



I. OVERVIEW

The University uses a corrective discipline model which includes issuing fair and rationale discipline aimed at correcting problematic behavior and policy violations. Normally, corrective discipline includes the administration of increasingly severe measures when an OA fails to correct a problem after being given a reasonable opportunity to do so. The underlying principle of corrective discipline is to use the least severe action that is necessary to correct the undesirable situation. However, the University may find misconduct or violations of policy,¹ depending on their severity and nature, warrant the issuance of more severe discipline, including termination, even if less severe disciplinary actions have not been taken. Thus there is no mandatory sequence of disciplinary measures.

II. ISSUANCE OF DISCIPLINE

A. CORRECTIVE DISCIPLINE DEFINITIONS:

Written Reprimand: A written notice provided to the OA detailing the basis of the discipline, what steps are needed to remedy the concerns and the supervisor's expectations for the OA in the future. A written reprimand may also require an OA to take certain actions. For example, an OA may be required to attend certain trainings or meet certain performance expectations. Failure to comply with expectations or requirements set forth in a letter of reprimand may result in additional discipline.

Suspension: A full release from duties without pay for a limited period of time. When on suspension, an OA shall have limited or no access to campus. In the event that a suspension would result in significant hardship for the unit, a reduction in pay for a limited period of time may be implemented, in lieu of a suspension, with approval from university HR's ELR team. A reduction in pay cannot exceed the loss of pay that the OA would experience had the discipline been a suspension without pay. In no event will the pay reduction reduce the OA's pay by more than 25%.

Demotion: A demotion is a permanent reassignment to a lower level position with a lower base salary.

Termination: The separation of an OA from university employment.

¹ For purposes of this procedure, misconduct and policy violations include but are not limited to failure to comply with university wide policies, unit level policies and procedures, failure to abide by clearly communicated expectations or directives set by the university or by a supervisors, theft, fraud, misuse of university property or funds, intentional failure to perform the functions of the job, conduct prohibited by UO policy 580-022-0045 and other violations of the law and conduct that call in to question an OA's ability to perform the duties of the job.

B. PROCESS:

The issuance of corrective discipline under this policy is intended to address and correct policy violations and misconduct. Most performance related issues should be addressed under the OA Performance Management Procedure. If a performance issue cannot be corrected under the OA Performance Management Procedure (i.e. if a Performance Improvement Plan (PIP) is unsuccessful or if there are performance issues after the completion of a PIP) or if severe misconduct, abuse or misuse of institutional property, or policy violations occur, then discipline in the form of termination of employment may be appropriate. An OA's actions outside of the workplace may result in discipline if those actions impact or call into question the OA's ability to successfully perform their job or conform to university expectations of employment. In considering actions outside the workplace, the university will examine the nature of the action, the type of position held by the OA, and relevant legal authority.

The type of discipline that is issued depends on the particular situation. The discipline should reflect both the seriousness of the transgression and what previous efforts have been made to resolve it. Supervisors should consider the least severe action that is necessary to correct the undesirable situation. A failure of the OA to address the concerns, a reoccurrence of the underlying issue, or additional violations of a supervisor's expectations or university policy may result in more severe discipline. Additionally, serious matters, for example prohibited discrimination, theft or fraud may require a more severe type of discipline, like termination, to ensure the problematic behavior will cease, even if no previous discipline has been issued.

Prior to issuing discipline:

The supervisor must consult with Human Resources to obtain assistance in the review of the situation and the determination of the appropriate level of discipline. HR will assist in the decision as to whether a formal investigation is needed. Vice Presidents and/or Deans may establish further consultation requirements for their portfolios. The issuance of discipline more severe than a written reprimand must be approved by the appropriate Vice President/Dean or designee.

The OA must be given the opportunity to respond to the concerns prior to the issuance of discipline.

Please note: Performance issues should be addressed through the OA Performance Management Procedure, however the OA Performance Management Procedure and OA Corrective Discipline Procedure are not mutually exclusive, which means that behavior that constitutes a performance issue and a policy violation may be addressed through both processes at the same time. The fact that behavior is being addressed through both processes does not mean that one process is impacted or delayed by the other process. Therefore, for example, if an employee engages in repeated violations of the same policy, that employee may be subjected to termination. This is true even if the employee is in the middle of a performance improvement plan.

III. ADMINISTRATIVE LEAVE

In anticipation of a university investigation regarding a violation of university policy or state or federal law, the university has the discretion to place an OA on administrative leave with pay. OAs on administrative leave may be restricted from using university property or email. Compensation for administrative leave with pay will be equal to the OA's base rate of pay.

Administrative leave is not disciplinary in nature. The university may, when it deems appropriate, take steps short of a full administrative leave during an investigation including, but not limited to, relocations of workspace, restrictions on access to files or systems, or no-contact orders. Units must consult with HR's [ELR Team](#) before putting an OA on administrative leave. If it is not possible to consult with ELR (due to night shift, etc.) the OA's supervisor and/or chain of command may decide to place an OA on administrative leave for up to 1 working day if the OA's presence in the workplace compromises their own or others' safety, or compromises the security of information or resources. In such a situation, HR must be contacted as soon as possible the next business day.

IV. PRE-DEPRIVATION PROCESS

A. PRE-DEPRIVATION NOTICE:

Prior to imposing discipline involving the loss of pay or benefits or terminating an OA's employment or appointment, the university will provide the OA with written notice of the allegations and evidence against the OA and five days to respond in writing to the contents of the notice and the action being proposed. The response must be sent to the OA's supervisor and to university HR's ELR team.

B. PIP NOTICE:

In the context of a Performance Improvement Plan (PIP), the OA will be informed no fewer than five and no more than 15 days prior to the end of the PIP period if it has been determined that the OA is not likely to complete the PIP successfully. The OA has the option to provide written information to be considered before there is a final decision that the PIP is unsuccessful. Written information must be sent to the OA's supervisor and to university HR's ELR team by 5:00pm on the final day of the PIP period. As provided for in the Performance Management Procedure, OAs are entitled to 30 days advance notice of termination at the end of the 60 day PIP period if a PIP is unsuccessful.

V. RECORDKEEPING

Discipline will remain in an OA's personnel file in accordance with the Faculty Records Policy and applicable records retention rules. Pursuant to the Faculty Records Policy, information relating to discipline is a personal record and therefore, unless the university has been served with a valid subpoena, court order or is otherwise required by applicable law to disclose, information relating to discipline will not be shared outside of the university without the OA's permission.

VI. APPEALS

Unless more specific procedures or policies apply, the issuance of discipline may generally be appealed through the OA Grievance Process.

RELATED RESOURCES