



4.9.4 Procedures for Dismissal of Employees

Chapter 4 - General Personnel	Original Effective Date: December 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

The purpose of this policy is 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.

II. Scope

This policy is applicable to the conduct or job performance of employees at UT Health San Antonio that results in dismissal.

This policy does not apply to:

- A. Commissioned UTHSA Police Officers who are subject to other approved discipline or dismissal procedures.
- B. Employees on suspension with pay pending investigation of allegations.
- C. Employees with fixed term appointments for a stated period of one year or less that expires at the end of such period without the necessity of notice of nonrenewal as provided in the Regents' Rules and Regulations or the rules and regulations of UTHSA.
- D. Employees who are appointed to positions without fixed terms and, under applicable rule or regulation, serve at the pleasure of a specific administrative officer.
- E. Employees who occupy positions that are dependent upon funding from a specific source and such funding is not received.
- F. Employees dismissed as a result of reorganization.
- G. Employees dismissed because of financial exigency.

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- H. Employees dismissed during the 180-day probationary period.
- I. Employees appointed for a stated period that is less than 180 days.
- J. Employees appointed at a per diem or hourly rate and work on an as needed basis.

III. Policy

A. Dismissal

All dismissals must be reviewed by the Vice President & Chief Human Resources Officer or his/her delegate, and the department head prior to employee notification.

B. Intent to Term

The supervisor shall inform the employee of the basis for any planned disciplinary action resulting in dismissal and allow the employee the opportunity to respond before a final decision is made. The notification serves as an opportunity for the employee to present additional information to their supervisor for consideration.

Before reaching a final decision to dismiss the employee:

1. The supervisor shall inform the employee in writing, of the factual basis for the planned dismissal.
2. The employee may request access to information the supervisor used to make their decision.
3. The employee shall have an opportunity to respond in writing to the supervisor about the planned dismissal within two business days. The employee has the opportunity to provide additional information stating why the facts for which the planned dismissal action is unwarranted.

If upon review of the employee's response, the decision to dismiss still stands, the supervisor, after confirming with Human Resources, may proceed with dismissal.

C. Appeals

Dismissal may be appealed by the affected employee pursuant to the process set out below. The time limits set forth in the appeal procedure must be complied with by both the employee and the appropriate supervisory and administrative leaders unless extended for good cause by the Vice President & Chief Human Resources Officer. Failure by the employee to process the appeal in a timely manner to the next level constitutes a withdrawal of the appeal. Failure of the supervisor or administrative leader to make a timely response to an appeal shall constitute authorization for the employee to appeal to the next step. The employee's appeal shall contain:

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1. A clear and concise statement of why the dismissal disciplinary action is inappropriate;
2. The reason(s) the employee believes the dismissal action decision should be changed;
3. The name(s) of any witnesses that may have information relevant to the employee's dismissal action;
4. The specific remedy sought by the employee;
5. Any additional relevant information to be considered in support of the employee's written appeal, and;
6. The name and contact information of the employee's representative, if any.

Procedural Step	Appeal Timeframe for Employee	Response Timeframe for Leadership
Step One: Next Level Up of Leadership (example: Manager)	Five (5) working days from date of disciplinary action to initiate a written appeal	Ten (10) working days from date of receipt of appeal to respond in writing
Step Two: Next Level up of Leadership (example: Director/Chair)	Five (5) working days from date of Step One response	Fifteen (15) working days from date of receipt of Step Two appeal
Step Three* Next Level up of Leadership (example: VP/Dean)	Five (5) working days from date of Step Two response	Thirty (30) working days from date of receipt of Step Three appeal

*The highest level of review for appeal is the respective Executive Committee Member.

Copies of all documents pertaining to the dismissal actions shall be filed in the employee's departmental personnel file.

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
12/2000	Policy Origination		
10/2018	Policy Revision		