**PROGRESSIVE DISCIPLINE POLICY**

<<COMAPNY NAME>> expects all employees to be aware of and to follow workplace policies and rules for the well-being of our students, patients, employees, and business operations. There are many institutional, divisional, and departmental policies and rules at <<COMAPNY NAME>>. Employees are expected to comply with these internal requirements as well as requirements from federal, state, and local laws, and funding and accreditation agencies. Additionally, many areas have guiding principles, such as the Credo, and adherence to these principles is also expected.

This policy defines the process for correcting single and repeat episodes of employee failure to comply with rules and/or to meet specific workplace expectations for conduct. Corrections to unacceptable behavior may be addressed under this policy or the Performance Accountability & Commitment Policy, depending on the individual circumstances and the nature and extent of correction that is needed. Workplace expectations, such as those set out in the Credo, may be addressed under either policy, depending on the circumstances of the situation.

Progressive Discipline is a step-by-step process designed to modify unacceptable employee behaviors, which also allows for discipline to start at a higher step based on the severity and circumstances of the situation. For example, one incident of profanity overheard by others is different from profanity in anger directed at others; poor judgment in wearing inappropriate clothing in the workplace is different from overlooking a key safety protocol on handling toxic materials. The supervisor should assess the employee's understanding of the rules and expectations, their willingness to follow them, any systems failures and workplace obstacles interfering with compliance, such as equipment malfunctions, and whether the action was the result of an excusable mistake, an inexcusable error or deliberate action.

**Examples of performance and conduct covered by this policy.**

* Violations of protocols, regulations and procedures governing safety or compliance for students, patients, or employees.
* Misuse of fiscal or electronic resources or <<COMAPNY NAME>> facilities
* Inappropriate and unprofessional behavior, such as profanity, insults, or solicitation
* [Attendance and absenteeism](https://hr.vanderbilt.edu/policies/attendance-punctuality.php)

If an employee is applying for another position within <<COMAPNY NAME>> and has received a disciplinary action within the preceding 12 months, the employee is required to share with the hiring manager, prior to the job offer, the circumstances and severity of the disciplinary action. This information may be a deciding factor in the hiring decision. In addition, failure to make this required disclosure may lead to progressive discipline up to and including termination of employment.

An employee is expected to have sustained improvement while on progressive discipline. Should an employee be away from work for an extended and continuous period under any <<COMAPNY NAME>> University leave policy, the disciplinary action step may be extended by the time the employee was away from work and the employee would be given the opportunity to demonstrate improved behavior once the employee returns to work. Extending progressive discipline should be done in consultation with Human Resources.

### **Progressive Discipline Steps**

The purpose of progressive discipline is to assist employees by being clear and precise about problems and the consequences if the same or other mistakes or misconduct reoccur. It is important that discipline is applied in a fair and consistent manner. The supervisor has a critical role in conducting a fair and objective investigation of a situation. An investigation may be as simple as confirming a late arrival through a time clock or more complex with interviewing many employees and reviewing documents. More complex investigations should be conducted in coordination with the Human Resources Consultant (and other institutional offices, as needed). The supervisor should review all relevant documents, review how the employee was notified of the expectation that has been violated, speak with any witnesses (and obtain written statements, if appropriate) and ask the employee about the situation. The conversation with the employee should include asking if any extenuating or mitigating circumstances exist.

An employee may be placed on a paid administrative leave during an internal investigation. During the administrative leave, the supervisor should remind the employee that s/he is expected to be available during their regularly scheduled hours of work, should not be in the workplace, and should not conduct any business on behalf of <<COMAPNY NAME>>.

The supervisor must understand the facts and circumstances before assessing appropriate discipline. The supervisor should discuss the situation with a Human Resources Consultant to determine the appropriate level of disciplinary action. Many situations should be able to be resolved through verbal counseling or discussion with the employee; however, some one-time incidents may be severe enough to merit a formal written warning, suspension (without pay), final warning or termination. The seriousness of the offense and the employee's disciplinary and performance history will be considered when determining the level of discipline to be applied. All decisions to escalate disciplinary action to a higher level of discipline should be made in consultation with Human Resources.

Situations may arise where an employee’s conduct and performance falls under both the Progressive Discipline Policy and the Performance Accountability & Commitment Policy. In these situations, the totality of the circumstances will be assessed when determining appropriate action.

### **Step 1- Verbal Warning:**

In many situations a verbal warning/counseling is sufficient. The purpose of a verbal warning is to clarify policies and expectations. The impact of the incident or violation should also be taken into consideration. The supervisor should document for his or her records that the conversation occurred, keeping in mind the significance of the impact of the act or omission.

### **Step 2 - Written Warning:**

If the conduct addressed by a verbal warning is repeated or additional problems occur within 12 months of a verbal warning, the supervisor should follow up with a written warning in the form of a letter. On the other hand, if a single incident is more serious than is appropriate for a verbal warning, the supervisor should issue a written warning in the form of a letter. The letter should describe the unacceptable conduct, outline expectations, and state that further disciplinary action will occur if the behavior is repeated within 12 months.

