DIVISION OF STUDENT AFFAIRS

Discipline Guidelines

September 2004

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THE INVESTIGATION OF MISCONDUCT

It is the responsibility of the supervisor to thoroughly investigate an allegation of misconduct before administering discipline. This includes, but is not limited to:

1) Interviews with the staff member(s) alleged to be involved in the misconduct;

2) Interviews with other witnesses who may have knowledge of the incident;

3) Review of all pertinent records, including previous discipline;

4) Review of other misconduct cases which may be related;

5) Discussions with Student Affairs Personnel Office and/or your Human Resource Representative.

A pre-disciplinary interview with the staff member(s) who may be involved in the misconduct is recommended. This interview should take place in the privacy of your office. Under a legal requirement, if the staff member is unionized, and requests a steward, one must be provided before beginning the interview if discipline is a possible outcome of the interview.

THE ADMINISTRATION OF DISCIPLINE

After your investigation of the incident is complete, and misconduct is identified, a determination of the form of discipline should take place as soon as possible. Generally, the investigation and administration of discipline should take place in less than one week while the facts and witnesses are most available. Some disciplinary problems may require a longer investigatory period, but this is the exception, not the rule.

Misconduct occurs in many forms. Consult with your Student Affairs Personnel Officer to see how it views the severity of different types of misconduct and what form of discipline is recommended. Level I misconduct in its various forms is chronic misconduct most readily correctable, while Level II misconduct is more acute and requires a more vigorous form of discipline. Level III misconduct is aggregious and considered not correctable, and discharge is recommended for the first offense.

Use the Identification of Misconduct (Chart A) to identify the category of misconduct committed. Then refer to the Determination of Discipline (Chart B) for the appropriate form of discipline to administer. For example, a staff member found sleeping on the job falls under Level II on Chart A and the appropriate discipline on Chart B under Level II is a Two Day Disciplinary Layoff for the first offense.

Before any discipline is administered, any mitigating or aggravating circumstances should be identified. These are found in Chart C Special Circumstances. Prior to modifying any discipline due to aggravating or mitigating circumstances, the Student Affairs Personnel Officer or Human Resource Representative should be consulted.

Discipline Letters

Attached are Sample Discipline Letters which supervisors can use to write their own letter. Disciplinary letters should be concise and never more than one page long. The wording of a letter is important and you may want to consult the Student Affairs Personnel Officer or Human Resource Representative for assistance in writing your letter.

Letters should always be administered in person in a private area. Union contracts may require a union steward to be present in some situations. Disciplinary layoffs will result in an automatic grievance being filed for those covered by a union contract.

In all cases, the staff member should be given a copy of the letter and told to read it in your presence. Questions about the letter should be answered at that time.

CHART A

IDENTIFICATION OF MISCONDUCT

LEVEL I MISCONDUCT

Chronic misconduct where corrective discipline is recommended:

Unsatisfactory attendance (Unexcused)
Tardiness (Unexcused)
Unsatisfactory Work Performance
Out of work area
Sexual Harassment*

LEVEL II MISCONDUCT

Acute misconduct where discharge is recommended for the second offense:

Insubordination
Abusive language or gestures
Substance abuse
Sleeping on the job
Negligent or careless work performance
Less than Three days No call/No show
Sexual Harassment*
Creating a hostile work environment

LEVEL III MISCONDUCT

Serious misconduct where discharge is recommended for the first offense:

Theft or fraud
Drinking or drug abuse on the job
Fighting
Sabotage or vandalism
Three Days No Call/No Show
Sexual Harassment*
Sleeping on the Job (Nesting)
Threats
Falsification of Documents
Assault
Job Abandonment

*Sexual Harassment misconduct can fall into any of the three categories based on the nature of the misconduct.

CHART B

DETERMINATION OF DISCIPLINE

LEVEL I MISCONDUCT:

1st Offense – Verbal Reprimand
2nd Offense – Written Reprimand
3rd Offense – One day Disciplinary Lay off (DLO)
4th Offense – Two Day DLO*
5th Offense – Discharge**

LEVEL II MISCONDUCT:

1st Offense – Two day DLO*
2nd Offense – Discharge**

LEVEL III MISCONDUCT:

1st Offense – Discharge**

*Student Affairs Personnel Officer or Human Resources must be notified prior to administration of discipline.

**Disciplinary Review Conference (DRC) is conducted by Human Resources prior to any discharge.

CHART C

SPECIAL CIRCUMSTANCES

Discipline Guidelines may be modified due to the following mitigating and aggravating circumstances. These should be discussed with the Student Affairs Personnel Officer or Human Resources prior to administration of discipline.

