

# Staff Personnel Manual (SPP)

## SPP 809: Discipline

Effective: 7/1/1978

Revised: 11/1/2019

### Purpose

To provide regular classified (nonprobationary) employees the opportunity to improve job performance and comply with departmental and university policies and procedures

### Source

University policy

### Applicability

[Regular classified employees](#) (nonprobationary). **Note: This policy does not apply to [university staff](#).**

### Policy

[Employees](#) are expected to follow the instructions of their [supervisors](#) and to abide by the established policies and procedures in the department and the university. To enable them to do this, administrative officials must:

1. develop clear and reasonable departmental policies and procedures
2. instruct all employees about what is expected of them in observance of policies, procedures, and established standards of job performance
3. give regular constructive feedback to employees about how well they are following policies and procedures and meeting standards of job performance
4. investigate the circumstances of each apparent violation of policy or procedure or instance of unsatisfactory performance before taking any disciplinary action
5. ensure that prompt, consistent disciplinary action is administered by the employee's immediate supervisor after an investigation has occurred

and

6. consult the Office of Human Resources (OHR) or department OHR representative for assistance.

Arizona certified police officers of the ASU Police Department (ASU PD) are also subject to the rules and regulations of the Arizona Peace Officers Standards and Training (AZ POST).

The university follows a progressive discipline policy in order to provide sufficient feedback, including written reprimands, if applicable, before a decision to [terminate](#) employment is made. The employee's supervisor is responsible for carrying out a progressive discipline policy. Exceptions to progressive discipline are:

1. failure to possess a valid and current driver's license if required as a job qualification and/or condition of employment
2. failure to maintain professional licensure if required as a job qualification and/or condition of employment
3. falsification of résumé or application materials or omission of material factual information

4. cases of grave offense

and

5. discriminatory conduct, including harassment and retaliation, that has been substantiated by the Office of University Rights and Responsibilities.

A grave offense includes actions or omissions that could result in injury or loss of life, limb, or property, or impairment of university operations, or acts of willful, malicious, or serious disregard of university policies or rules. A grave offense may result in immediate administrative leave with pay ([SPP 704-06](#), “Administrative Leave of Absence”), a Second Written Reprimand, suspension without pay, [demotion](#), or involuntary termination if authorized in advance by the associate vice president of OHR or designee.

The department administrator in consultation with the associate vice president of OHR or designee has authority to impose any of the following sanctions for failure to possess a valid and current driver’s license if required as a job qualification or condition of employment:

1. involuntary termination
2. suspension without pay for a period not to exceed 30 days, during which time the employee shall obtain a valid and current driver’s license or be involuntarily terminated at the end of the 30-day period

or

3. re-assignment to other employment responsibilities, if available and appropriate for a maximum of 30 days, in which performance of the employee does not include driving or the need for a valid and current driver’s license as a job qualification or condition of employment.

If involuntary termination, demotion, or suspension without pay is recommended, the employee has a right to present his or her facts to a hearing officer before the recommended disciplinary action takes effect.

## Procedure

### Progressive Disciplinary Steps

#### Step 1: First Written Reprimand

When an employee’s performance, actions, or behaviors indicate a need for improvement, normally the supervisor should counsel the employee and may follow-up in writing with the employee. If the employee does not respond to the counseling approach, step one of progressive discipline is a First Written Reprimand. The first progressive discipline document must be a First Written Reprimand, except in cases of the following:

1. failure to possess a valid and current driver’s license if required as a job qualification and/or condition of employment
2. failure to maintain professional licensure if required as a job qualification and/or condition of employment
3. falsification of résumé or application materials or omission of material factual information
4. cases of grave offense

or

5. discriminatory conduct, including harassment or retaliation, that has been substantiated by the Office of University Rights and Responsibilities.

The supervisor should hold a private discussion with the employee concerning the specific problem and the specific corrective action required of the employee. The discussion should be a positive, cooperative attempt at determining and overcoming the source of difficulty.

- The employee should be informed that the meeting and First Written Reprimand are the initial steps in progressive discipline.
- The supervisor must give a written summary, or letter, of the discussion to the employee.
- The First Written Reprimand is retained in both the departmental files as well as in the employee's official personnel file in OHR. The employee has the right to submit a rebuttal for both the department and official personnel files.

## **Step 2: Second Written Reprimand**

Following a reasonable time for improvement, when the First Written Reprimand does not result in the employee's changed performance, actions, or behaviors, the next progressive discipline step is a Second Written Reprimand. Certain behaviors, including but not limited to leaving before the end of the assigned shift, continued absenteeism, insubordination, or physical or verbal abuse of others, must cease immediately. Repetition following the First Written Reprimand may result in an immediate Second Written Reprimand. A Second Written Reprimand also may be used as discipline for a grave offense.

- The Second Written Reprimand should clearly address performance problems, corrective action required, and the progressive discipline consequences of not correcting the problem, which may include termination, within a reasonable time. Both the supervisor and the employee should sign it.
- A copy of the Second Written Reprimand must be given to the employee and additional copies are retained in both the departmental files as well as in the employee's official personnel file in OHR. The employee has the right to submit a rebuttal for both the department and official personnel files.

### Optional Step: Suspension without Pay

Suspension without pay may be imposed for serious infractions, or when previous disciplinary steps have not corrected the problem, as a consequence of the commission of a grave offense, or as a consequence of substantiated harassing, discriminatory, or retaliatory conduct. Exempt employees may not be suspended without pay except for violating a safety rule of major significance, which includes only the safety rules relating to the prevention of serious danger to facilities or other employees.

