

The University of Tennessee Health Science Center

DISCIPLINARY ACTIONS

Section 500, Procedure #525

Effective: 04/01/77

Revised: 06/02/14

Who is affected: All regular exempt and non-exempt employees who have exceeded their new hire six month probationary period.

Purpose:

All University of Tennessee Health Science Center (UTHSC) employees are expected to comply with the workplace policies and procedures, by conducting themselves in an ethical and responsible manner. The intent of the disciplinary action process, is to assist and encourage UTHSC employees in correcting unsatisfactory work performance or conduct.

Prior to taking disciplinary action, reasonable effort should be made to secure acceptable work performance by employees. When disciplining an employee, supervisors should consider the nature of the offense, the past record of the employee, number of other disciplinary actions, time elapsed since previous incidents and the penalties appropriate to the offense. Each supervisor also has a responsibility of assuring that employees thoroughly understand their job duties, departmental procedures, and acceptable work performance.

Disciplinary actions of any kind are evaluated on a case by case bases, without bias to improve the quality of satisfactory service that each individual provides as a UTHSC employee. Disciplinary actions should not come as a surprise to the employee. To ensure due process, employee performance reviews regarding work performance is completed on an annual basis by managers and supervisors.

Unsatisfactory Work Performance:

Unsatisfactory work performance refers generally to failure to carry out job responsibilities or failure to abide by University rules. When managers and supervisors become aware of concerns with an employee's performance, they should contact the Human Resources Department and receive counsel regarding the appropriate step in the disciplinary action process.

Disciplinary Process

Supervisors are expected to consistently document an employee's unsatisfactory performance. This includes but is not limited to verbal or written counseling, written warning, final written warning, pre-termination, administrative leave with pay or without (due to misconduct investigations) and termination. This may vary on a case by case basis, depending on the frequency and/or severity of each separate offence.

- **Verbal or Written Counseling**
Discuss and/or document violation with the employee and make sure they understand the policy and/or procedures surrounding the unsatisfactory work performance or conduct.
- **Written Warning**
If the violation occurs within 6-12 months of the verbal/written counseling or if the offence is serious enough to bypass a verbal or written counseling, it should include the following:
 - Documented offense of non-compliance.
 - Policy violated.
 - Expectations for improvement.
- **Pre-Termination Meeting**
The violation occurs within 6-12 months of the written warning or if the offence is serious enough to bypass a verbal/written counseling, or written warning. A meeting is then scheduled with Human Resources and/or the department supervisor and the employee allowing the employee to provide justifiable reasons of non-compliance. This will provide HR with enough information to make an informed and relevant decision for further disciplinary actions.
- **Termination**
This step is taken if the steps in the progressive disciplinary process have been exhausted and prove to no longer be an appropriate means of action. This step is also taken when the severity of the unsatisfactory work performance or conduct proves to be gross misconduct, bypassing any progressive disciplinary measures. At this point the individual will be removed as a UTHSC employee.

Gross Misconduct

University policy defines gross misconduct as including, “... theft or dishonesty; gross insubordination, willful destruction of University property; falsification of records; acts of moral turpitude; reporting for duty under the influence of intoxicants; the illegal use, manufacture, possession, distribution, or dispensing of controlled substances or alcohol; disorderly conduct; provoking a fight; and other similar acts involving intolerable behavior by the employee.”

“An employee suspected of theft of University property may not resign as an alternative to discharge unless the approval of the Vice President for Budget and Finance is obtained in advance.”

“An employee terminated for gross misconduct will not receive payment for accrued unused annual leave and is not eligible for State COBRA benefits.”

When it is suspected that gross misconduct has occurred the supervisor should contact Human Resources promptly. If the employee’s continued presence threatens significant harm or depending upon the specific charge, the employee may be placed on administrative leave with pay until an investigation has been completed. Should an investigation confirm gross misconduct the Associate Vice Chancellor of Human Resources will schedule a pre-termination meeting so that the employee may have an opportunity to contest or respond to the charge of non-compliance.

Employee Hearing Process

Non-Exempt Employees: Should an employee disagree with the disciplinary action being taken he/she may file a grievance under the circumstances outlined in HR Procedure 640 *Grievances*.

Exempt Employees: Should an employee disagree with the disciplinary action being taken they should contact Associate Vice Chancellor of Human Recourses for further recourse.