

The following progressive steps are used for the administration of disciplinary actions for various types of misconduct when just cause has been established. This list is not all-inclusive, and the disciplinary action selected for a particular behavioral infraction will be based on the facts of the specific situation, taking into consideration any extenuating circumstances. Discipline may be issued for a combination of behavioral infractions.

What employees do on their own time is exclusive of the employee/employer relationship. Therefore, employees typically are not subject to discipline for misconduct which occurs during non-work time. However, exceptions can apply. Questions regarding application of discipline for misconduct during non-work time should be directed to Employee Relations.

Below is a list of recommended disciplinary progression for specific misconduct. The steps taken will depend on the severity of the misconduct, the employee's previous record and whether the employee is Staff or Administration.

**Safety Violation or Unsafe Behavior** - Failure to adhere to or follow established safety procedures or practices, including failure to wear safety equipment and performing unsafe acts.

- First occurrence: Oral reprimand to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Horseplay/Roughhousing** - Mischievous or prankish actions or non-work related activities which may result in property damage or injury to self or others. If the behavior results in injury, more severe disciplinary action, up to and including suspension or dismissal, will be considered on the first occurrence.

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Threatening or Abusive Language** - Language that is threatening, profane, vulgar, or abusive toward others.

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Aggressive or Disruptive Behavior** - Behavior that disrupts the workplace or is aggressive toward others.

- First occurrence: Oral reprimand to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Fighting or Violent Behavior during Work Time** - Creating a disturbance which adversely affects morale or production, causes injury to self or others or damage to property, or is detrimental to the maintenance of proper conduct.

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal

**Failure to Comply with Instructions, Policies, Procedures, or Work Standards**

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Failure to Cooperate with or Follow Directions of Supervisor** - Usually without willful and deliberate intent. See Insubordination for willful and deliberate failure to comply.

- First occurrence: Oral reprimand to written reprimand

- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Neglect of Duty/Negligence** - Carelessness that results in the violation or non-observance of a law, regulation, policy, or procedure or has an adverse impact on the employee's organizational unit or the university (e.g., loss of property, funds, or credibility).

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Unwillingness to Accept Authority** - Displaying disrespectful or aggressive behavior toward a supervisor or other employee in a position of authority at the university.

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Insubordination** - Willful and deliberate refusal to follow orders or directives, which may include an overt display of such behavior.

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal

**Inefficiency, Inability to Perform Assigned Duties, or Substandard Performance (Incompetence)** - Isolated instances or severe episodes of inefficiency, reduced productivity, missed deadlines, disorganization, poor decision making, lack of initiative, inability or unwillingness to follow established procedures/processes, or other performance deficiencies, especially if performance is not substandard overall.

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal

**Inappropriate Use of Work Time** - Continued idleness or non-productiveness during work time which diverts the employee from performing his/her assigned tasks. This includes engaging in idle talk or gossip, conducting personal business or business for profit, engaging in excessive personal phone calls or e-mails, surfing the Internet, playing computer games, gambling, or napping/dozing off.

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Excessive Absenteeism** - An unreasonable/unacceptable number or frequency of absences (paid or unpaid, anticipated or unanticipated) of an employee resulting in a negative impact on the workplace. This can include a pattern of absence, such as consistent absence on the day preceding or following the employee's regular days off, or absence on the same day of each week or each month. However, absences authorized by law, regulation, policy, or procedure cannot be taken into consideration.

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Excessive Tardiness** - Habitual failure to report to work at the established beginning time of the work shift, or the late return to work at the established time after a lunch or break period.

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Improper Use of Sick Leave** - Falsification of reason for absence such that leave is used for other than appropriate personal or family medical reasons. See Excessive Absenteeism for excessive use of sick leave.

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal

**Absence without Authorized Leave/Unauthorized Absence** - Failure of an employee to obtain prior approval from his/her supervisor or designee for an absence from work during the employee's established work hours.

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Leaving the Workplace without Authorization** - Unauthorized absence by an employee from the workplace or duty assignment during the established work period, or leaving the workplace for a lunch or break period without being properly relieved where that work station must be maintained during such period.

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Sleeping on the Job** - Observed failure of an employee to remain awake while on duty, typically with intent to sleep. See Inappropriate Use of Work Time for napping/dozing off.

- First occurrence: Written reprimand
- Second occurrence: Suspension
- Third occurrence: Dismissal

**Misuse or Unauthorized Use of University Property, Equipment or Resources**

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal

**Careless Operation or Use of University Property or Equipment** - Damage to or destruction of university property or equipment, which may or may not result in personal injury or injury to others.

