

2-05 Staff Promotion, Transfer, Discipline, Due Process and Termination

Promotion

It is the policy of the University to promote from within when it is deemed to be in the best interest of the University and the employee. Therefore, supervisors are encouraged to consider employees under their supervision who may be qualified for advancement. Potential for performance in the higher position, rather than time of employment in the present position or with the University, should be the primary criterion for promotion.

Transfer

When an interdepartmental transfer is contemplated, an employee shall discuss this matter with the supervisor. An employee may be permitted to transfer to another department, if the transfer is in the best interest of the University. An employee whose performance is unsatisfactory shall not be transferred unless there is good reason to believe that satisfactory performance is possible and probable in a new job. In case an employee's job is eliminated because of financial exigency or because the job is no longer needed by the institution, the University will attempt to assist the employee in making a transfer, but is not obligated to do so if a transfer cannot be made.

Discipline

It is the policy of the University that all employees be treated with consideration, respect and dignity in recognition that they are individuals who aspire to hold and do their jobs and to advance as opportunities permit. Therefore, it is necessary that the employees must respect the rights of other employees and the University. Employee job performance and personal conduct will meet the standards of the University, and therefore:

1. All employees are subject to disciplinary action or dismissal for failure to meet the standards as described in this handbook of the University or for the violation of university policies, rules and regulations governing personal conduct, job performance, care of the university's property and the rights of other employees; and
2. In all cases where dismissal of full or part-time employees is being considered, supervisors must consult with the Office of Human Resources and have the President or the President's designee approval before taking any action.

Causes for Discipline

All employees are expected to conduct themselves according to reasonable and safe standards at all times while on the job. Their conduct must be a credit to themselves and the University. All employees must perform the duties of their positions according to the high standards of the University, and failure to do so will be reason for discipline or dismissal. The following list does not necessarily include all causes for disciplinary action. Any violation of any other department or university rules and standards shall be considered a cause for discipline, which could include dismissal. Employees who do not have contracts are at-will employees and may be terminated with or without cause.

1. Safety and Security Causes:
 - a. Willful or careless disregard for posted safety rules or engaging in unsafe conduct or acts;
 - b. Failure to report an accident;
 - c. Violation of the smoke-free policy;
 - d. Failure or refusal to comply with assigned working hours (duties) and security regulations, and
 - e. With the exception of campus police, the possession of firearms or other legal or illegal weapons which could cause bodily harm on university property. University property includes parking facilities.
2. Job Performance Causes:
 - a. Unsatisfactory performance of assigned duties;
 - b. Insubordination, or failure to perform work assigned, or the failure to comply with the directives of a supervisor;
 - c. Tardiness or unauthorized absence from work or work station or an attendance record that does not meet the standards as described in this personnel manual;
 - d. Peddling, soliciting or any other form of disturbing employees;