MITIGATING CIRCUMSTANCES

Length of service is over ten years
Documented disability or health problem
Insufficient training or knowledge or lack of ability or capacity
Unclear orders or directions
Good work record

Aggravating Circumstances

Length of service is less than two years
Other misconduct, especially if related
Misconduct resulted in injury to others
Misconduct resulted in loss or destruction of University property
Adverse customer relations or harm to University/department reputation
Unsatisfactory work record

The Seven Steps of Disciplinary Counseling

The most effective step in any disciplinary process is counseling. Use these steps to improve your own effectiveness in counseling:

1. Always counsel in a private place, out of the work area. Set a serious and formal tone (disciplinary counseling is not idle conversation);

2. Identify the problem. Be specific. Use examples when possible;

3. Point out correct behavior. Show employee(s) when possible. Do not assume that they know how to correct behavior;

4. Define consequences of continued misconduct (letter, layoff, etc.);

5. Get a commitment from the employee (if you can – do not force it);

6. Identify session as an Oral Reprimand (make employee aware that an Oral Reprimand is the first step in the disciplinary process.) Be sure to document your session for your own file or working papers. You will need this documentation as proof that you have practiced progressive discipline;

7. Monitor employee's behavior and follow up your actions (even when behavior is corrected, get back to the employee and let them know that you have observed an improvement).

Sample Discipline Letters

Attached are sample template disciplinary letters that supervisors can use to write their own letter. Disciplinary letters should be concise and never more than one page in length. The wording of a letter is important and you may want to consult your Human Resources liaison or Central HR for assistance in tailoring the letter to your specific needs.

Letters should always be administered in person and in a private area. Union contracts may require a union steward to be present in situations where discipline is contemplated. Disciplinary layoff will result in an automatic grievance being filed for those covered by a union contract.

In all cases, the staff member should be given a copy of the letter and told to read it in your presence. Questions about the letter should be answered at that time.

Sample Written Warning: Misconduct

To:

UMID #:
D.O.H:

FROM:

DATE:

SUBJECT:

On June 2, 2004, I counseled you about your unsatisfactory attendance record and informed you that your unexcused absences and tardiness were interfering with the efficient operation of the department. I also explained that continued unexcused absences and tardiness would lead to further disciplinary action.

Your attendance record since April 1, 2004 reveals four (4) occasions of unexcused absenteeism and tardiness, including:

Date	Reason Given for Absence	Unexcused Time
Thursday, April 20, 2004	Car won't start	2.0 UNP
Monday, June 5, 2004	Alarm didn't go off	2.0 UNP
Thursday, June 29, 2004	Baby pulled cord on clock	4.0 UNP
Friday, August 4, 2004	Pipes burst in basement	8.0 UNP

I am giving you this Written Reprimand as a disciplinary action for your failure to correct your unsatisfactory record and to attend regularly and undertake the duties required of you in your job equally with all other employees. Your absences place an undue burden on me in scheduling the work and maintaining regular operations of the department, as well as placing an additional burden on your fellow employees who must fill in for you during the periods of your absences.

Please be advised that should you fail to correct your attendance record, further disciplinary action, up to and including discharge, will be taken.

cc: Shelli Aldrich-Reed/Tom All
Human Resources Representative
Personnel File (HRRIS)

Sample Disciplinary Layoff: Misconduct

To:

UMID #:
D.O.H:

FROM:

DATE:

SUBJECT:

On August 11, 2004, you received a disciplinary letter for unexcused absenteeism and tardiness, and you were warned that your failure to correct your attendance would result in further disciplinary action.

Since that date your attendance record includes the following days of unexcused absenteeism and tardiness:

Date	Reason Given for Absence	Unexcused Time
September 15, 2004	Missed the bus	0.5 UNP
September 27, 2004	Child sick	4.0 UNP
October 24, 2004	Car won't start	8.0 UNP

Therefore, because of your failure to correct your attendance record, I am issuing you a two (2) day Disciplinary Layoff on Tuesday, October 12, 2004, and Wednesday October 13, 2004, at 4:00 p.m., your regular starting time.

Should you fail, in the future, to correct your attendance record and fully observe the duties and responsibilities of your job, you will be disciplined, up to and including, discharge.

cc: Shelli Aldrich-Reed/Tom All
Human Resources Representative
Personnel File

Sample Letter of Discharge: Misconduct

To:

UMID #:
D.O.H:

FROM:

DATE:

SUBJECT:

On October 10, 2004, you were issued a two day (2) day Disciplinary Layoff for misconduct. Since that date you have been absent on two occasions:

Date	Reason Given for Absence	Unexcused Time
November 1, 2004	Car problems	2.0 UNP
November 22, 2004	Power out	8.0 UNP

As a result of these absences, a Disciplinary Review Conference was held on November 24, 2004 with your union representative present. Based on further review of your attendance record and previous disciplinary action, we have concluded that we have failed to correct your attendance problem and you continue to miss work on a regular basis.

Therefore, effective November 25, 2004, you are discharged from the University of Michigan, and will not be recommended for rehire.

cc: Shelli Aldrich-Reed/Tom All
Human Resources Representative
Personnel File

Misconduct Invest/word doc.