

## Disciplinary Considerations and Guidelines

***The work violations and suggested responses in this resource contain general guidelines for examining and responding to employee conduct and work performance issues and is intended to be read in conjunction with the Disciplinary Matrix.***

The guide is a tool to help supervisors evaluate and respond to employee performance problems and workplace issues in a fair and effective manner. It does not stand alone, nor does it constitute legal advice regarding action specific infractions. These Guidelines are not intended to create contractual rights or obligations regarding the level of disciplinary action which may be imposed on an employee.

Personnel hired under employment contracts are governed by the conditions of their contracts and other University disciplinary provisions may apply. For Unionized staff, please refer to the appropriate Collective Bargaining Agreements for additional information outside of this matrix.

### ***Employee Expectations of Management***

Employees play a valuable and critical role in helping the University fulfill its mission. Supervisors have a responsibility to train and support each employee in understanding job requirements and to assist employees in improving performance and addressing issues negatively affecting the workplace.

Employees of the University have the following reasonable expectations of management:

- A clear understanding of the individual job description, standards, expectations and work rules
- Annual performance appraisal based upon job-related competency criteria
- A safe and healthy work environment
- Willingness to respond to employees' concerns and complaints
- To be treated with dignity and respect
- Fair and non-discriminatory application of policies and procedures

In turn, providing quality programs and services requires cooperation by employees and adherence to established policies, procedures, regulations, practices, and high standards of job performance. In an effort to maximize the contribution of every employee, the University has adopted [Policy #3215: Performance Improvement and Discipline](#) and provided the following guidelines.

### ***Using these Guidelines***

This document provides general guidelines for the proper level of discipline depending on particular infractions and is to be used to help promote consistency in the level of discipline for similarly-situated employees. Specific case information must be considered which may change the recommended level of disciplinary action from what is noted on this matrix. The following section outlines considerations that should be taken into account prior to initiating a disciplinary action.

### ***Considerations Prior to Action***

- Did the supervisor give the employee forewarning of the possibility or probability of disciplinary action for the employee's conduct?
- Was the supervisor's rule/expectation reasonably related to the orderly, efficient and safe operation of the establishment?
- Did the supervisor investigate whether the employee violated the rule/order?
- Was the fact finding process fair and objective?

- Did the fact finding reveal substantial evidence of proof of violation of the rule/order?
- Has the supervisor applied the rule/expectation and the penalties even handedly to all employees?
- Is the degree of discipline reasonably related to the violation?  
(See accompanying matrix for a suggested response that may be considered reasonable for a given offense)

**Escalating and Mitigating Factors**

When using this guide, consideration should always be given to the nature of the incident, the frequency of the violation, and the employee’s overall work record before disciplinary action is taken. A corrective process of progressive discipline is generally used but some violations could be of such a serious nature that disciplinary action could lead directly to a suspension or discharge. The following table outlines important factors to be taken into consideration, which may result in increased or decreased sanctions:

The final outcome must be determined based on specifics of the case. [Contact your HR Consultant](#) when determining any level of discipline.

<p align="center"><b>ESCALATING FACTORS</b></p> <p><i>Factual information or evidence regarding the violation that might result in an increased sanction.</i></p>	<p align="center"><b>MITIGATING FACTORS</b></p> <p><i>Information or evidence regarding the violation that might result in a decreased sanction.</i></p>
<ul style="list-style-type: none"> <li>• Nature, severity, and frequency</li> <li>• Relationship of offense to employee’s position</li> <li>• Prior notice given to the employee</li> <li>• Prior disciplinary history</li> <li>• Brief period of time since the last violation</li> <li>• Pattern of similar violations</li> <li>• Number of total violations</li> <li>• Evidence that violation was willful or intentional</li> <li>• Evidence that the violation was grossly negligent</li> <li>• Impact to University operations, environment, clients/customers, etc.</li> <li>• Impacts health or safety of customers and/or campus community</li> </ul>	<ul style="list-style-type: none"> <li>• Significant period of time since the last violation</li> <li>• Technical or inadvertent error</li> <li>• No prior notice given to the employee</li> <li>• No prior disciplinary history</li> <li>• Extensive period of time since the last violation</li> <li>• No pattern of similar offenses</li> <li>• No evidence that the violation was willful or intentional</li> <li>• No evidence that the violation was grossly negligent</li> <li>• Length of employment (with no recent issues)</li> <li>• Minimal impact to University operations, environment, clients/customers, etc.</li> <li>• The potential of rehabilitation</li> <li>• Other mitigating factors such as disability etc.</li> </ul>

**Important Considerations**

These Guidelines do not take into account individual circumstances relating to the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), or Workers’ Compensation. If you have reason to believe an employee has a medical condition impacting their performance, attendance or behavior, [contact your HR Consultant](#) to help guide you appropriately on these issues.

Administrative Leave is only to be used in extreme situations and only after consultation with HR and prior approval by the EVP.