



Idaho State University

POLICIES AND PROCEDURES

Disciplinary Action for Non-Classified Staff

ISUPP 3130

POLICY INFORMATION

Policy Section: *Human Resources*

Policy Title: *Disciplinary Action for Non-Classified Staff*

Responsible Executive (RE): *AVP of Human Resources*

Sponsoring Organization (SO): *Office of Human Resources*

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I. INTRODUCTION

In accordance with Idaho State Board of Education (Board) policy, Section II, Subsection L, Non-Classified Staff at Idaho State University (ISU or University) are subject to discipline, up to and including dismissal, for adequate cause. This policy provides information and guidance to non-classified employees and managers regarding such disciplinary action and the related procedures that may be taken during the period of appointment for a non-classified employee. Non-renewal of an employment contract or the expiration of an appointment is not considered disciplinary action.

II. DEFINITIONS

- A. **Adequate Cause:** one or more acts or omissions which, singly or in the aggregate, have directly and substantially affected or impaired an employee's performance of his or her professional or assigned duties or the interests of the University or the Board. In addition, any conduct seriously prejudicial to the University may constitute adequate cause for discipline up to and including dismissal or termination of an employee. Examples include but are not limited to:
1. One or more instances of sexual harassment or other form of harassment prohibited by law;

2. Immorality;
 3. Criminality;
 4. Dishonesty;
 5. Unprofessional Conduct;
 6. Actions in violation of policies, directives or orders by the University or the Board;
 7. Unsatisfactory or less than adequate performance of his or her assigned or contractual duties, or failure to perform his or her assigned or contractual duties.
- B. **Disciplinary Action:** examples of disciplinary action may include, but are not necessarily limited to the following, if taken prior to the expiration of the period of appointment or contract:
1. Suspension without pay;
 2. Dismissal from employment during a period of appointment or contract. Notice that a contract will not be renewed is not disciplinary action;
 3. Involuntary demotion in pay. A change of job duties or reassignment during the period of appointment or contract with no reduction in pay is not disciplinary action.
- C. **Board Initiated Discipline:** If, under extraordinary circumstances, the Board itself initiates discipline, up to and including dismissal against an employee, it must, by a majority vote, direct the President, or any other administrator as may be appropriate, to follow established procedures for discipline of the employee.

III. POLICY STATEMENT

In keeping with Board requirements, ISU non-classified staff are subject to disciplinary actions when their performance or conduct creates adequate cause for such discipline. It is the policy of ISU that adequate cause must exist before disciplinary action, such as unpaid suspension, dismissal, or involuntary demotion is taken against a non-classified employee.

Any employee, regardless of employee type, may be laid off in conjunction with a reduction in force approved by the Board and/or resulting from a declaration of financial exigency. Layoff and reinstatement of employees to duty will be as provided in the Board's rules regarding reduction in force.

IV. AUTHORITY AND RESPONSIBILITIES

- A. The Office of Human Resources is responsible for maintaining this policy and assisting departments with reviewing for-cause disciplinary action. The Office of Human Resources will assist all levels of management to ensure there is sufficient evidence of adequate cause prior to the execution of disciplinary action.
- B. Non-classified employees are responsible to meet the expectations of performance established for their respective positions by the management chain. Non-classified employees are responsible to understand that management is authorized to take disciplinary action against them only when there is adequate cause to do so as outlined in this policy.
- C. Supervisors, directors, deans, department heads and other managers (Unit Head(s)) are responsible for communicating performance expectations to their employees and then taking appropriate corrective action when performance expectations are not met. If adequate cause exists to take disciplinary action, said managers are responsible to make a recommendation through their respective management chain up to their respective Vice President, President, or other direct report to the President that identifies the reasons for the recommended action along with all supporting evidence that adequate cause exists. Unit Heads are responsible for contacting the Office of Human Resources to review all recommendations for disciplinary action.
- D. The President or designee of the President such as a Vice President or other comparable level executive is responsible to contact the Office of Human Resources and review this policy prior to enacting disciplinary action against a non-classified employee such as unpaid suspension, dismissal, or involuntary demotion. It is the responsibility of the President or his or her designee to consult with the Office of Human Resources to ensure adequate cause exists, that said employees are notified of what action is being contemplated against them, and that non-classified employees have an opportunity to respond to a recommendation for disciplinary action prior to such action being taken.

