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DISCIPLINARY PROCEDURE

The University expects employees to comply with its standards of behavior and performance and to correct any noncompliance with these standards.

Under normal circumstances, the University endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the University's right to bypass the disciplinary procedures suggested.

The University and its departments set expectations for employees on 1) job performance, 2) time and attendance and 3) conduct. Employees are responsible for meeting these expectations. Their failure to do so will result in the University taking disciplinary action, up to and including dismissal.

Procedures

Issuing Disciplinary Action

When an employee fails to follow University or departmental standards, the University will take steps to correct the situation and prevent further occurrences. The appropriate discipline may vary depending on the seriousness of the offense, the circumstances under which it occurred, prior problems, duties of the employee, length of employment, and overall work record with NewU.

In order of severity, discipline can take the following forms:

- counseling
- written warning
- disciplinary suspension
- dismissal

The use of progressive discipline before dismissal is left to the University's discretion based on relevant factors. In some cases, the University may decide demotion is appropriate. Any or all of the steps listed below may be omitted as the University considers appropriate. By establishing these procedures for disciplinary actions and dismissals, the University does not waive or limit its right to discharge employees with or without notice or cause.

Reasons for Discipline

Each of the following is considered by the University as reason for disciplinary action:

- poor time and attendance
- poor work performance
- inappropriate conduct such as a violation of a published University or departmental policy, rule, or regulation, or insubordination or misconduct.

Progressive Discipline

Counseling

Normally, when the supervisor first identifies a discipline problem, the supervisor will privately counsel the employee and outline the steps necessary to correct the problem. The supervisor advises the employee that any further problem may result in further discipline. The supervisor summarizes the counseling session in writing. One copy goes to the employee and one copy is kept in the employee's file.

Normally, if a problem occurs that is in a different category (i.e., (1) time and attendance, (2) performance, or (3) conduct) from the category covering the problem for which an employee has already been counseled but not warned, the supervisor should provide counseling regarding the new problem. This further counseling is not required when the employee already has two active formal disciplines.

Formal Discipline

Written Warnings

A warning may be issued when an employee has a problem in a category (i.e., (1) time and attendance, (2) performance, or (3) conduct) and the employee has been previously counseled for a problem in that category.

Under certain circumstances the problem may be sufficiently serious that written warnings may also be issued without prior counseling.

Disciplinary Suspension for Conduct Issues

Following a written warning for a conduct issue, disciplinary suspension may be appropriate when a conduct problem occurs within a 12-month period from the date of issuance of the warning.

An employee may receive a disciplinary suspension without prior notice, counseling, or warning when the violation is so serious that more severe disciplinary action is warranted. The supervisor must consult with the Human Resources Department before a disciplinary suspension is issued.

The normal length of a disciplinary suspension without pay for a non-exempt employee is three work days. The normal length of a disciplinary suspension for an exempt employee is a normal work week, however, the University may impose a lesser or greater length for infractions of safety rules of major significance or for workplace conduct rule infractions. If a department wants to extend the suspension period, the department head should contact the Human Resources department.

Dismissal after Progressive Discipline

If a problem occurs and the employee has two active formal disciplines (written warnings, disciplinary suspensions, demotions), the employee may be dismissed pursuant to progressive discipline. The two previous formal disciplines need not be for related problems or in the same general category as the new problem.

Formal disciplinary actions will cease to be active if no subsequent formal discipline is issued within 12-months of the date of issuance. Any formal discipline issued within the 12-month time frame from any prior formal disciplinary action will cause the prior formal disciplinary action to remain active until the employee completes 12 months after the new disciplinary action, without receiving any additional formal disciplinary actions.

Dismissal Without Prior Discipline

Under certain conditions, an employee may be dismissed without prior discipline and without notice or pay in lieu of notice. An employee's performance or conduct will justify such dismissal if any of the following conditions are present:

- a) An employee's level of performance or conduct is so unacceptable that it is significantly harmful to the organization.
- b) An employee's specific lack of competent performance or proper conduct has caused direct damage to the business or reputation of the department or the University.

Examples of conduct justifying immediate dismissal are:

- a) Evidence of dishonesty, theft, vandalism, or other illegal activity;
- b) Violating any policy or rule concerning alcohol or illegal or controlled substances, including being under the influence of alcohol or illegal or controlled substances when reporting to work, while on the job, when carrying out University responsibilities, or on University premises; possessing or selling illegal or controlled substances while on the job, when carrying out University responsibilities or on University premises; or violating the Drug Free Workplace Policy or the policy on Controlled Substances and Alcohol Use.
- c) Physical assault;
- d) Gross misconduct (including severe performance problems), disorderly conduct or gross insubordination;
- e) Falsification of time and attendance records or other University records;
- f) Unauthorized use, possession or storage of firearms, dangerous weapons, explosives, lethal materials or other potentially dangerous items on University premises or at University-sponsored activities, whether or not a federal or local license to possess the same has been issued;
- g) The use of tape recorders, hidden cameras or microphones, or other devices to make surreptitious recordings of telephone calls, conversations, or other exchange without the knowledge or permission of all persons whose words or images are recorded;
- h) Conviction of a felony or a misdemeanor during your employment at NewU Inc. or failure to notify your immediate supervisor of such a conviction;

This list of examples is not all-inclusive, and other conduct considered significantly harmful by the University can result in immediate dismissal without prior discipline.

Procedures for Issuing a Written Warning

Unless otherwise approved, written warnings must be issued within 10 working days of the last event causing the discipline problem. If additional time is needed to complete an investigation, the 10-day requirement may be extended with approval from the Human Resources Department.

Written warnings must be recorded and include the following information:

- a) The reason for the warning and related facts
- b) Reference to previous counseling about the problem (if relevant)
- c) The necessary steps to correct the problem
- d) That additional discipline may be result if the problem is not corrected

The supervisor will normally issue the warning to the employee in private. Following disciplinary actions, it is the employee's responsibility to correct the problem identified. In addition, the supervisor should coach the employee to help correct the problem.

Termination of Senior Level Executives

The terms of this policy regarding disciplinary action do not apply to senior level executives. The employment of a senior level executive or a senior level professional may be terminated without prior discipline and without prior notice or pay in lieu of notice. The appointing authority may terminate the employment of a senior level executive as he/she thinks is in the best interest of the University.

[End]