Information

Discipline

Effective

February 3, 1993

Number

PER-5.01

Applicability

This policy applies to University Administrators and Staff.

Administrative Authority

Vice President for Human Resources

Responsible Unit

Human Resources

Miller Information Technology Center Rm 02C

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Louisville, KY 40292

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History

August 11, 2017 additions regarding administrators are consistent with Redbook Article 2.3, Sec.2.3.3

Revision Date(s): November 1, 2011; August 11, 2017 (effective November 30, 2017); July 19, 2018; December 8, 2021 (minor edits); June 22, 2022 (minor edit); August 24, 2022 (minor edit); April 9, 2026 (minor revision)

Reviewed Date(s): March 9, 2016; August 11, 2017

Comment & Review Record:

Additions regarding administrators consistent with Redbook Article 2.3, Sec 2.3.3

August 11, 2017

Endorsed by Staff Senate Grievance Committee

May 5, 2011

1st Presentation to Staff Senate by Grievance Committee

May 9, 2011

Approved by University Counsel as to Form & Legality

June 28, 2011

Vice President & Dean Comment Period

June 28, 2011 - July 15, 2011

Re-Posted for Information (No Changes)

September 2, 2011

Endorsed by Staff Senate

September 12, 2011

Reviewed by EC of Faculty Senate - No Action Required

October 19, 2001

Approved by Executive Vice President & Provost:

October 31, 2011

Categories

Reason for Policy:

The university promotes a culture where staff employees and supervisors may engage in constructive conversations regarding job performance or work-related conduct with a shared objective of improving unsatisfactory job performance or correcting unacceptable work-related behaviors. The goal of progressive discipline is to promote improved job performance or to correct unacceptable personal conduct.

Statement:

DISCIPLINE (Staff)

The University of Louisville may impose discipline whenever job performance or personal conduct issues need improvement. Effective performance consists of meeting job performance expectations, while maintaining appropriate work-related behaviors.

The university is committed to providing staff employees an opportunity to demonstrate improvement and progressive discipline, when a reasonable person would expect progressive discipline. However, the university reserves the discretion to impose immediate (non-progressive) discipline, as it deems appropriate, for job performance that has a material adverse impact on the department or for unacceptable personal conduct that is disruptive to the work environment or adverse to the university's interests.

Disciplinary Actions

1. Disciplinary actions may take the form of (1) a written warning, (2) final written warning or suspension without pay, or (3) reduction in salary, demotion in grade, or termination.
2. The specific action taken will depend on the nature of the offense, the circumstances surrounding the offense, and the employee's previous record. In all instances, both for job performance and personal conduct, the university reserves the right to take such action as it deems appropriate, as determined by the employee's disciplinary authority.
3. Placing an employee on administrative leave with pay or requiring an employee to use his or her paid leave for any reason does not constitute a disciplinary action.
4. Issuing a letter of instruction, a performance improvement plan, or attendance improvement plan (which serves to clarify performance expectations) does not constitute a disciplinary action.

Note Regarding Staff Grievances & Appeals: Oral clarification of expectations, letters of instruction, performance improvement plans, and attendance improvement plans are not disciplinary actions and are not subject to grievance or appeal. Written warnings and suspensions without pay are subject to internal review in accordance with the Grievance Policy (PER 5.03). Reductions in salary, demotions in grade, and terminations are subject to external review in accordance with the Staff Appeal Policy (PER 5.04). See Redbook Section 2.3.2 for Grievances of Administrators.

Issuance and Effective Duration of Disciplinary Actions

1. Disciplinary action shall customarily be taken within 15 workdays following the date on which the last alleged infraction that led to the disciplinary action was discovered by the university, unless the university determines that further investigation or review is required to determine an appropriate course of action, provided notice of such investigation or review is conveyed to the employee within the initial 15 workdays. If the university determines that such an investigation or review is necessary, disciplinary action shall customarily be taken within 15 workdays following the completion of the investigation or review. Initiating a disciplinary action beyond the customary 15 workdays requires the prior approval of the Director of Employee Relations & Compliance.

2. A written warning shall be of no further effect 12 months after the date of the warning, provided that no additional written warning or other disciplinary action was issued for the employee for any reason during that 12-month period.
3. A final written warning and suspension without pay shall be of no further effect after three years, provided that no additional disciplinary action was issued for the employee for the same reason during the three year period.
4. A reduction in salary or demotion in grade is a permanent change in the employee's status, as of its effective date.
5. Copies of all written disciplinary actions shall be conveyed to Human Resources and made a part of the employee's official personnel record.

