CDU Policy I.E.00630 Disciplinary Action

ISSUING OFFICER: Director of Human Resources

RESPONSIBLE OFFICE: Department of Human Resources

EFFECTIVE DATE: September 1, 2004

REVISED DATE: October 29, 2010

SUPERSEDES: CDU Policy I.E.00630, dated September 1, 2004

POLICY I.E.00630 Disciplinary Action

REFERENCES AND RELATED POLICIES

CDU-AMP I.E.00730 (Investigatory Leave)

With the exception of employees holding faculty appointments, all employees of Charles R. Drew University are employed on an "at will" basis. This means employees have the right to terminate their employment at any time, for any reason, and CDU can also terminate an employee’s employment at any time with or without cause and with or without notice. Nothing in the following policy is intended to create any contractual rights or alter the at-will nature of the employment relationship.

All employees at Charles R Drew University are subject to disciplinary action when their conduct or performance does not meet acceptable standards. Disciplinary problems will be addressed by oral and/or written reprimand, suspension, demotion or dismissal. Disciplinary action is normally progressive in nature with the intent of improving the conduct or performance issue and focus on the employee’s development. Progressive discipline is intended to give an employee advance notice, whenever possible, of problems with their conduct or performance in an effort to give them an opportunity to improve. Dismissal shall be considered as a last resort or gross misconduct.

Written reprimands, suspensions and dismissals should always be discussed with the Department of Human Resources prior to taking action. Suspensions should not be greater than 10 business days based on the severity of the performance problem or severity of misconduct. The appeal of a suspension greater than five (5) days or dismissal shall be initiated at Step 1 of the Complaint and Grievance Process.

Only Regular and Conditional employees, who have passed probation, are eligible to appeal a disciplinary action. In situations requiring immediate actions due to severe behavior or threat, a paid or unpaid investigatory leave may be imposed until a full investigation has been conducted and subsequent discipline action determined.
It is expected that supervisors and management will apply these policies equitably and consistently, and that appropriate consideration will be given to previous action that may have been taken under these policies.

**PROCEDURE I.E.00630 Disciplinary Action**

**A. GENERAL**

1. Consistency in the application of discipline is important. Although different situations involving different employees and circumstances call for discretion in determining appropriate disciplinary action, similar offenses should be met with approximately equivalent discipline.
2. Discipline should be applied in proportion to the magnitude of the offense. In most cases, discipline should consist of a series of disciplinary actions. These disciplinary actions may include oral warnings, written warnings, and/or investigative leaves. Immediate dismissal may be initiated for the most serious offenses.
3. All discipline must be fully documented. Verbal warnings should be documented with a notation to the personnel file at the time the warning takes place.

When an employee's performance or conduct is not in accordance with University policy and/or job duties and responsibilities, the supervisor or manager should consider the following when applying discipline:

**1. Oral Reprimand**

Oral Reprimands are initiated by the immediate supervisor and documented. The discussion should take place in a confidential and private space, as close to the incident as possible. The employee is advised of the behavior or performance that needs correction and instructed that it be corrected. Oral reprimands should explain why the employee’s behavior or performance is unacceptable, supervisor expectation, and describe the possible consequences of further or repeated violations.

**2. Counseling Memo**

If after the oral reprimand the employee's performance or conduct does not improve, or if an informal discussion is not reasonable under the circumstances, the supervisor may review all of the factors with the employee and provide him/her an opportunity to explain.

The supervisor should make expectations clear and warn the employee that continued failure to meet performance or conduct standards could result in additional disciplinary action. The supervisor should document this *formal discussion* using a template called a “Counseling Memo” (Contact the Department of Human Resources for the *Counseling Memo Template*) from the Department of Human Resources.

The Counseling Memo formally documents the discussion between the supervisor and the employee, states what the behavior or performance problems are, list the expectations, and the
time frame for which the employee will be reviewed again by the supervisor. A copy of the Counseling Memo is provided to the employee and a copy is placed in the employee’s personnel file.

3. Written Warning

If after the counseling memo's issued and the employee’s behavior or performance continues not to improve, the issuance of a written warning is the next step. The discussion will be similar to the formal discussion, but with greater emphasis placed on the negative impact of continued misconduct or poor performance. It should be stressed that further discipline action, up to and including suspension and termination of employment may be the next step in the progressive process. The supervisor should document this formal discussion using a template called “Written Warning” (Contact the Department of Human Resources for the Written Warning Template) from the Department of Human Resources.

