



Delaware State University Procedure

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| Title: Progressive Discipline for Classified and Professional Employees | Administrative Council approval date: 7/6/07 |
| Related Policies and Procedures: This procedure replaces the DSU Conduct Code for Classified Employees and supplements the Professional Employee's Handbook. | |

The University is committed to ensuring that classified and professional staff members comply with the terms of their employment (including all University policies and procedures). Except in cases of repeated, willful, or serious violations of these standards, a supervisor will not resort to formal disciplinary measures until informal warnings to correct the problem have failed. If a supervisor finds it necessary to use formal disciplinary measures, it is intended that the discipline be administered fairly, without prejudice, and with the intention of correcting employee performance or work related behavior. Disciplinary actions are of several levels, including oral and written warnings, performance improvement plans, suspensions and termination. The frequency and/or severity of misconduct will determine which level of disciplinary action is appropriate. Progressive discipline is not appropriate for all offenses. The University reserves the right to immediately terminate staff for multiple (where prior corrective efforts have been unsuccessful) or serious infractions.

All covered employees are entitled to advance notice of disciplinary meetings and may be joined by a representative to the extent provided in a collective bargaining agreement. No disciplinary action will be taken without offering the employee an opportunity to respond to the allegation(s).

Warnings – formal disciplinary action may begin with oral or written warnings by the supervisor. Written documentation of the warning must include the date, violation, indication of necessary improvement, and information concerning further disciplinary action that could result from failure to show improvement. The staff member and the supervisor should sign the document. If the staff member refuses to sign the document, the supervisor should provide a copy and indicate (on the document) that they declined to sign it and the date it was provided. The staff member's signature indicates receipt, not necessarily agreement. The Vice President of Human Resources must review all formal written warnings before they are discussed with or presented to the staff member.

Performance Improvement Plan – A staff member (classified or professional) may be placed on a disciplinary performance improvement plan in order to allow the staff member to show improvement. The Plan will begin with the supervisor providing a written and signed document that identifies the problem(s); indicating the necessary improvement (specific results); specifying the length of time under the Plan; and, informing the staff member of further action that could result from failure to show satisfactory improvement within the time provided by the Plan. This plan must be submitted for review and approval by the Vice President of Human Resources before communicating the plan to the employee. This document must be signed by the staff member to acknowledge receipt and will become part of the personnel file. Employees with less

than satisfactory performance evaluation (as determined by the supervisor) will be placed on a performance improvement plan if they are to be retained.

The Vice President of Human Resources (in cooperation with the supervisor) will ensure University wide application of this procedure and coordinate legal review. A staff member may be terminated during or at the end of a performance improvement plan if he or she is failing to make progress or unwilling to change.

Separation (subject to the appropriate contract or collective bargaining agreement) – Dismissal may occur when other disciplinary actions(s) have failed to achieve improvement or when the staff member commits a repeated, willful or serious offense. Prior to dismissal, the Vice President of Human Resources will coordinate with the supervisor to assure that, except in a case where immediate dismissal is warranted, the staff member has been properly counseled in writing concerning any deficiencies in performance, given sufficient time to correct these deficiencies, and informed that failure to correct them may result in termination. Only after a staff member has been informed of allegations, and had the opportunity to respond to them, will further disciplinary action be recommended. If a staff member has been provided a reasonable opportunity to hear and respond to allegations but does not meet to do, it may result in disciplinary action prior to any further meetings.

Non-renewal of a “professional” employee is not considered disciplinary. An employee may not be renewed at the discretion of the University so long as the action is not in violation of State or Federal law.