



GUIDANCE DOCUMENT

Discipline and Dismissal Procedures for Nonfaculty Employees

Statement

Nonfaculty employees of Texas A&M University are “at-will” employees and may be dismissed from employment with or without cause in accordance with System Policy 32.02 *Discipline and Dismissal of Employees*. Texas A&M University supports the use of progressive discipline as described in System Regulation 32.02.02 *Discipline and Dismissal of Nonfaculty Employees*. This guidance does not apply to student employees as defined in University Rule 33.99.08.M1 *Student Employment*.

Reason for Guidance

This guidance describes the use of progressive discipline in resolving problems through corrective action. The University also recognizes that misconduct, violations of policies and procedures, and continued failure to correct performance problems may require disciplinary action. This guidance defines the delegation of authority to approve corrective and disciplinary action and dismissals for nonfaculty employees and describes procedures unique to Texas A&M University in the administration of the discipline and dismissal policy and regulation.

Definitions

Personnel Corrective Action: employment action not affecting pay or status, addressing inappropriate job related conduct or performance with employee, and providing guidance on returning to acceptable standards.

Personnel Disciplinary Action: employment action affecting pay or status, addressing more serious incidents of inappropriate job-related conduct or performance, or if corrective action does not achieve desired results.

Guidance

1. GENERAL

- 1.1. All notifications to the employee regarding corrective or disciplinary actions must be made in writing. An employee should also be informed in the written notification of the appeal procedure as described in Section 4. Copies of all documents pertaining to corrective action, disciplinary action or dismissal will be filed as part of the employee's official personnel records.
- 1.2. Depending on the nature of the performance problem, misconduct, or violation of policies or procedures it may be in the best interest of the University to move immediately into personnel disciplinary action, up to and including dismissal.

2. APPROVAL PROCEDURE

- 2.1. Personnel corrective action requires next higher level supervisor approval prior to issuing to the employee. Heads of departments or similar administrative units may require additional higher level review and approval of personnel corrective action prior to issuing to the employee. See Section 2.2 for disciplinary actions.
 - 2.1.1. Texas A&M Human Resources Employee Relations (ER) should be consulted before taking personnel corrective action described in 2.1.
- 2.2. Personnel disciplinary action requesting suspension without pay, transfer, demotion, reduction in pay, or dismissal must be sent through normal approval channels prior to issuing to the employee.
 - 2.2.1 Normal approval channels require approval of the department or unit head for non- academic units, or dean or assistant/associate provost for academic units.
 - 2.2.2 ER must be consulted before taking personnel disciplinary action described in 2.2.
 - 2.2.3 ER will consider the request in view of the justification submitted and any documentation that is available for review.
 - 2.2.4 Following the review and in keeping with System Regulation 32.02.02 *Discipline and Dismissal of Nonfaculty Employees*, ER will consult with System Office of General Counsel (OGC) for their review and approval for legal sufficiency. Once OGC approval is received, ER will advise the requesting department that they may proceed with the employee's disciplinary action or dismissal.
 - 2.2.5 The expiration of a wage position for reasons other than disciplinary action shall not constitute dismissal for purposes of this procedure.

- 2.2.6 If the offer letter includes appropriate contingency language regarding dismissal as a result of the end of expiration of contract or grant, or other established term of employment for reasons other than disciplinary action, the action shall not constitute dismissal for purposes of this procedure.

3. FOLLOW-UP AND DOCUMENT RETENTION

- 3.1. The purpose of corrective and disciplinary action is to allow an employee a reasonable opportunity to meet requirements of the job and to correct work related problems. When the supervisor has determined the employee has corrected or resolved the problem, the supervisor may include an addendum to the official written notice to the employee noting the improvement and should reflect the improved performance in the next applicable annual evaluation.
- 3.2. Personnel corrective action documents, personnel disciplinary action documents and dismissal notices will be retained as part of the employee's official personnel records in accordance with Standard Administrative Procedure 33.99.99.M0.01 *Official Personnel File* and in compliance with System Regulation 61.99.01 *Retention of State Records*.

