

PROCEDURE LIT.5.02.23 CORRECTIVE REVIEW

SCOPE: Staff and Faculty

Disciplinary action is designed to correct employee behavior and/or performance. An employee being reviewed should be told what he/she has done wrong, and should clearly understand what is expected of him/her. He/she should be given a reasonable period of time to improve his/her performance or correct his/her actions or behavior, except in cases of discharge. An employee may be discharged when reasonable corrective or rehabilitative methods have failed, or when the nature of the violation warrants immediate separation or when in the judgment of the employee's supervisor(s) the best interests of the department or College would be best served by discharge. Supervisors shall have the right to summarily discharge an employee for cause or not.

1. **Application.** This procedure applies to all regular staff and faculty and shall be applied without regard for race, color, sex, religion, national origin, age, or disability. The procedure herein established does not apply to dismissal during the probationary period. At any time during the probationary period, an employee may be terminated without recourse to the grievance policy. The College makes initial appointments on a six (6) month probationary basis.

NOTE: This procedure applies to Faculty employees, with the exception of Section 4.6 *Discharge or Release*, in which case, Faculty are subject to *LIT.5.02.10 Termination and Due Process Procedures* regarding termination of their employment.

2. **Definitions of Minor Violations.** Rule violations of a minor nature will not be tolerated if repeated. The following are a few examples of what may be termed minor rule violations that can result in disciplinary action. Continuation of an offense can result in stronger performance enhancing action. This list is in no way all inclusive.
 - 2.1. Unexplained, inexcusable, or unauthorized absence or tardiness.
 - 2.2. Failure to notify supervisor as soon as possible on first day of absence.
 - 2.3. Failure to observe assigned work schedules (starting time, quitting times, rest and lunch periods).
 - 2.4. Soliciting or collecting contributions for any purpose on College premises without management permission.
 - 2.5. Selling or offering for sale any article or service without management permission.
 - 2.6. Unsatisfactory work performance.
 - 2.7. Loafing or other abuse of time during assigned working hours.
 - 2.8. Interfering with an employee's work performance or duties by talking or other distractions.
 - 2.9. Distributing written or printed matter of any description on College premises in violation

of policies and procedures related to Freedom of Speech and Expression.

- 2.10. Leaving regularly assigned work location during normal working hours without notifying immediate supervisor.
 - 2.11. Violations of confidentiality which do not significantly affect the operation of the College or the operation of the department/division.
 - 2.12. Performing unauthorized personal work on College time.
 - 2.13. Defacing bulletin boards or notices posted thereon.
 - 2.14. Violations of safety rules.
 - 2.15. Failure to maintain time keeping as instructed.
 - 2.16. Discourteous treatment of the public, students or other employees.
 - 2.17. Improper political activity of a minor nature.
 - 2.18. Behavior or activity on or off campus that is of such nature to cause discredit or embarrassment of the College, except constitutionally protected activities.
 - 2.19. Violation of internal department work rules.
 - 2.20. Engaging in excessive visiting, personal conversations, or using the telephone or computer for personal use.
 - 2.21. Accepting any gifts or favors which influence or tend to influence performance of duties or the granting of services or favors of other Institute personnel, applicants, clients, or other persons.
 - 2.22. Failure to follow any reasonable instructions issued by supervisor related to performing of tasks and/or job duties.
 - 2.23. Smoking in any College building or vehicle or on College grounds.
3. *Definitions of Major Rule Violations.* Major offenses are any continued failure to perform assigned workload, willful, deliberate, or negligent acts or violations of College policies or rules of such a degree that continued employment of the offending individual may not be desirable. The following are examples of some offenses that may subject an employee to progressive disciplinary action, up to and including discharge. Severity of the offense or degree of inability to perform will determine the level of performance review or discipline. This list is in no way inclusive of all possible violations.
- 3.1. Any act which might endanger the health, safety, or lives of himself/herself or others.
 - 3.2. Refusal to perform work properly assigned by a supervisor.