DISCIPLINARY STANDARD

The standard for management decision making with respect to imposing discipline or corrective action shall be that management engaged in an appropriate fact-finding process (relevant to the circumstances) prior to making a disciplinary decision and that the decision to impose discipline is reasonable (given the facts known to the manager at the time the decision is rendered).

DISCIPLINARY AUTHORITY

The authority to impose discipline is exercised by the employee's department head or director provided such individual serves at least two levels removed from the employee. Otherwise, the authority is exercised by the next higher level (above the department head or director) in the chain of command or the employee's Executive Vice President (regardless whether the EVP is two levels removed from the employee).

Delegation of Authority & Approval Required

1. An employee's 1st line supervisor exercises delegated authority to issue written warnings or place an employee on administrative leave with pay (pending an investigation of alleged wrong doing), without prior approval.
2. Prior approval of the employee's 2nd line supervisor shall be required to suspend an employee without pay or to recommend a reduction in salary, demotion in grade, or termination for cause.

3. Prior approval of the employee's disciplinary authority, with the concurrence of the Director of Employee Relations and Compliance as to policy compliance, shall be required for a reduction in salary, demotion in grade, or termination for cause.

No Re-hire List

Employees who are terminated for cause under the provisions of this policy may be determined to be ineligible for rehire; provided that the employee receives notice of being determined ineligible for rehire at the time of termination and has the opportunity to respond.

Examples of terminations that could result in a terminated employee being determined to be ineligible for rehire include, but are not limited to: (1) multiple terminations for unsatisfactory job performance or unacceptable personal conduct (including resignations in lieu of termination) or (2) any termination for personal conduct that includes personal dishonesty, falsification, misappropriation of funds, theft, possession or sale of a controlled substance on university premises, violent conduct, harassment, or any other act or omission that in the university's judgment would reasonably preclude re-employment. Employee Relations staff in Human Resources maintain No Rehire lists.

TERMINATION OF ADMINISTRATORS

In termination of the administrative services of any individual serving at the pleasure of the Board, the following rules apply:

1. Administrators with faculty rank and faculty with administrative functions retain their position in the faculty in whatever rank and tenure status they hold at the time of their termination as administrators.
2. Administrators without faculty rank and with more than fifteen years of service to the University, if terminated in one position, may expect that every effort will be made by the University to provide for their continued service in another position which can make good use of their abilities and previous experience, though not necessarily at the same grade level as they have had in their immediate past position.

3. Administrators without faculty rank and with less than fifteen years of service will normally be separated from the University, but a transfer to another function is possible if a suitable arrangement can be worked out.
4. Nothing in the above provisions restrains the Board of Trustees from terminating the services of any administrator in any and all capacities in the University if such termination is for cause as defined in Section 4.5.3.A of the Redbook.

Note: This policy does not apply to staff who are under contract with the University of Louisville Athletics Association, Inc.

Related Information:

PROGRESSIVE DISCIPLINE (STAFF)

Progressive discipline consists of a clarification of performance or personal conduct expectations by management; followed by three distinct opportunities for an employee to demonstrate improvement, prior to termination for cause. [Examples provided below]

1. Clarification of Expectations, followed by 1st opportunity to improve. Examples of Clarification of Expectations include but are not limited to:
    1. Oral clarification of expectations.
    2. Letter of instruction.
    3. Performance improvement plan.
    4. Attendance improvement plan.
2. Written Warning, followed by 2nd opportunity to improve.
3. Final Written Warning or Suspension without Pay, followed by 3rd opportunity to improve.
4. Termination for Cause, if progressive discipline has not brought about satisfactory job performance or acceptable work-related behavior, subject to a pre-termination conference (See PROCEDURES section).
5. Oral clarification of expectations.
6. Letter of instruction.
7. Performance improvement plan.
8. Attendance improvement plan.

Progressive and immediate discipline for both job performance and personal conduct include (but are not limited to) the examples outlined below and are offered for illustrative purposes only:

Examples where Discipline
Is Appropriate for Job Performance

I. Job Performance (Progressive)

I.A. Unsatisfactory job performance (related either to quality or quantity of work).

I.B. Negligence resulting in incidental loss of productivity or property, but no injury to other persons.

I.C. Failure to follow university policies & procedures, including college, school, division, or departmental guidelines or work rules.

II. Job Performance (Immediate)

II.A. Insubordination.

II.B. Gross negligence resulting in material loss of productivity or property or injury to other persons.