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal

**Unauthorized Sales, Distribution of Written or Printed Material of Any Kind, or Solicitations on University Property during Work Time**

- First occurrence: Oral to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Falsification of Documents** - Willful and deliberate misrepresentation or omission of any facts in documents with the intent to defraud or otherwise mislead.

- First occurrence: Written reprimand to dismissal
- Second occurrence: Dismissal

**Misrepresentation/Untruthfulness** - Willful and deliberate misrepresentation or omission of any facts with the intent to defraud or otherwise mislead.

- First occurrence: Written reprimand to dismissal
- Second occurrence: Dismissal

**Revealing Privileged Information** - Revealing to unauthorized persons information that is considered privileged or confidential based on law, regulation, policy, or procedure.

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal

### **Unfair Labor Practices**

Discrimination against a subordinate employee due to union membership, union leadership, or support of union activity or due to failure to join or support a union.

- First occurrence: Oral reprimand to written reprimand
- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal

Willful and deliberate violation of a law and/or regulation governing the right of public employees to self organize or refrain from such activity, to bargain collectively, and to engage in concerted activities for the purpose of mutual aid or protection.

- First occurrence: Written reprimand to dismissal
- Second occurrence: Dismissal

**Willful Violation of a Law, Regulation, or Policy** - Deliberate failure to comply with a federal or state law or university regulation or policy.

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal

**Theft/Stealing** - Unauthorized taking of any material, property, or resources in the course of university employment with the intent to keep, sell, or use for personal gain including theft/stealing of university or others' material, property, or resources.

- First occurrence: Suspension to dismissal
- Second occurrence: Dismissal

**Failure to Report Lost or Stolen University Property** - Failure to report lost or stolen university property (e.g., equipment, keys, supplies, vehicles).

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal

**Excessive or Inappropriate Use of the Computer for Personal Reasons While at Work** - Use of the computer for unauthorized reasons.

- First occurrence: Oral reprimand to written reprimand
- Second occurrence: Written reprimand to suspension
- Third occurrence: Suspension to dismissal
- Fourth occurrence: Dismissal

**Inappropriate Use of Sexually-Related Materials during Work Time** - Accessing, viewing, displaying, and/or distributing sexually-explicit material and/or material of a sexual nature during work time.

- First occurrence: Written reprimand to suspension

- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal

**Conduct Unbecoming a Public Employee** - Any act that renders an employee ineffective within the university and affects the ability for acceptance by other employees or citizens of the State. Employees are expected to conduct themselves in a manner that will favorably reflect upon the university.

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal

**Conviction of a Misdemeanor or Felony** - As a result of a crime committed on or off the job, which negatively affects the employee's ability or availability to perform the duties of the job, whether immediate or in the future.

- First occurrence: Suspension to dismissal
- Second occurrence: Dismissal

**Use, Possession, or Being under the Influence of Intoxicants or Non-Prescribed Drugs (Controlled Substances) and Distribution, Sale or Manufacture of Controlled Substances during Work Time** - See policy and procedures for Drug-Free Workplace and Alcohol & Drug Testing for additional information.

Use, Possession, or Reporting to Work Under the Influence

- First occurrence: Suspension to dismissal
- Second occurrence: Dismissal

Distribution, Sale, or Manufacture

- First occurrence: Dismissal

**Retaliation** - Retaliation against an employee due to that employee's filing of a grievance or complaint, including the employee's use of informal review processes.

- First occurrence: Suspension to dismissal
- Second occurrence: Dismissal

#### **Unlawful Discrimination and Harassment**

Discrimination against or harassment of an employee, student, or other individual on the basis of race, color, marital status, sex, religion, national origin, disability, age, veterans status, or sexual orientation.

- First occurrence: Written reprimand to dismissal
- Second occurrence: Dismissal

Willful violation of the university's Affirmative Action Plan or any other written regulations, policies, or laws prohibiting discrimination or harassment on the basis of race, color, marital status, sex, religion, national origin, disability, age, veterans status, or sexual orientation.

- First occurrence: Written reprimand to dismissal
- Second occurrence: Dismissal

**Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience; submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or such conduct is sufficiently severe or pervasive so as to alter the conditions of, or have the purpose or effect of substantially interfering with, an individual's work or academic performance by creating an intimidating, hostile, or offensive working or educational environment.

- First occurrence: Suspension to dismissal
- Second occurrence: Dismissal

#### **Failure to Report Sexual Harassment or Unlawful Discrimination or Harassment as Required**

- First occurrence: Written reprimand to suspension
- Second occurrence: Suspension to dismissal
- Third occurrence: Dismissal