V. PROCEDURES TO IMPLEMENT

Prior to the enactment of disciplinary action, the following procedures will be followed:

- A. Recommendation: Once adequate cause exists for potential disciplinary action, the Unit Head will review all evidence of adequate cause with the Office of Human Resources. A recommendation will then be prepared for the review and consideration of the management

chain, up to and including the respective Vice President or other comparable level executive that is a direct report to the President. The recommendation will identify what disciplinary action is being recommended, the reasons for said disciplinary action, and include all evidence that supports the establishment of adequate cause for such action.

- B. **Administrative Leave:** The President or designee of the President may choose to place an employee on administrative leave with pay prior to, or after a recommendation for disciplinary action has taken place if it is in the best interest of the University or necessary to complete investigative efforts. Placing an employee on paid administrative leave does not constitute disciplinary action. If an employee is placed on administrative leave, the employee will still be notified of any contemplated disciplinary action and be given an opportunity to respond as outlined in section V.C of this policy.
- C. **Notice of Contemplated Action:** If the management chain, up to and including the respective Vice President or other comparable level executive that is a direct report to the President, concurs with the recommendation for disciplinary action, said executive will contact the Office of Human Resources to prepare a Notice of Contemplated Action which will be issued to the non-classified employee. The Notice of Contemplated Action will describe to the employee what action is being recommended, the reasons for that action, and the evidence that is being relied upon in contemplating that disciplinary action. The Notice of Contemplated Action must be made in the following manner:
1. The President or designee of the President such as the respective Vice President or comparable level senior executive must issue the notice.
 2. The notice from the President or designee of the President must be in writing and may be personally served upon said employee or sent by certified mail, return receipt requested to the last known address of the employee.
 3. The notice must contain a concise statement of the charges against the employee and the nature of the proposed action, and include any evidence that is being relied upon in contemplating the disciplinary action.
 4. The notice must provide the employee an opportunity to respond to the recommending Unit Head and to present any reasons, evidence, or information in mitigation or opposition to the recommendation.
- D. **University Decision:** After the opportunity to respond has concluded, the Unit Head and respective Vice President or comparable level senior executive will make a decision regarding disciplinary action, which weighs the response of the employee against the recommendation of the management chain and the evidence of adequate cause. The

University Decision will be issued within ten (10) business days of the opportunity to respond and may be personally served upon the non-classified employee or mailed, return receipt requested, to the last known address of the employee.

1. The University Decision must contain a statement of the employee's right to exercise the non-classified employee grievance procedure in the event any disciplinary action is taken. Except as otherwise provided in ISU or Board policy, discipline, up to and including dismissal may be effective prior to the initiation by the employee of internal grievance proceedings.

VI. RELATED POLICIES AND STATUTES

- A. Idaho State Board of Education Governing Policies and Procedures, Section II. Human Resources Policies and Procedures, http://www.boardofed.idaho.gov/policies/ii_policy.asp
 1. Subsection L, Discipline – Adequate Cause – All Employees
- B. ISU Policies and Procedures, <https://www.isu.edu/policy/>
 1. Section III. Human Resources <https://www.isu.edu/policy/human-resources/>
 - a. Categories of Employees, ISUPP 3050
 - b. Disciplinary Action for Classified Staff, ISUPP 3190
 - c. Grievance Procedures for Non-Classified Employees ISUPP 3090
 2. Section IV. Academic Affairs <https://www.isu.edu/policy/academic-affairs/>
 - a. Faculty Suspension or Dismissal for Adequate Cause, ISUPP 4039
- C. Idaho Code §§ 33-3715 & 33-3716 – Miscellaneous Provisions Relating to State Institutions of Learning
 1. Interference with Conduct of Institutions of Higher Learning and Penalties