



4.9.3 Progressive Disciplinary Action

Chapter 4 - General Personnel	Original Effective Date: November 2000
Section: 4.9 Performance Administration	Date Last Reviewed: October 2018
Responsible Entity: Vice President and Chief Human Resources Officer	Date Last Revised: October 2018

I. Purpose

This policy establishes the documentation requirements and decision making criteria by which disciplinary action is taken.

II. Scope

This policy applies to all individuals employed UT Health San Antonio except for:

- A. Employees who are commissioned University Police Officers who are subject to other approved discipline procedures.
- B. Employees who are appointed to positions without fixed terms and under applicable rule or regulation serve at the pleasure of a specific administrative officer.
- C. Employees who are appointed for a period less than 180 days.
- D. Employees who are appointed at a per diem or hourly rate and work on an as needed basis.

III. Policy

A. General Policy

It is the policy of UT Health San Antonio (UTHSA) to encourage fair, efficient, and equitable solutions for matters arising out of the employment relationship and to meet the requirements of state and federal law.

This policy is applicable to the conduct and/or job performance of an employee that results in a decision to impose a disciplinary penalty.

Disciplinary action is to be considered as primarily corrective; thus, dismissal will generally be resorted to only after corrective or rehabilitative methods have failed,

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unless the offense in itself is sufficiently serious to warrant dismissal in accordance with the policies and procedures described in this policy and Policy [4.9.4 Procedures for Dismissal of Employees](#), in the Institutional Handbook of Operating Policies (IHOP).

B. Documentation

Supervisors should keep a written record of the performance and conduct of each employee who they supervise directly. Such documentation is necessary to prepare an accurate performance evaluation and to serve as a justification for undertaking disciplinary action. Documentation is defined as maintaining a written record of the job performance and conduct of an employee. Documentation should include the date of an occurrence, the employee's name, a narrative description of the action that is being recorded, and any other relevant material. Personal and unrelated comments should not be included in such documentation. UTHSA employees have the right to examine such documentation when it is being used as a basis for disciplinary action.

C. Required Standards of Conduct

Employees are expected to understand the performance expectations for his/her particular job.

Employees are expected to comply with all rules, procedures, and standards of conduct established by the Board of Regents of the University of Texas System, UTHSA, and the employee's department or unit.

Employees who do not meet performance expectation or comply with rules, procedures, and standards of conduct may be subject to disciplinary action up to and including termination.

D. Conduct Subject to Disciplinary Action

Employees are expected to maintain standards of conduct suitable and acceptable to the work environment. Disciplinary action, including dismissal, may be imposed for unacceptable conduct. Examples of unacceptable conduct include, but are not limited to:

1. Failing to meet work performance expectations.
2. Falsifying time sheets, personnel records including job application, or other institutional records including falsification of military records.
3. Neglecting duties or wasting time during working hours.
4. Gambling or participating in lotteries or any other games of chance on the premises at any time.
5. Soliciting, collecting money, or circulating petitions on the premises other than within the rules and regulations of UTHSA.

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6. Brining intoxicants or drugs onto the premises of UTHSA, using intoxicants or drugs, having intoxicants or drugs in one's possession, or being under the influence of intoxicants or drugs on the premises at any time.
7. Abusing or wasting tools, equipment, fixtures, property, supplies, or goods of UTHSA.
8. Creating or contributing to unhealthy or unsanitary conditions.
9. Violating safety rules or accepted safety practices.
10. Failing to cooperate with the supervisor or a co-worker, impairment of function of work unit, or disruptive conduct.
11. Exhibiting disorderly conduct, harassing employees (including sexual harassment), or using abusive language on the premises.
12. Fighting, encouraging a fight, or threatening, attempting, or causing injury to another person on the premises.
13. Failing to meet a reasonable and objective measure of efficiency and productivity.
14. Participating in any act of theft, dishonesty, or unauthorized use of UTHSA property including records and confidential information.
15. Creating a condition hazardous to another person on the premises.
16. Destroying or defacing UTHSA property or records or the property of a student or employee.
17. Refusing to follow instructions or to perform designated work that may be required of an employee or refusing to comply with established rules and regulations.
18. Repeated tardiness or absence, absence without proper notification to the supervisor, or without satisfactory reason or unavailability for work.
19. Violating policies, procedures or rules of UT Health San Antonio or The University of Texas System.

E. Progressive Disciplinary Action - Investigation

The employee's supervisor or other designated individual shall impartially investigate all incidents that involve the potential for disciplinary action.

If the circumstances warrant further investigation, after obtaining the concurrence of Human Resources, an employee may be immediately placed on administrative leave with pay pending completion of an investigation.

If the investigation results in evidence that establishes with reasonable certainty that the employee engaged in conduct that warrants disciplinary action, the supervisor shall follow the progressive disciplinary process described below.

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F. Coaching

Coaching occurs when a supervisor meets with an employee and discusses the employee's need to improve their job performance conduct, and/or expectations.

Coaching is not subject to a grievance based upon the fact that it is considered a coaching session. However, all sessions should be thoroughly documented by the supervisor and maintained in the employee's departmental personnel file.

Documentation of coaching sessions can be used as a basis for disciplinary action if performance and/or conduct continues to be an issue.

G. Written Warning

A written warning is appropriate in instances in which an employee has failed to respond to coaching or has committed an offense or violation which is, in itself, sufficiently serious to warrant more than coaching but less than suspension without pay or dismissal.

Written warnings should be presented in a written document to the employee, outlining the infraction and related policy/procedure. The written warning should also include a statement that indicates any future disciplinary action may include termination/dismissal from employment.

A copy should be retained in the employee's personnel file held by the department.

H. Suspension Without Pay

A suspension without pay is appropriate in rare instances which an employee has failed to respond to a written warning(s) or has committed an offense or violation which is, in itself, sufficiently serious to warrant more than a written warning but less than dismissal.

All offenses and/or violations resulting in suspension should be thoroughly documented and investigated and discussed with the Vice President & Chief Human Resources Officer or his/her delegate.

Suspensions should be presented in a written document to the suspended employee. The document should outline the specific incident, conduct, or unsatisfactory work performance, the specific period of suspension, not to exceed one month, and the related rule, regulation, or policy.

If it is determined, upon grievance, that a suspension was not for good cause, the employee shall be reinstated to the same position and shall be entitled to payment of back wages.

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An employee suspended without pay continues to accrue sick and vacation leave, to be covered under group insurance, and to be entitled to other employee benefit programs.

I. Dismissal

A dismissal is appropriate in instances in which an employee has committed a single grave offense or through progressive discipline.

No supervisor should dismiss an employee prior to conforming to the required procedural steps described in IHOP Policy [4.9.4 Procedures for Dismissal of Employees](#).

IV. Definitions

There are no defined terms used in this Policy.

V. Related References

There are no related documents associated with this Policy.

VI. Review and Approval History

- A. The approving authority of this policy is the University Executive Committee.
- B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

Effective Date	Action Taken	Approved By	Date Approved
11/2000	Policy Origination		
10/2018	Policy Revision		