

MIDDLE TENNESSEE STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL

POLICY NO: IV:07:10

DATE: August 20, 2003

SUPERSEDES POLICY NO: IV:07:10

DATED: August 1, 1987

SUBJECT: Disciplinary Procedure – Classified Personnel

APPROVED: Sidney A. McPhee, President _____

I. General

- A. The purpose of this instruction is to establish a disciplinary procedure which will afford consistent and equitable treatment of all classified employees in order to obtain the highest morale.

II. Disciplinary Policy

- A. All new classified employees are on probation for a period of six (6) months and if during this period there is cause for disciplinary action, it will result in dismissal.
- B. This disciplinary policy does not preclude no cause terminations under the terms of the employment contract.
- C. Normally, the basis for taking disciplinary action is for the purpose of correcting an individual's misconduct and to warn that repetition of this or similar behavior can result in discharge.
- D. No disciplinary action involving demotion, suspension, or dismissal is to be taken against any employee who has successfully completed his/her probationary period until such disciplinary action has been discussed with the Director of Human Resources or his/her designated representative, except when, in the judgment of the employee's supervisor, immediate suspension is necessary to protect the safety of persons or property or for similarly grave reason. In addition, dismissal requires the concurrence of the appropriate Vice President and the President.

III. Supervisory Responsibility

The supervisor is responsible for maintaining proper conduct and discipline of University classified employees under his/her supervision. When disciplinary action appears to be necessary, the supervisor will conduct an interview with the subject employee:

- A. To give the employee a clear understanding of exactly what is expected of him/her and why.
- B. To explain in what way the employee has failed in meeting the requirements or in what way his/her conduct has been unacceptable.
- C. To give the employee an opportunity to account for his/her actions or lack of actions.
- D. To take disciplinary action if the situation warrants it.

All disciplinary discussions should be done in a climate conducive to good understanding and reasonable discussion.

IV. Examples of Circumstances and Instances of Misconduct Requiring Disciplinary Action

- A. There are circumstances which will require immediate discharge. Some examples are:
 - 1. Buying, selling, using, possessing, or being under the influence of alcohol, marijuana, cocaine or any illegal substance while on University premises.
 - 2. Immoral behavior on University premises.
 - 3. Theft.
 - 4. Fighting on University property.
 - 5. Possession of weapons on University property.
 - 6. Falsification of records or fraud.
 - 7. Willful violation of safety rules.
 - 8. Willful damage to University property.
 - 9. Gross insubordination or willful disregard of instructions.
- B. There are many instances of misconduct which normally do not warrant immediate discharge for the first offense but, which should result in disciplinary action being taken. While not all inclusive, some examples are:
 - 1. Ineffective use of University time.
 - 2. Improper use of equipment.
 - 3. Carelessness resulting in damaged equipment.
 - 4. Repeated or unreported absenteeism or tardiness.
 - 5. Disregard for general University rules.
 - 6. Failure to report an accident to a person or equipment.

V. Forms of Disciplinary Action

- A. Oral Warning: If the problem was caused by inattention or neglect of minor significance, and the employee has not been reprimanded for another offense during the previous six months, an oral warning is suggested. The basic cause of the incident should be clearly pointed out, suggestions made for its correction, and the employee told what consequences to expect should

future incidents continue to occur. The supervisor, of course, may administer an oral warning without prior approval and will record the date and other pertinent information, retaining it for future reference.

- B. **Written Warning:** If the problem was caused by apparent willfull disregard of instructions, a written warning or other disciplinary measures including discharge may be necessary. When it is the employee' s first offense of this degree of seriousness, and the supervisor has reason to believe that the action was impulsive or occurred under similar mitigating circumstances, as opposed to premeditation, the written warning may be appropriate. A written warning shall also be given if it becomes necessary to reprimand an employee orally more than once within a six month period. If a written warning is decided upon, a record of the facts shall be made by the supervisor. The supervisor must have the concurrence of the Department Head before issuing the written warning. The written warning will be issued to the employee by his supervisor and a copy will be placed in the employee' s personnel file in the Office of Human Resource Services.
- C. **Time Off Without Pay:** This action may be taken to impress upon the employee the serious nature of his act or offense. This should be considered as a notice that the employee is facing possible termination if his/her performance or behavior does not improve. The supervisor will consult the Department Head and the Director of Human Resources: and, if time off without pay is decided upon, the duration of the time off period will be determined through such consultation. In addition to the time off without pay, a letter of warning will be issued and a copy placed in his/her personnel file in the Office of Human Resource Services.
- D. **Termination:** When a classified employee is recommended for termination for disciplinary reasons, then:
1. The employee' s supervisor will discuss the facts and records of the case with his Department Head and a written summary will be prepared.
 2. The Department Head will review the case with the Director of Human Resources or his/her designated representative.
 3. The Director of Human Resources will review the case with the appropriate Vice President and the President.
 4. When a decision has been reached as to whether the employee shall be terminated and whether with or without further notice or pay, the supervisor will notify the employee of the decision.
 5. The Office of Human Resources will inform the employee of his right of appeal under the University Grievance Policy.
- E. When in the judgment of the supervisor immediate suspension of an employee is necessary to protect the safety of persons or property or for similarly grave reasons, then
1. The supervisor will direct the employee to leave the University premises at once and either (a) to report back to the supervisor the following day or (b) to remain away until further notice.
 2. The procedures in D, 1-5 above will then be promptly followed.