight, or threatening, attempting, or causing injury to another person on the premises;
- (M) theft, dishonesty, or unauthorized use of institutional property including records and confidential information;
- (N) creating conditions hazardous to another person on the premises;
- (O) destroying or defacing institutional property or records, or the property of a student or employee;
- (P) refusal of an employee to follow instructions or to perform designated work that may be required of an employee, or refusal to adhere to established rules and regulations;
- (Q) repeated tardiness or absence, absence without proper notification to the supervisor or without satisfactory

reason, failure to report for work or to make appropriate contact with the supervisor to report an absence from work, or unavailability for work; and

- (R) violation of U. T. System Administration or U. T. System's Policies and Rules.

4.3 Discipline Procedures. The following procedures will be followed when an employee is subject to this Policy, and the employee is demoted for disciplinary reasons, suspended without pay, or dismissed.

- (a) Review by Supervisor. The supervisor will review the evidence and proposed disciplinary action with the Chief Human Resources Officer, or his or her delegate.
- (b) Concurrence Sought and Obtained. Once the supervisor has sought and obtained the concurrence of the Chief Human Resources Officer or his or her delegate, he or she must then obtain the concurrence of the department head or administrative equivalent to whom he or she reports before proceeding with the proposed disciplinary action. The Chief Human Resources Officer or his or her delegate will review proposed disciplinary actions for Equal Employment Opportunity compliance.
- (c) Pre-disciplinary Notice to Employee. The supervisor shall inform the employee in writing of the reasons for the proposed disciplinary action and the facts upon which the supervisor relies. The employee shall be provided with an opportunity to respond to the charges either verbally or in writing within a reasonable time, but not to exceed two (2) working days, and to persuade the supervisor that the grounds for the disciplinary action are mistaken or incorrect before a final decision is made to take disciplinary action. This pre-disciplinary notification serves as an opportunity to avoid mistaken decisions to impose discipline and is not intended to definitively resolve the propriety of the disciplinary action being considered.

- (d) Imposing Discipline. If the supervisor is not persuaded by the employee's response that the decision to take disciplinary action is incorrect or mistaken, the supervisor will proceed to impose the disciplinary action. The supervisor shall inform the employee in writing of the following:
  - (i) whether the disciplinary action is demotion, suspension without pay, or dismissal and its effective date;
  - (ii) a specific period for a suspension without pay, not to exceed two weeks;
  - (iii) the specific incident, conduct, course of conduct, unsatisfactory work performance, or other basis for the disciplinary action;
  - (iv) any previous efforts to make the employee aware of the need to change or improve work performance or conduct; and
  - (v) reference to any relevant rule, regulation, or policy.

4.4 Effect Upon Employee Benefits. An employee who is demoted or 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. If a demotion or suspension without pay is appealed and the appeal of the demotion or suspension is successful, the employee shall be entitled to payment for wages lost as a result of the demotion or suspension. If an appeal of dismissal is successful, the employee shall be reinstated to the same or similar position and shall be entitled to payment of back wages less any unemployment compensation insurance benefits received by the employee after the date of dismissal. Employee benefits such as vacation and sick leave shall be credited back to the date of dismissal.

Sec. 5 Procedure for Written Appeal. Disciplinary actions resulting in dismissal, suspension without pay, or demotion may be appealed by the affected employee pursuant to the process set out below by submitting a written appeal to their associate/assistant vice chancellor or administrative equivalent for the employee's

department and must provide a copy to his or her supervisor. To be considered, the request must be made within ten (10) working days following the date of the disciplinary action. The appeal shall contain a clear and concise statement of why the disciplinary action is inappropriate. Once the written appeal is submitted, no additional changes or additions may be made unless granted by the associate/assistant vice chancellor or administrative equivalent. The failure of the employee to submit the appeal in a timely manner shall constitute a withdrawal of the appeal. The associate/assistant vice chancellor or administrative equivalent shall, at his or her discretion, either accept or reject the written appeal as per guidelines in section 5.1 of this Policy and notify the employee within ten (10) working days of their decision. Upon request, the associate/assistant vice chancellor or administrative equivalent may consult with and be advised by an attorney from the Office of General Counsel.

#### 5.1 Written Appeal

- (a) A written appeal must contain the following to be considered:
  - (1) A clear and concise statement of the reasons the employee believes the disciplinary action to be inappropriate;
  - (2) The reason(s) the employee believes the disciplinary action decision should be changed;
  - (3) The name(s) and contact information of any witness that may have information relevant to the employee's disciplinary action;
  - (4) The specific remedy sought by the employee;
  - (5) Any additional relevant information to be considered in support of the employee's written appeal; and
  - (6) The name and contact information of the employee's representative, if any.
  
- (b) Within five (5) working days following the receipt of the written appeal, the employee's supervisor shall submit the employee's written appeal, his or her written response and all documentation relevant to the disciplinary action to the associate/assistant vice chancellor or administrative equivalent. A copy of the employee's personnel file may also be submitted by the supervisor to the associate/assistant vice chancellor or administrative equivalent, if requested.

- (c) Within ten (10) working days following receipt of the information from the supervisor, the associate/assistant vice chancellor or administrative equivalent will render a written decision. The written decision will be mailed to the employee's last known home address that is maintained by UT System's Human Resources Office. The employee is responsible for keeping the human resources office notified of his or her current mailing address. The decision of the associate/assistant vice chancellor or administrative equivalent is final.

Sec. 6 Records of Disciplinary Action. Copies of all documents pertaining to disciplinary actions including a signed decision shall be filed in the employee's personnel file.

Sec. 7 Authority/Related Policies

[Regents' Rules and Regulations, Series 30601](#)

**3. Definitions**

Work Performance – all aspects of an employee's work.

**4. Relevant Federal and State Statutes, Policies, and Standards**

None.

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

[Board of Regents' Rules and Regulations, Rule 30601, Discipline and Dismissal of Classified Employees](#)

[INT131, Probationary Period for Classified Employees](#)

**6. System Administration Office(s) Responsible for Policy**

Office of Employee Services

7. **Dates Approved or Amended**

February 1, 2001

February 21, 2011

November 15, 2012

September 8, 2017