4. APPEAL OF DISCIPLINARY ACTION OR DISMISSAL

- 4.1. If an employee wishes to appeal any disciplinary action or dismissal from employment, the appeal must be made in accordance with the provisions of System Regulation 32.01.02 *Complaint and Appeals Process for Nonfaculty Employees*. However an appeal alleging discrimination, sexual harassment and/or related retaliation must be filed in accordance with System Regulation 08.01.01 *Civil Rights Compliance* and University Rule 08.01.01.M1 *Civil Rights Compliance*. Contact ER for assistance.

5. SUSPENSION WITH PAY FOR NON-FACULTY EMPLOYEES

- 5.1 This Guidance applies to all non-faculty employees, including Graduate Assistants, but excludes wage employees or student employees as defined in University SAP 33.99.08.M0.01 *Student Employment*. Suspension with pay for faculty follows University Rule 12.01.99.M2 *University Statement on Academic Freedom, Responsibility, Tenure, and Promotion*.
- 5.2 Suspension with Pay is not intended as a disciplinary measure. It may be used as part of the administrative response to allegations or reports of misconduct to protect the interests of Texas A&M in any of the following circumstances:
 - 5.2.1 to conduct management review or investigation of a potential violation of a policy, regulation, or university rule;
 - 5.2.2 to neutralize the potential for retaliation, damage to or loss of University property;

- 5.2.3 to stabilize the working environment;
- 5.2.4 to protect witnesses or the alleged wrong-doer during the course of an investigation or management review; and
- 5.2.5 to perform an analysis of a reported arrest or conviction of an employee (see System Regulation 33.99.14, *Criminal History Record Information-Employees and Applicants*)

6. PROCEDURES

- 6.1 Reports of suspected employee misconduct shall be reported to the appropriate Department Head or similar administrative title.
 - 6.1.1 The Director of Employee Relations or the Executive Director of Human Resources at TAMUG must review the request prior to an employee being placed on suspension with pay, or as soon as practicable thereafter.
 - 6.1.2 The Office of Graduate and Professional Studies must also be contacted when a graduate assistant is suspended with pay from the workplace under this procedure.
- 6.2 All notifications to the employee being placed on suspension with pay must be made in writing.
 - 6.2.1 Notification to the employee will include the reason for suspension with pay and the beginning and anticipated duration of the suspension with pay.
 - 6.2.2 Any extensions of suspension with pay must be made in writing to the employee.

7. APPROVAL OF SUSPENSION WITH PAY

- 7.1 The Department Head or equivalent title may approve suspension with pay for a period of five (5) working days or less.
- 7.2 The appropriate Vice President may approve suspension with pay for a period of thirty (30) working days or less. In any case where an employee has been suspended with pay by a Department Head and the suspension with pay is extended by a Vice President, the combined number of days shall not exceed thirty (30) working days.
- 7.3 The President must approve suspensions with pay for any period longer than thirty (30) working days. Authority to approve suspension with pay for more than thirty (30) days may not be delegated by the President.

Related Statutes, Policies, or Requirements

System Regulation 08.01.01 *Civil Rights Compliance*
<http://policies.tamus.edu/08-01-01.pdf>

University Rule 08.01.01.M1 *Civil Rights Compliance*
<http://rules-saps.tamu.edu/PDFs/08.01.01.M1.pdf>

System Policy 32.02 *Discipline and Dismissal of Employees*
<http://policies.tamus.edu/32-02.pdf>

System Regulation 32.02.02 *Discipline and Dismissal of Nonfaculty Employees*
<http://policies.tamus.edu/32-02-02.pdf>

System Regulation 32.01.02 *Complaint and Appeal Process for Nonfaculty Employees*
<http://policies.tamus.edu/32-01-02.pdf>

University SAP 33.99.99.M0.01 *Official Personnel File*
<http://rules-saps.tamu.edu/PDFs/33.99.99.M0.01.pdf>

University SAP 33.99.08.M0.01 *Student Employment*
<http://rules-saps.tamu.edu/PDFs/33.99.08.M0.01.pdf>

Contact Office

For more information or clarification on this Guidance, contact Employee Relations (979) 862-4027, or by email at ER@tamu.edu.

OFFICE OF RESPONSIBILITY: [Human Resources](#)