The Written Warning formally documents the discussion between the supervisor and the employee, states what the behavior or performance problems are, list the expectations, and the time frame for which the employee will be reviewed again by the supervisor. The Written Warning also states a failure to improve will result in disciplinary action up to an including termination of employment. A copy of the Written Warning is provided to the employee and a copy is placed in the employee’s personnel file.

4. Suspension

If the employee’s behavior or performance has not been corrected despite oral or written warning(s) within a reasonable period of time or if the misconduct is egregious, the employee may be placed on paid or unpaid Investigatory Leave (CDU – APM I.E.00630) and or suspended. Suspension involves removing the employee from the workplace for a predetermined number of days based on the severity of the misconduct. The supervisor must discuss the proposed action with the Department of Human Resources and the supervisor's manager.

The discussion will notify the employee of why the employee is being placed on suspension and what the outcome will be if their behavior or performance is not corrected, including the possibility of termination. A Suspension Letter (Contact the Department of Human Resources for the Suspension Letter Template) should be prepared with assistance from the Department of Human Resources. The Suspension Letter formally documents the discussion between the supervisor and the employee, states what the behavior or performance problems are, list the expectations, and the time frame for which the employee will be reviewed again by the supervisor once the employee returns from suspension. The Suspension Letter also states a failure to improve will result in disciplinary action up to an including termination of employment. A copy of the Suspension Letter is provided to the employee and a copy is placed in the employee’s personnel file.
5. Termination

Termination from employment is generally used as a last resort. The supervisor must contact the Department of Human Resources and the supervisor's manager before any separation action is taken. An employee being released for a cause such that he/she should not remain on the premises may immediately be placed on suspension or paid or unpaid investigatory leave depending on the severity of the action until the matter can be fully investigated. The supervisor prepares the official notification along with the following:

- Final timecard
- Final paycheck
- Notification to the Department of Human Resources
- Notification to the Manager of Public Safety
- Notification to University Legal Counsel (where applicable)

The Termination Letter (Contact the Department of Human Resources for the Termination Letter Template) formally documents the discussion between the supervisor and the employee, states what the behavior or performance problems were, effective date of termination, COBRA/Cal-COBRA, and Benefit information. The Termination letter also asks that employees return University property. A copy of the Termination Letters is provided to the employee and a copy is placed in the employee’s personnel file.

B. STANDARDS OF CONDUCT

Like all organizations, Charles R. Drew University requires order and discipline to succeed and to promote efficiency, productivity and cooperation among employees. Any action by an employee at the University which interferes with the proper operation of the University may result in discipline. Following are some examples of conduct that are impermissible and could lead to disciplinary action, including termination of employment. This list is not intended to be exhaustive:

1. Misconduct
2. Insubordination
3. Unsatisfactory performance
4. Attendance and Timekeeping
5. Breach of confidentiality
6. Computing resources use
7. Conflict of interest
8. Misappropriation of University Assets
9. Discrimination or Harassment; Sexual Harassment
10. Violation of a department policy
11. Violation of a University policy
12. Violation of a Federal, State, Local or Administrative Laws and/or Regulations Governing the Institution
13. Dishonesty; Altering or falsifying time records, destroying a timecard or removing a time record without authorization. Falsifying or making a material omission on the
employment application

14. Insubordination, including improper conduct toward a supervisor or refusal to perform an assigned task

15. Possession, distribution, sale use or being under the influence of alcohol or illegal controlled substance, during working hours, while operating equipment or driving a University leased or owned vehicle

16. Theft or unauthorized removal or possession of property belonging to the University, employees, students or visitors

17. Possession of explosives, firearms or other dangerous/unauthorized items while on University property;

18. Safety; Use of force or threat of force; violent behavior

19. Misusing, defacing, destroying, or damaging property belonging to the University, employees, students, or visitors

20. Gambling on University property

21. Improper work practices

22. Inappropriate behavior

23. Inefficient/Unproductive work practices

Applicability: All Staff. Faculty Members refer to the Faculty Manual.