



UW-Stevens Point UW System Administrative Policy 1241

SUBJECT: Disciplinary Policy and Procedures for University Staff

Original Issue Date: December 1, 2018
Last Revision Date: June, 1, 2020

1. Purpose

The purpose of this document is to provide a framework for the disciplinary procedures for University Staff who have passed probation. While this policy does not apply to University Staff Temporary Employees (USTE) and student employees, it is recommended to use these procedures as guidance.

These procedures on this policy are administered by Human Resources. The policy and procedures are created and updated in collaboration with University Staff Council.

2. Background

Effective July 1, 2015, [UW System Administrative Policy 1241: Complaint Procedures](#) provides a foundational framework for dismissal of university staff due to conduct and/or performance.

3. Definitions

Counseling: an informal discussion in which a supervisor discusses concerns regarding an employee's conduct or performance.

Demotion: shifting an employee from a position in one classification to a different position in another classification having a lesser degree of responsibility at a lower salary.

Dismissal: separation from employment for disciplinary or performance reasons.

Due process: the process in which an individual is notified of concerns and provided the opportunity to respond to concerns prior to discipline being administered.

Investigatory Interview: Also known as a Loudermill Hearing is a step within the due process provided to a public employee prior to removing or impacting their employment (e.g. imposing severe discipline). It is the opportunity for an employee to respond to concerns prior to discipline being administered. An employee is also provided the right to bring a representative (any person who is not a witness, to provide emotional support) to an investigatory interview.

Just Cause: a standard that is applied to determine the appropriateness of a disciplinary action. The elements of determining whether just cause exists include whether:

- The employee had notice of reasonable workplace expectations and potential consequences if those expectations were not met;
- A full, fair and complete investigation was undertaken by the employer before discipline or discharge to determine whether the employee violated expectations;

- The employer obtained substantial evidence of the employee's guilt;
- Workplace expectations were applied equitably and without discrimination; and
- The degree of discipline imposed was reasonably related to the seriousness of the employee's offense and the employee's past record.

Progressive discipline: the method of using increasingly severe measures when an employee fails to correct a problem after being given a reasonable opportunity to do so.

Suspension: an action taken by the University to temporarily relieve the employee of duties and place the employee on leave without pay.

4. Policy

An employee who repeatedly or seriously violates the department's, University's, or UW System's workplace expectations or state or federal laws, whether the same or different in nature, may be subject to progressive disciplinary action using just cause and due process.

Generally, the standards for disciplinary action apply to incidents which occur while an employee is working for the University. For incidents occurring off the job, disciplinary action will be determined based on the facts and circumstances of the situation, which include and are not limited to, the employee's ability to continue to perform their current role and whether it adversely impacts the University's ability to carry out its assigned mission.

A. Pre-Disciplinary

1. Prior to discipline occurring, counseling may be an appropriate first step to address concerns regarding an employee's conduct or performance. A supervisor conducts the below steps to provide counseling.
 - a. Meet with the staff member to:
 - Explain the performance or behavioral concern;
 - Share the impact of the performance (quality, impact on colleagues/students, etc.)
 - Ask the employee what might be the cause of the issue and what resources or support is needed to ensure effective performance/conduct;
 - Discuss resources/support which can be provided;
 - Confirm expectations regarding performance, provide copies of applicable policies, and provide a timeline for improvement
 - When the issue is misconduct, the behavior must cease immediately.
 - b. Document the discussion informally through email or memo and provide it to the employee. The document does not go into the employee's personnel file.
2. Where appropriate, individuals will be placed on a [Performance Improvement Plan \(PIP\)](#) prior to formal disciplinary action. A PIP may be provided concurrently with one of the informal steps listed above. PIP information is available through the [Human Resources website](#). The PIP is placed in the employee's personnel file.
3. A verbal notice by the immediate supervisor **is required** as an informal discipline action prior to moving into formal disciplinary action (except as warranted by serious violations). A consultation with Human Resources prior to providing a verbal notice is encouraged. The steps are the same as a counseling and additionally include:

- A statement in which failure to improve may lead to discipline, up to and including termination, a copy of the disciplinary policy and any other policies violated should be provided;
- The supervisor provides a copy of the document to Human Resources. However, it does not go into the employee's personnel file.

B. University Staff Probationary Employees

The probationary period for each University Staff employee is intended to be a working test period following appointment to an on-going or project appointment. In accordance with [UW System Administrative Policy 1250: Job Security](#), probationary employees may be disciplined without a right of appeal and are subject to dismissal for any single offense or for failure to meet required performance levels during the probationary period. Additionally, an employee who moves between jobs in the UW System or UW-Stevens Point has no guarantee of continued employment if they do not complete probation in the new position.

