

# DEPAUL UNIVERSITY



## Progressive Discipline

**Category:** Human Resources

**Responsible Department:** Employee Relations and Equal Employment Opportunity

**Responsible Officer:** Vice President for Human Resources

**Effective Date:** 05/18/2020

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### Policy Summary

The purpose of this policy is to establish guidelines pertaining to employee conduct or job performance that is inconsistent with the university's mission, established policies, procedures, or standards.

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### Scope

This policy affects the following groups of the University:

- Full-Time Staff
- Part-Time Staff
- Student Employees

This policy affects all members of the above groups, as well as faculty that supervise staff.

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### Policy

DePaul University employs a process of progressive discipline when an employee's conduct and/or job performance is inconsistent with the university's mission, established policies, procedures or code of conduct. Progressive discipline involves documentation and structured communication between a manager and employee when it becomes necessary to explain the nature and extent of conduct and/or job performance problems. It is used as a tool to determine and formalize the step(s) necessary to correct the situation.

#### Implementation of Progressive Discipline

When an employee's conduct and/or job performance is not consistent with the university's mission, established policies, procedures, or COC, the manager initiates a plan of action, which may include advice, counsel and/or discipline to restore the employee to an acceptable standard of conduct and/or job performance.

Certain steps of this process must include a review or consultation with a Human Resources Employee Relations and Equal Employment Opportunity representative to discuss the performance concerns, review prior communications that have taken place with the employee related to performance expectations, and remedies that have been implemented to date in an attempt to resolve the issue.

If it is determined that implementing progressive discipline is appropriate, the manager is advised to conduct a private discussion with the employee to discuss the problem at each stage of progressive discipline. The discussion should be conducted in a way that allows the manager an opportunity to provide notification to the employee that a problem exists and gives the employee an opportunity to discuss and explain their position on the issue.

Less severe forms of discipline will be used in an effort to correct minor and/or initial instances of poor performance or misconduct. More stringent forms of discipline will be used in the event of severe and/or repeated instances of poor performance or misconduct that may include issuance of the following type of counseling:

- Verbal Counseling
- Written Counseling
- Final Written Counseling
- Addendum to Counseling
- Performance Improvement Plan
- Discharge

With the advice and/or counsel of a Human Resources Employee Relations and Equal Employment Opportunity representative, managers must thoroughly investigate any act or incident in violation of the university's mission, established policies, procedures, or COC. The investigation must be completed in a timely fashion so that any necessary counseling/discipline can be initiated within a reasonable period of time following the incident. All pertinent information/facts must be fully documented.

In the case of a serious infraction that could result in immediate discharge (e.g., theft), the manager may be advised to send the employee home after informing him/her that he/she is on indefinite suspension pending an investigation and that he/she will be contacted in the near future. A Human Resources Employee Relations and Equal Employment Opportunity representative must be consulted prior to an employee's suspension.

Employees may choose to provide written comments in response to a disciplinary write-up, or an unsatisfactory performance appraisal assessment. Any follow-up comments must be submitted to the employee's manager within a two week time period after receipt of the disciplinary write-up, or unsatisfactory performance appraisal assessment.

Employees are not subject to the progressive discipline policy for conduct, poor job performance and/or policy violations during their introductory period. Managers who, nonetheless, engage in progressive discipline during the introductory period, however, will be required to follow through and adhere to the Progressive Discipline policy in the resolution of any conduct, poor job performance and/or policy violations. See Introductory Period policy to review options available to address conduct, poor job performance, and/or policy violation concerns.

Managers contemplating the implementation of progressive discipline to address issues with student employees should contact the [Office of Student Employment](#) for assistance in managing the process.

Please also refer to the [Sexual & Relationship Violence Prevention and Response policy](#) for additional procedural information for progressive discipline involving a potential violation of that policy.

### **Examples**

The following behaviors are examples of conduct and/or job performance violations that could result in the application of progressive discipline ranging from verbal counseling to discharge. Violations not specifically addressed below may also result in the application of disciplinary action:

- Abusive, malicious or disrespectful behavior or language to students, employees, customers, and/or visitors, including, but not limited to, negative comments regarding race, color, religion, gender, sexual orientation, national origin, age, or disability.
- Harassment or discrimination against students, employees, customers, and/or visitors because of race, color, religion, gender, sexual orientation, national origin, age, disability, or type of discharge from military service.
- Possession of firearms or other weapons on university property.
- Conviction for criminal activities that may have an effect on the university directly or indirectly.
- Unlawful or improper conduct away from university premises or during non-working hours which could, in the university's sole discretion, be determined to have an adverse effect on the employee's relationship to students, employees, customers, and/or visitors, or damage DePaul University's property, reputation and/or goodwill in the community.
- Insubordination, refusal to perform work assignments or refusal to follow instructions.
- Releasing or discussing confidential information regarding the university, a student, employee, customer record, or file, except as necessary to perform job responsibilities.
- Defamation of character.
- Unauthorized possession/removal of university property.
- Fighting on university property.
- Abuse, misuse or deliberate destruction of university, student, employee, customer, or visitor property.
- Falsification of any university record, document or file, including, but not limited to, reports, claims of injury, employment applications, or other records.
- Failure to promote and/or exemplify positive customer service.
- Possession, consumption, use, abuse, or attending work under the influence of drugs or controlled substances prohibited by State law, federal law, or other applicable law on university premises or while performing services for the university.
- Possession, consumption, use, abuse, or being under the influence of alcoholic beverages on university premises or while performing services for the university except for authorized university functions at which alcohol is served.
- Careless throwing or handling of matches and/or cigarettes or other tobacco products on university property.
- Refusal to work additional hours in an emergency situation as determined by the employee's manager.
- Sleeping on the job.