- e. Posting circulars, publications or other written or printed matter of any kind on University property without the approval of the Director of Student Life, or distributing, disbursing or circulating same in working areas or on working time
3. Personal Conduct Causes:
- a. Gambling on University premises;
 - b. Unauthorized use, sale, possession, consumption, or being under the influence of alcohol or a dangerous drug or controlled substance (as defined by state and/or federal law) on University property, at University events or during work hours.
 - c. Fighting or intentionally causing bodily injury to another employee;
 - d. Sabotage or intentional damage to University property or reputation or to the property of another employee;
 - e. Falsification of information on the application for employment, medical forms or other documents;
 - f. Vulgar or obscene language;
 - g. Dishonesty;
 - h. Theft of any property or removal of University property without written authorization by the Vice President for Financial Operations of the University;
 - i. Defacing University property;
 - j. Unauthorized or fraudulent signing another employee's name to the payroll sheets;
 - k. Fraudulent use of sick leaves;
 - l. Language or behavior which intimidates or threatens other employees and/or supervision or undermines or challenges the authority of supervision;
 - m. Sexual or other harassment of another employee or non-employee, including students; sexual relationship between a University employee and a current University student to whom the employee is not married.
 - n. Unlawful discrimination against another employee or non-employee.
 - o. Conviction of a felony or crime involving moral turpitude. Moral turpitude is defined as an act of baseness, vileness or depravity in the private or social duties which a person owes another member of society or society in general and which is contrary to the accepted rule of right and duty between persons. Examples, but not by way of limitation, are theft, attempted theft, conviction of a felony or crime involving moral turpitude. Moral turpitude is swindling, indecency with a minor, etc.
 - p. Immorality which is conduct not in conformity with the accepted principles of right and wrong behavior and which is contrary to the moral and ethical standards of the University community.
 - q. Failure to follow established policies and procedures of the University as outlined by the Board of Trustees.
 - r. Necessary reduction of personnel resulting from a financial emergency. If more than one employee is involved in a program area that must be reduced because of a financial emergency, the President can evaluate the employees involved and, after consideration of the program area's need, qualifications and length of service, may recommend to the Board of Trustees any reduction in contractual personnel.
 - s. Any employee who is required to hold a state license, registry or certificate in order to be qualified as a faculty member, and lets the license, registry or certificate lapse or expire, will immediately become ineligible for employment and subject to immediate termination.
 - t. Any actions by an employee that are so inconsistent with the aims and goals of the University so as to negatively affect the University's business interests, financial interests, academic goals, moral goals, and/or spiritual goals.
 - u. For other good cause.

Types of Discipline

The extent of discipline will depend upon the circumstances of the particular case and the employee's past record. In some cases, discipline such as immediate dismissal may be appropriate. In other cases, discipline such as oral or written warnings may be appropriate before the dismissal stage is reached. It is left to the sole discretion of the University whether an employee is given a written or oral warning and is not to be construed as a requirement that the University be required to go through any disciplinary procedure before actual dismissal. The type of discipline which is most appropriate will depend on the facts of each case and rests with the discretion of the supervisor in consultation with the Director of Human Resources and the Vice President for Financial Operations.

Oral Warnings: An oral warning is generally given for minor infractions of rules.

Written Warnings: Written warnings are generally given in certain circumstances where behavior or performance has fallen below expected standards. Copies of any written warnings are to be given to the employee, the supervisor and the Office of Human Resource. The Personnel copy will become a part of the employee's record. A written warning may be in the form of a memorandum to the employee or to the file, and if the latter, it should be acknowledged by the employee signing the file copy. (The employee's signature does not imply agreement with the circumstances, only that the warning has been given and acknowledged). The employee will be given the right to voice disagreement with any written disciplinary action by submitting to the Office of Human Resources a written statement indicating the employee's position on the incident(s) that gave rise to the warning. This statement must be received by the Office of Human Resources within ten (10) working days of the date of the warning.

Due Process for Non-Contract Employees

An at-will employee who is disciplined or terminated may request the opportunity to discuss his or her discipline or termination with the employee's immediate supervisor, the Vice President for Financial Operations, or the President (or his designee). At such meeting, the at-will employee may address the discipline or termination verbally and/or in writing. The supervisor shall consider the information received and take what action or no action the supervisor deems appropriate. This process does not create any contractual expectancy for at-will employees.

Termination

Employees may elect to resign in the face of a dismissal, but University records must nonetheless accurately reflect the facts. It is not required that the University go through a progressive step-by-step discipline procedure before reaching dismissal, but may in fact skip certain disciplinary steps. The University for example may go directly to disciplinary probation rather than requiring oral and/or written warning or may in fact go directly to dismissal rather than going through any of the progressive steps. Procedures in this Handbook do not create any contractual expectancy, and non-contractual employees serve at-will.

Effective Date:
05/01/1999

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11/01/2009
10/29/2012

This policy applies to:

<u> x </u>	Exempt Staff
<u> x </u>	Non-Exempt Staff
<u> </u>	Faculty