### **Step 3 - Final Written Warning (which may include a suspension without pay):**

If the conduct addressed by the written warning is repeated or additional problems occur within a 12-month period, discipline may progress to a final written warning, which may include an unpaid suspension. However, a single incident may be so severe as to merit an immediate final warning and suspension without pay. As noted above, the supervisor should work in consultation with Human Resources prior to taking disciplinary actions at higher levels, such as written warnings, final written warnings (with or without unpaid suspension) and termination.

### **Step 4 - Termination of Employment:**

Employment may be terminated based on progressive discipline within a 12-month period or based on the severity of a single incident.

Misconduct that involves dishonesty, violation of the law, or significant risks to <<COMAPNY NAME>> operations or to the safety or well-being of oneself or others is grounds for immediate termination of employment. However, the facts and circumstances of each case will determine what action, up to and including discharge from employment, is appropriate. Decisions to terminate employment should be made in consultation with Human Resources. Examples of misconduct include, **but are not limited to**:

1. Violations of policy or procedure
   * Anti-Harassment and Equal Opportunity and Affirmative Action
   * Hours of Work (i.e., unauthorized sleeping while on scheduled work time)
   * Drugs & Alcohol
   * Electronic Communication Policy
   * VUMC Compliance & Integrity Standards of Conduct
2. Violence in the workplace
   * Possessing an unauthorized weapon on <<COMAPNY NAME>> time or premises
   * Threatening or assaulting another person on <<COMAPNY NAME>> time or premises
3. Serious neglect of duty, insubordination (including refusal to comply with University policy on background checks for current employees), violation of safety rules, dishonesty, falsification of <<COMAPNY NAME>> records, breach of confidentiality, unauthorized use of <<COMAPNY NAME>> resources for personal gain, unauthorized removal or destruction of property belonging to others.
4. Criminal Activity and Disclosures
   * Failure to report a criminal arrest or conviction through a [Conflict of Interest disclosure](https://webapp.mis.vanderbilt.edu/coi/) within 3 business days of the arrest or conviction.
   * Failure to disclose criminal convictions as requested during a criminal background check performed pursuant to University policy.
   * Conviction of a crime involving dishonesty, violence or other behavior that impacts suitability for employment.
   * Activity that involves dishonesty, violence or other behavior that impacts suitability for employment, whether it results in criminal prosecution or conviction.

A review of any criminal activity and disclosure will be conducted prior to any action being taken. The review will include, but not be limited to, an assessment of the underlying conduct, the nature and gravity of the offense or conduct, when the incident occurred (whether it occurred many years ago or within the last few years), and the nature of the position.

Note: University Central employees' PTO may not be paid out for terminations deemed as gross misconduct.

### **Impact of Written or Final Progressive Discipline Warning**

* **Internal Transfers** *(applying for another position within <<COMAPNY NAME>>)* – the employee is required to share with the hiring manager, prior to the job offer, the circumstances and severity of the disciplinary action. This information may be a deciding factor in the hiring decision. Failure to disclose a disciplinary action prior to accepting an offer of transfer may also result in additional discipline, up to and including the termination of employment.
* **Annual Increase** – Employees on a final Progressive Discipline Warning are not eligible for an annual increase. Employees on a written Progressive Discipline Warning are not automatically eligible for an annual increase. At the manager’s discretion and in consultation with HR, an increase for an employee who has been on a Disciplinary Warning may be considered provided they have significantly met and sustained performance expectations.
* **Professional Practice Ladders** – discipline issues related to a current or past Progressive Discipline warning may be considered when assessing advancement.

Note: PTO will not be paid when an employee is placed on suspension as the result of progressive discipline actions.

### **Resources Available to Employees**

The Employee Assistance Program is available to provide resources and suggestions as an employee is taking steps to ensure that the inappropriate conduct or policy violation does not recur.

The Dispute Resolution Process is available to employees, who are outside their orientation period, if they wish to dispute a written warning or higher-level action that was taken under the Progressive Discipline Policy.

An employee who believes that s/he has been subjected to discipline because of race, sex, religion, color, national or ethnic origin, age, disability, military service, genetic information, sexual orientation, gender expression, gender identity, or in retaliation for 1) filing or encouraging one to file a complaint of unlawful discrimination, 2) participating in an investigation of unlawful discrimination, 3) opposing unlawful discrimination, 4) or some other protected activity, should contact the Equal Opportunity, Affirmative Action, and Disability Services Office (EAD) at 615.322.4705.

This policy is intended as a guideline to assist in the consistent application of University policies and programs for employees. The policy does not create a contract implied or expressed, with any <<COMAPNY NAME>> employees, who are employees at will. <<COMAPNY NAME>> reserves the right to modify this policy in whole or in part, at any time, at the discretion of the University.