- 3.3. Willful, deliberate, or repeated violations of College rules.
- 3.4. Willful, deliberate, or repeated violations of safety rules.
- 3.5. Willfully falsifying any College records.
- 3.6. Completing time keeping for another employee or allowing his/hers to be completed by another employee.
- 3.7. Leaving College premises during working hours without permission from the supervisor.
- 3.8. Deliberately or negligently abusing, destroying, damaging, or defacing College property, tools, equipment, or the property of others on College premises.
- 3.9. Gambling on College premises.
- 3.10. Deliberately delaying or restricting work, or inciting others to delay or restrict work.
- 3.11. Fighting on College premises (any employee directly involved).
- 3.12. Bringing liquor, marijuana, or narcotics onto the College campus; or consuming liquor or using marijuana or narcotics on College premises; or reporting for duty under the influence of liquor, marijuana, or narcotics. The same applies to any habit-forming or controlled substance not prescribed by a physician.
- 3.13. Carrying firearms or other dangerous weapons on College premises.
- 3.14. Failure to return to work on expiration of vacation or leave of absence, or when called back after a layoff.
- 3.15. Disclosure of confidential College information to unauthorized persons.
- 3.16. Theft, misappropriation or unauthorized use of College funds or property, or other dishonest actions.
- 3.17. Continued unsatisfactory work performance.
- 3.18. Unexplained, inexcusable, or unauthorized leave for more than three days.
- 3.19. Continued absences or excessive tardiness.
- 3.20. Violation or internal department work rules, breaches of confidentiality which severely impacts the Institute or the operation of the department/division.
- 3.21. Insubordination or willful disobedience.
- 3.22. Abusive, unruly, indecent or obscene conduct.
- 3.23. Conviction of a felony or conviction of a misdemeanor involving moral turpitude.

3.24. Improper political activity on campus.

3.25. Behavior or activity on or off campus while representing the College that is of such nature to cause discredit or embarrassment to the College.

3.26. Flagrant or repeated minor rule violations.

Should questions arise over determination of major or minor classification, Human Resources (HR) along with the appropriate Vice President shall make the determination.

4. *Corrective Reviews*. For repeated incidents of substandard performance, misconduct, or rule violations the performance review should be progressive. It is the supervisor's responsibility to remind orally and coach the employee's performance to avoid the Corrective Review. The normal sequence of action in the Corrective Review process is (1) Verbal/Written Warning (2) Written Warning/ Probation; (3) Decision Making Leave; (4) Discharge/ Demotion. Depending on the severity of the case, the action may begin at any of these stages or move beyond any one and therefore may not be progressive. Any action involving probation, decision making leave (suspension), demotion, or discharge must be reviewed by the Executive Director of Human Resources to ensure that compliance with these policies prevails.

- 4.1. *Verbal Warnings*: Normally, initial performance review should be in the form of an oral discussion and reminders of the employee's responsibility, especially for minor rule violations. If it appears that an employee has failed to perform his/her work or conduct himself/herself according to requirements, the supervisor should first talk to the employee about the matter, affording the employee an opportunity to tell his/her side of the incident. If facts indicate that the employee may have been at fault, the supervisor should discuss the matter with him/her. If the supervisor wishes, he/she may call on another supervisor, or other appropriate person, to be present as a witness. The employee should clearly understand the gravity of the action and that the reminder is an opportunity to correct his/her actions. The responsibility for the correction becomes the employees. Supervisors should maintain a complete and accurate written documentation of the verbal warning, which must be forwarded to HR for proper filing within the employee's personnel file.

- 4.2. *Written Warning*: Written Warning involves both a formal interview with the employee by the supervisor, and an official memorandum to him/her emphasizing the failure of the employee to fulfill his/her responsibilities to his/her job and/or co-workers and the negative effect on his/her record and his/her opportunities for advancement. If the immediate supervisor does not have the authority to discharge, then such an interview should not occur until the supervisor with that level of authority has been notified. A written warning should include: names of everyone involved, dates, description of the unsatisfactory performance or behavior, witness (if any), and action taken. Reference should also include the dates and results of prior verbal warnings or other written warnings. It should be signed by the issuing supervisor. It should also bear the employee's comments, if any, and his/her signature. The employee should be informed that his/her signature indicates he/she has received the warning, but not necessarily that he/she agrees with its contents. If the employee refuses to sign the warning, a witness, preferably another supervisor, should verify that the employee has received the warning and refused to sign an acknowledgment. A copy of the written warning must be forwarded to HR for proper filing within the employee's personnel file.

4.3. *Performance/Disciplinary Probation (Final Warning)*: A performance/disciplinary probation involves both a formal interview with the employee by the supervisor with hire/terminate authority, and an official memorandum emphasizing the failure of the employee to fulfill his/her responsibilities. The written document should include:

- 4.3.1. A description of the failure to perform or inappropriate conduct, witnesses (if any), dates, and record of previous warnings.
- 4.3.2. An identification or description of appropriate performance of the employee's responsibilities or conduct. This will be used as the standard by which the employee's acceptance of his/her responsibility or conduct will be measured during the ensuing probationary period, and a review day at the end of the probationary period.
- 4.3.3. A warning of possible further action if the performance/behavior remains unchanged.
- 4.3.4. Signatures of the department supervisor/manager and the employee. The employee should be given the opportunity to comment and be made aware that his/her signature indicates receipt of the document but not necessarily agreement.

The probationary period should not exceed six (6) months and a formal review must conclude the probationary period. Intermittent reviews are suggested. If at any time the supervisor determines that the employee's behavior/performance is not improving, the supervisor may elect to move into a more severe level of discipline.