Suspension without pay may be authorized with prior approval of the associate vice president of OHR or OHR designee.

When it has been determined by the supervisor, with advance approval of the administrative official and the associate vice president of OHR or OHR designee, that a suspension without pay is appropriate, the associate vice president of OHR or OHR designee will schedule a pre-suspension hearing before the proposed suspension date. The supervisor will then notify the employee in writing of the proposed suspension without pay and the right to a pre-suspension hearing.

A pre-suspension hearing will consist of only the employee, a department representative, and the hearing officer. The department representative and the employee will present their facts and documentation to the hearing officer. The hearing officer will then make a recommendation to the department representative based on the facts and documentation presented by both parties. All proceedings will be audio recorded and kept for a minimum of three (3) years from the date of the pre-suspension hearing.

Note: An employee may waive the right to a pre-suspension hearing by so indicating on the pre-suspension hearing notification letter. Failure to appear at the pre-suspension hearing will also constitute a waiver of the right to a pre-suspension hearing. If this right is waived, the decision of the supervisor will take effect as stated.

An employee who is suspended without pay has a right to a grievance hearing under [SPP 901](#), "Grievance Process."

Optional Step: [Demotion](#)

Demotion for cause is an optional progressive disciplinary action that results in a permanent change of the employee's assignment from a position in one classification to a position in another classification with a lower pay grade. The salary of a demoted employee may be reduced to a rate of pay within the lower pay grade. Demotion for cause without previous progressive disciplinary steps may be initiated if it is based on a grave offense.

Demotion may be used when an employee is unable to perform successfully in his or her current position, but may be capable of performing satisfactorily in another position. The administrative official is responsible for identifying an appropriate position within the work unit for the individual.

When it has been determined by the supervisor, with advance approval of the administrative official and review by the associate vice president of OHR or OHR designee, that a demotion is recommended, the supervisor will immediately notify the associate vice president of OHR or OHR designee so that a pre-demotion hearing can be scheduled before the proposed demotion date. The employee to be demoted has a right to a pre-demotion hearing.

A pre-demotion hearing will consist of only the employee, a department representative and the hearing officer. The department representative and the employee will present their facts and documentation to the hearing officer. The hearing officer will then make a recommendation to the department representative based on the facts and documentation presented by both parties. All proceedings will be audio recorded and kept for a minimum of three (3) years from the date of the pre-demotion hearing.

Note: An employee may waive the right to a pre-demotion hearing by so indicating on the pre-demotion hearing notification letter. Failure to appear at the pre-demotion hearing will also constitute a waiver of the right to a pre-demotion hearing. If this right is waived, the decision of the supervisor will take effect as stated.

The salary of an employee who has been demoted following a demotion hearing will be set at a rate of pay that is within the lower pay grade range. The new salary must be approved in writing by the associate vice president of OHR or OHR designee. An employee who is demoted has a right to a grievance hearing under SPP 901, "Grievance Process."

### **Step 3: Involuntary Termination**

Involuntary termination may result for any of the following:

1. failure to possess a valid and current driver's license, if required as a job qualification and/or as a condition of employment
2. failure to maintain professional licensure if required as a job qualification and/or condition of employment
3. falsification of résumé or application materials or omission of material factual information
4. cases of grave offense
5. discriminatory conduct including harassment or retaliation that has been substantiated by the Office of Rights and Responsibilities

or

6. failure of classified employees to respond to progressive discipline

The supervisor, after ensuring that all proper progressive discipline steps have been followed, and with the approval of the administrative official and the associate vice president of OHR or OHR designee, will schedule a pre-termination hearing before the proposed termination date.

The supervisor will then notify the employee in writing of the proposed involuntary termination, the effective date, whether the employee is to continue working or is relieved of duty immediately and placed on administrative leave with pay, and the right to a pre-termination hearing.

A pre-termination hearing will consist of only the employee, a department representative and the hearing officer. The department representative and the employee will present their facts and documentation to the hearing officer. The hearing officer will then make a recommendation to the department representative based on the facts and

documentation presented by both parties. All proceedings will be audio recorded and kept for a minimum of three (3) years from the date of the pre-termination hearing.

Note: An employee may waive the right to a pre-termination hearing by so indicating on the pre-termination hearing notification letter. Failure to appear at the pre-termination hearing will also constitute a waiver of the right to a hearing. If this right is waived, the decision of the supervisor will take effect as stated.

Under SPP 901, "Grievance Process," an employee also has a right to a grievance hearing, which may occur after the effective date of termination.

Employees who are terminated for cause (or resign in lieu of termination) will not be considered eligible for rehire, absent an administrative determination by OHR in consultation with the terminating department.

### **Additional Information**

For information on discipline, see the Office of Human Resources [HR Advisor Web page](#).

### **Cross-References**

For information on unlawful discriminatory conduct, see the *Academic Affairs Policies and Procedures Manual*—[ACD 401](#), "Nondiscrimination, Anti-Harassment, and Nonretaliation."

For additional information on administrative leave with pay, see [SPP 704-06](#), "Administrative

Leave of Absence." For related information, see:

1. [SPP 801](#), "Employee Conduct and Work Rules"  
and
2. [SPP 1011](#), "Involuntary Termination."