II.C. Willful disregard of university policies & procedures, including college, school, division, or departmental guidelines or work rules.

Examples where Discipline
Is Appropriate for Personal Conduct

III. Personal Conduct (Progressive)

III.A. Time and attendance problems; excessive absences or tardiness, unauthorized absences, or abuse of sick leave.

III.B. Failure to safeguard university property or funds, including failure to make timely disposition or report of loss, with limited adverse impact to the University.

III.C. Inappropriate or unauthorized use of university property or resources.

III.D. Misuse of information technology resources, including excessive personal use (even if during own time).

III.E. Presence at work under the influence of drugs or alcohol, with no loss of property or threat to the safety of others. Valid for first offense only.

III.F. Discourteous treatment of other employees, students, or the public

III.G. Negligence in filing complete and accurate records of hours worked and leave taken.

III.H. Unauthorized (but unintentional) release of confidential information. Failure to safeguard confidential information.

IV. Personal Conduct (Immediate)

IV.A. Walking off the job during an assigned shift.

IV.B. Failure to safeguard university property or funds, including failure to make timely disposition or report of loss, with significant adverse impact to the University.

IV.C. Use of university property or resources for personal gain or political advocacy.

IV.D. Intentional disruption of university computer systems, unauthorized alteration, disclosure, or destruction of university computer systems or material, improper access to university computer files and systems. Any pornographic use.

IV.E. Presence at work under the influence of drugs or alcohol that results in loss of property or threat to the safety of others. Any multiple offense under the influence at work. Any possession, sale, or use of controlled substances at work.

IV.F. Hostile, offensive, or intimidating behavior of any kind. Harassment of any kind.

IV.G. Personal dishonesty of any kind, including knowingly furnishing false, misleading, or incomplete information or reports to the university.

IV.H. Intentional release or any personal use of confidential information in an employee's custody because of his/her job.

IV.I. Theft of university property, embezzlement, or intentional misuse of procurement cards, regardless of amount.

IV.J. Failure to maintain credentials required to perform the work of the position.

IV.K. Willful abuse of work time; excessive or unauthorized breaks, surfing the web, or willfully sleeping on the job during work hours

IV.L. Personal conduct of any kind that is disruptive to the work environment or which is adverse to the interests of the University.

IV.M. Violation of local, state, or federal law.

IV.N. Intentional acts or failures to act in the workplace or in the scope of employment that contribute to the harm of or the unacceptable risk of harm to individuals or property.

IV.O. Any act or omission that in the university's judgment is deemed to be adverse to the interests of the University.

Definitions:

http://louisville.edu/hr/policies/definitions

Procedures:

Pre-Disciplinary Conference for Suspension without Pay, Demotion, or Reduction in Salary

Prior to imposing a suspension without pay, a demotion, or a reduction in salary as a disciplinary action:

1. The supervisor recommending such discipline will conduct a pre-disciplinary conference with the employee.
2. The supervisor or manager will summarize the reasons he or she is recommending discipline.
3. The employee will be afforded an opportunity to offer a statement in mitigation or extenuation or requesting reconsideration.
4. The pre-disciplinary conference will be documented in the written disciplinary recommendation conveyed to the disciplinary authority, prior to a final disciplinary decision being made and will be incorporated in the notice of disciplinary action forwarded to Human Resources.

Pre-Termination Conference

Prior to termination of a regular status staff employee

1. An Employee Relations staff member in Human Resources will conduct a pre-termination conference.
2. Prior notice of the pre-termination conference must be conveyed to the employee at least one work day in advance. The pre-termination conference shall include the following elements:
    1. Supervisory or management statement summarizing reasons for termination.
    2. Employee statement in mitigation or extenuation or requesting reconsideration.
    3. Reconsideration or affirmation of termination decision by disciplinary authority.
    4. Return to work or termination instructions, as applicable.
3. Supervisory or management statement summarizing reasons for termination.
4. Employee statement in mitigation or extenuation or requesting reconsideration.
5. Reconsideration or affirmation of termination decision by disciplinary authority.
6. Return to work or termination instructions, as applicable.

An employee may be advised by the Staff Grievance Officer preparatory to a pre-termination conference. The employee may be accompanied by the Staff Grievance Officer or another person of the employee's choosing to serve as a personal advisor during the pre-termination conference. The role of a personal advisor shall be to advise the employee and not to participate in the conference or to advocate on the employee's behalf. Attorneys may not serve as personal advisors in the pre-termination conference.