The letter of probation/final warning and subsequent reviews must be forwarded to HR for proper filing within the employee's personnel file.

4.4. *Demotion*: Demotion shall mean removal to a lesser position with less authority and responsibility. Salary shall be consistent with the new position's salary group. At no time shall the salary be higher than the previous position.

4.5. *Decision Making Leave (Suspension)*: "Decision Making Leave (suspension)" is time away from the job which is designed to allow the employee the opportunity to make a decision regarding his/her future performance/employment with the College.

During this time the employee must decide between submitting a resignation or submitting an action plan to correct his/her deficient behavior/performance.

- 4.5.1. A supervisor with authority to discharge has authority to suspend with or without pay. Normally, Decision Making Leave will be one day with pay. Before action is taken, the immediate supervisor must discuss the situation with his/her supervisor, the Executive Director of Human Resources, and the employee. The employee should be counseled and given an opportunity to present his/her perspective. If the employee's explanation is not acceptable to the supervisor, the employee should be presented with a statement indicating the reasons for the Decision-Making Leave and the number of days with or without pay. Suspension without pay

involves removal from the payroll for a specified period of time. The supervisor who has discharge authority must forward an F3.2 through the Office of Human Resources to Payroll.

4.5.2. At the end of the Decision-Making Leave period, if the employee wants to continue in his/her current position, he/she must present to the supervisor an action plan, acceptable to the supervisor, to correct his/her behavior or job performance. If the plan is not accepted by the supervisor, the employee will be terminated. If the plan is acceptable by the supervisor, a period of probation will be established and reviews will be made to determine if the employee is fulfilling his/her action plan.

4.5.3. Upon return from Decision Making Leave, if the employee does not wish to continue in his/her position, the employee must present a written resignation to the supervisor and complete the exit interview with Human Resources. This will be a voluntary termination.

4.5.4. If it is in the best interest of the College, the employee may be placed on Administrative leave pending an investigation and decision regarding the extent of disciplinary action to be taken, if any.

4.6. *Discharge or Release*: In the case of other than serious or repeated offenses, release from employment should be a last resort. When it becomes necessary to release an employee, he/she, in effect, will have released himself/herself by the record he/she has established. The supervisor/manager who has the authority to employ also has the authority to discharge. Since the most extreme disciplinary measure is discharge, before the discharge, the first-line supervisor or management official who initiates this action must review the decision and the supporting documentation with the Executive Director of Human Resources. Since discharge requires prior consultation and approval, it should not be done "on the spot." If the appropriate Vice President feels it is improper to leave the employee on duty until the investigation or review by the President can be completed, he/she should seek approval from the President to place the employee on administrative leave. This allows time for an investigation.

In extremely serious cases involving unruly behavior, violence or threat of violence, or imminent danger to personal safety or property, the Police Department should be notified immediately. The supervisor and Police Department will determine the need for immediate arrest or removal from College property of an employee. This may include collecting all College property from the employee. This should be considered an immediate suspension and may warrant proceeding with the discharge process.

5. *Alternative Disciplinary Actions*. Other forms of disciplinary action may be appropriate in some cases. These may include making up lost time, completing a performance improvement plan (PIP), docking, withholding salary increases, transfer to more suitable work, or compensating the College for damage.

5.1. Plans to withhold salary increases, transfer to more suitable work, or compensate the College for damage must be reviewed by the President and Human Resources before they are initiated.

6. *Discharge*. Any employee being discharged under the provisions of this policy normally shall not be allowed to terminate his/her employment voluntarily, unless he/she does so prior to

notification of the discharge. The official personnel record will reflect that the employee was discharged or resigned during pending disciplinary action. This is required because of rehire policies, possible legal actions, unemployment compensation liability, etc.

7. *Involuntary Terminations Other Than Discharge*. It is not the intent of this policy to prohibit, or in any way restrict, the College and its administrative officials from the right to terminate any employee under the employment at will policy established by the Board of Regents. An employee so terminated shall not have recourse through this policy. However, an employee may utilize the appeal procedure. Examples of termination for non-disciplinary reasons include, but are not necessarily limited to, reduction in force due to lack of work or funds, due to redesigning jobs and changes in the organizational structure, and due to compliance with College or TSUS policies and rules (e.g., retirement, nepotism, etc.).
8. *Employee Notification*. Notice of (1) verbal and written warnings, (2) disciplinary probation/final warning, (3) demotion, (4) Decision Making Leave/suspension, (5) dismissal from employment shall be given to the affected staff employee in writing with a copy to be filed with Human Resources.

Related Policies: LIT.5.02

Relevant Forms/Documents: F3.2

Relevant TSUS Policies/Forms/Documents:

Relevant Statutes:

Relevant SACSOC Standards:

Document History:

Adopted:

Reviewed:

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