5. Procedures

Prior to disciplinary action, the pre-disciplinary steps must be considered or completed. Disciplinary action normally begins at the lowest step in the Progressive Discipline process. However, discipline may be advanced dependent upon the seriousness of the performance issue or offense. Each step follows just cause and due process. At each stage the immediate supervisor (with hiring/firing authority) consults with Human Resources prior to investigation and administering discipline. Upon initial consultation, Human Resources determines whether the investigation needs to be done in collaboration with Human Resources. Formal discipline is provided verbally/in person, then in writing to the employee, and a copy of the discipline document goes into the employee's personnel file.

A. Progressive Discipline

1. Written Notice

This is the first step of progressive discipline.

a. Meet with the staff member to:

- Explain the performance deficit or behavioral concern;
- Share the impact of the performance (quality, impact on colleagues/students, etc.)
- Ask the employee what might be the cause of the issue and what resources or support is needed to ensure effective performance/conduct;
- Discuss resources/support which can be provided;
- Confirm expectations regarding performance, provide copies of applicable policies, and provide a timeline for improvement
 - When issue is misconduct, it must cease immediately;
- Include statement in which failure to improve may lead to discipline, up to and including termination, a copy of the disciplinary policy and any other policies violated should be provided;

b. Document the discussion informally, email or memo and provide it to the employee. A copy is sent to Human Resources to be placed into the employee's personnel file.

2. Suspension or Decision Making Day

This is a severe form of discipline which can be administered as a step in the progressive

discipline procedure following one or more written reprimands, or for the first order of a serious offense. Follow the process under Written Notice. As appropriate, summarize previous informal and formal steps taken to address the issue. For this step, the supervisor may choose suspension or decision making day.

a. Suspension

A suspension's length will take into consideration the behavior and severity of the concern. A suspension will not be longer than 30 days.

b. Decision Making Day

The employee receives an assignment to reflect on their conduct and their relationship with UW-Stevens Point to complete as a paid workday at home. The employee must remain available during that employee's scheduled shift. If an employee is unavailable without notice and authorization, the employee may be regarded as absent without leave and subject to progressive discipline up to and including termination.

The employee is asked to return to work the following scheduled work day. Upon return, the employee acts using one of the three options below to fulfill Decision Making Day.

Options:

- Provide a written commitment to solve the problem and/or act in an acceptable level of behavior with an outline of how they will change to ensure an issue will no longer occur or;
- Return to work without a commitment creating the possibility of termination or;
- Resign.
 - Failure to return to work after Decision Making Day may constitute as resignation.

3. Dismissal or Demotion

This is the most severe form of discipline that can be imposed on an employee. It can be administered as the final step in the progressive discipline procedure following one or more written reprimands, suspension, or decision making day, or for the first order of a serious offense.

Prior to investigation the immediate supervisor consults with Human Resources. The investigation is done in collaboration with Human Resources. The immediate supervisor and Associate Director of Human Resources may make the discipline determination after consultation with senior division leadership and the Vice Chancellor (and/or Chancellor as appropriate). Where appropriate, a final investigatory interview is conducted by the Chief Human Resources Officer and the division Vice Chancellor to determine disciplinary action.

An employee may be demoted as a form of disciplinary action when an employee's failure to achieve or maintain performance standards in their current role is the concern.

B. Investigatory Leave or Temporary Assignment

In some situations, it may be necessary to remove an employee from the workplace pending the outcome of a performance/conduct investigation. An investigatory leave may be appropriate as an interim measure for at least two reasons to:

1. Allow the investigation to proceed without disruption of evidence, or
2. Preserve a safe, orderly, and professional work environment.

An employee remains in paid status during an investigatory leave, University expectations and policies continue to apply. The employee must remain available during that employee's scheduled shift. If an employee is unavailable without notice and authorization, the employee may be regarded as absent without leave and subject to progressive discipline up to and including termination.

When appropriate, a temporary assignment may be used instead of an investigatory leave.

C. Appeal

University Staff within the probationary status cannot appeal discipline, including dismissal. University Staff whom have passed probationary status may appeal a disciplinary action to review just cause and due process through the [UW-Stevens Point University Staff Grievance Procedures](#).

6. Related Documents

[Regent Policy Document 20-20](#)

[UW-Stevens Point Mission Statement](#)

[UW-Stevens Point Workplace Conduct Expectations](#)

[UW System Administrative Policy 1233: Grievance Procedures](#)

[UW System Administrative Policy 1241: Complaint Procedures](#)

[UW System Administrative Policy 1250: Job Security](#)

[UW System Administrative Policy 1254: Performance Management](#)

[UW System Administrative Policy 1278: UW System Pay Plan Distribution Framework for University Workforce](#)

[Wis. Admin. Code § ER 45.03](#)

[Wisconsin Statute Chapter 36.09 \(4m\)](#)

[Wis. Stat. § 230.37](#)

7. Policy History

06/01/2020: Updated policy naming and links to align with UW System updates.