

Sam Houston State University
A Member of The Texas State University System

Finance & Operations Human Resources Policy HR-07
Employee Relations and Discipline

SUBJECT: Employee Relations and Discipline

PURPOSE: To set forth policy and procedures for employee relations, discipline, and discharge.

POLICY: Sam Houston State University encourages addressing issues arising from the employment relationship in a prompt, efficient, equitable manner compliant with the requirements of federal and state law. All personnel actions are reviewed to ensure Equal Employment Opportunity (EEO) compliance.

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1. Terms of Employment.

- a. Non-faculty staff employees, including administrative officers, serve without fixed term, at the will and pleasure of the President. The President has authority to terminate at any time the employment of any staff member or administrator and the President delegates this authority to the Associate Vice President for Human Resources (AVPHR).
- b. Employment of faculty members and employees serving under contracts with a fixed term is subject to the contract terms and conditions, including the rights and responsibilities detailed in the Texas State University System Rules and Regulations.

2. General Provisions.

- a. Designees. References to the President or the AVPHR shall include the President's or the AVPHR's designee.
- b. Consultation with Human Resources (HR). Any proposed discipline described in section 3.c through 3.g requires advance consultation with HR. HR will conduct an objective review, including analysis of the EEO impact of the proposed discipline and advise the Department Head in the appropriate course of action.
- c. Responsibility and Authority for Discipline.
 - i. Department Heads have the responsibility and authority to discipline employees as provided in this policy and may delegate discipline to the employee's direct supervisor. The Department Head is responsible for coordinating disciplinary and discharge actions with the appropriate Divisional Vice President.
 - ii. Dismissal. Dismissal of a staff employee requires advance approval of the AVPHR and presence of a HR representative in the termination meeting. Dismissal of a faculty member before the expiration of the faculty member's appointment is governed by the TSUS Rules and Regulations.

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- d. **Progressive Discipline.** A progressive disciplinary approach is recommended (but not required). Progressive discipline allows for early employee awareness and understanding of a supervisor's concerns and greater opportunities for employee improvement.
- e. **Transfer of Function.** In the event of a supervisor absence, conflict, or other legitimate and nondiscriminatory reason, discipline may be provided to an employee by any supervisor within the employee's chain of command.
- f. **Electronic Personnel Action Forms (EPAFs) and Disciplinary Documentation.** Department Heads are responsible for coordinating submission of EPAFs to effect discipline of demotion, reduction in pay, suspension without pay or dismissal. Discipline beyond problem solving must be documented in a [Special Performance Evaluation \(SPE\) form](#) or similar documentation, maintained by the Department Head and with a copy submitted to HR.
- g. **TSUS Rules and Regulations.** The provisions of this policy are subject to the TSUS Rules and Regulations. Those portions of Chapter V of the Rules and Regulations specifically related to employment and termination are incorporated by reference into this policy. In case of any conflict between this policy and any provisions of the Rules and Regulations, the Rules and Regulations shall prevail.

3. Disciplinary Actions Applicable to Staff Employees

The following are examples of disciplinary actions:

- a. *Problem-Solving and Open Dialogue* -- Conversation identifying concerns can clarify supervisor expectations, increase employee understanding, reduce workplace tension, and open communication. The dialogue should include a focus on potential solutions to help resolve concerns before progressing further.
- b. *Oral Warning* -- The supervisor should specify that the conversation is disciplinary in nature and clearly impart the gravity of the action. Further, the supervisor should point out the error/problem(s), explain how to correct it, and detail future expectations. Although the discipline is oral, the supervisor shall complete a SPE Form (or comparable documentation as to content) and keep a copy in the supervisor's file to document the conversation.
- c. *Written Warning/Write up* -- When an oral warning fails to achieve the desired improvement in performance or behavior or when, in the supervisor's judgment, the nature of the offense makes its use appropriate, the supervisor may issue written disciplinary documentation. HR must be contacted in advance of administering written discipline for assistance for review of the documentation, write-up and conducting an EEO review.

The written warning should

- i. be based upon facts or interactions either personally witnessed or investigated;
- ii. document and attach any available records of the employee's actions or conduct leading to the discipline;
- iii. detail the supervisor's expectations going forward; and
- iv. include a forewarning of potential future disciplinary actions.

The written warning will be signed by the employee and supervisor and attach records of all previous oral or written warnings or documentation of the concern as available and appropriate. The employee's signature is an acknowledgement and does not denote agreement with contents of the written warning.

- d. *Demotion* An employee may be demoted when the Department Head determines reducing the

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employee's classification is the best method to remedy poor performance or behavior, and the action is approved by the AVPHR. When an employee is demoted to a position of decreased responsibility or complexity of duties requiring a change of title to one having a lower salary range, the employee's salary will be adjusted to an appropriate level within the new salary range as agreed by the Department Head and AVPHR.

- e. *Reduction In Pay* -- When the supervisor determines a reduction in pay is the best corrective method to improve an employee's performance or behavior, such action may be implemented with the approval of the AVPHR. The salary shall be reduced to an amount within the designated pay grade no lower than the minimum entry rate. The employee shall be informed of the reduction with an SPE in a meeting with the supervisor and a representative of HR.

Following at least six (6) months from a reduction in pay, and when the employee's performance improves and warrants a change, a Department Head may request reinstatement of pay up to the employee's original salary. Restoration of pay must be approved in advance by the AVPHR

- f. *Suspension Without Pay* -- When any one or a combination of the above possible actions have failed to achieve the desired results or when in the judgment of the Department Head, the nature of the offense makes its use appropriate, the employee may be suspended without pay. This action must have the advance approval of the AVPHR. The employee will be informed of the suspension with receipt of a SPE in a meeting with the supervisor and a representative from HR present. The suspension period must be in accordance with the Fair Labor Standards Act (FLSA). FLSA overtime exempt employees must be suspended in weekly increments except for infractions of significant safety rules as defined by the Department of Labor.
- g. *Termination (involuntary separation from employment)* -- This action may be the result of one serious act of misconduct or insubordination, or as the result of an accumulation of minor offenses, or failure to satisfactorily perform job duties. All terminations **must** have the prior approval of the AVPHR. The employee will be informed of the discharge in a meeting with the supervisor and a representative from HR. When an employee is suspected of committing a serious act of misconduct, which in the judgment of the supervisor requires immediate action, and it is not possible to obtain the prior approval of the AVPHR, the supervisor may suspend the employee pending the approval of the AVPHR or designee.

All employees involuntarily separated should go through the normal separation/clearance process so insurance, payroll, retirement matters, and information technology access and equipment can be properly handled. Refer to HumanResources Policy E-3, "Separation of Employment".

4. Disciplinary Actions Applicable to Faculty Members.

Faculty members may receive notice of the need for corrective action similar to that detailed in section 3.a-3c. above, for performance issues outside the scope of Academic Policy Statement 980204, Additionally, a Department Head or Dean may allocate resources and assignments as part of the disciplinary process.

Reviewed by: Rhonda Beassie, Associate VP for People and Procurement Operations 05/03/2022