- Adversely interfering with others in the performance of their duties.
- Intentional slowdown of work.
- Refusal or failure to surrender proper identification to management personnel or public safety officers when requested.
- Violation of safety rules or practices or engaging in unsafe conduct.
- Neglecting to wear or use protective safety devices, equipment or clothing required for a job.
- Employee failure to report any accident or injury involving him or herself, another employee, student, customer, and/or visitor.
- Violation of the university's "No Smoking" policy.
- Operating equipment or machines without proper authorization.
- Failure to comply or cooperate with any university and/or department investigative procedures.
- Identifying oneself as a university representative in such things as political activity, newspapers or magazines without proper authorization.
- Conducting personal business during work hours.
- Failure to perform job duties satisfactorily.
- Excessive absenteeism.
- Unreported absences.
- Leaving work early without manager approval.
- Violation(s) of departmental rules, policies, practices, and procedures.
- Failure to remain at workstation until scheduled quitting time, or when an operation is continuous, failure to remain in work area at the end of scheduled shift until relieved by another employee or the manager.
- Refusal to work overtime or additional hours as department needs demand.
- Using business phone to make excessive personal phone calls during work hours.
- Allowing personal visitors in work area for extended periods of time without manager approval.
- Reporting to work in an unhealthy condition or when unable to perform duties.
- Altering, attaching or removing notices, pictures or printed materials on university property without proper authorization/approval.
- Excessive tardiness.
- Failure to follow personal appearance, cleanliness or uniform requirements.
- Violation of a university policy.
- Taking extended or unauthorized work breaks or meal periods.
- Falsification of time reports.
- Illegal downloading, copying, and/or distribution of copyrighted data and other materials.
- Utilizing university resources to conduct personal business, or for personal recreational use.

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## **Procedures**

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This section encompasses a number of types of employee counseling/discipline processes, including:

- Verbal Counseling
- Written Counseling
- Final Written Counseling
- Addendum to Counseling
- Performance Improvement Plan

- Discharge

Additionally, this section discusses the procedures to be followed in administering progressive discipline and discharging an employee.

The following types of employee counseling/discipline may be used when, in the university's sole discretion, it is deemed appropriate. The university reserves the right to start the disciplinary process at any counseling stage. All counseling forms and performance improvement plan documents are available at the Human Resources Web site (<http://hr.depaul.edu>).

1. **Verbal Counseling:** Used for a minor infraction(s) and may constitute the first step initiated in the disciplinary process. The employee must be informed that the discussion constitutes a verbal counseling. A record of the verbal counseling must be maintained in the employee's departmental file for future reference. This form does not become part of the employee's personnel record. Managers are expected to review the Progressive Discipline policy with the employee to assist them in their understanding of the process.
2. **Written Counseling:** Used after verbal counseling if additional violations occur, or for initial infraction(s) serious enough to warrant a formal written record. The written counseling must include a description of the infraction, and must indicate acceptable action(s) for future conduct and/or job performance expectations. The manager is encouraged to consult with a Human Resources Employee Relations and Equal Employment Opportunity representative in the completion of this form prior to issuing the counseling. The standard written counseling form indicates that failure to improve, or further violations of policy may lead to disciplinary action up to and including discharge. If additional written counseling do not occur within one year from the date of issuance, the written counseling will be removed from the employee's personnel record by his/her written request.
3. **Final Written Counseling:** Used as a step in the progressive discipline process when:
  - A written counseling was issued within the previous 12 months, with or without a performance improvement plan
  - When an initial offense is serious in nature to warrant a final notice
  - A performance improvement plan resulting from an overall unsatisfactory rating on a performance appraisal assessment is unsuccessful

A final written counseling may be issued without any prior verbal or written counseling. A Human Resources Employee Relations and Equal Employment Opportunity representative must be consulted prior to the issuance of a final written counseling.

4. **Addendum to Counseling:** Used in rare instances when an employee has previously received a written, or final written counseling, and the next infraction committed by the employee, within a 12 month time frame, would not necessarily warrant moving to the next level of discipline or termination, but requires documentation of the violation for notification to the employee and as a record for the employee personnel record. When included as an attachment to a previously

issued written or final written counseling, the date of issuance of the addendum supersedes the original written or final written counseling date.

Addendums are not to be used with a verbal counseling or a Performance Improvement Plan (PIP) document. Managers contemplating issuing an addendum to counseling must consult with a Human Resources Employee Relations and Equal Employment Opportunity representative to determine the appropriateness of issuing the addendum document.

5. **Performance Improvement Plan (PIP):** Performance Improvement Plans are always issued in conjunction with one of the following:

- a written counseling
- a final written counseling
- after an unsatisfactory performance appraisal assessment

The "Performance Improvement Plan" is designed to assist the manager in outlining critical objectives, strategies and desired outcomes necessary for the employee to succeed in his/her job. The actual plan is developed by taking into consideration input from the employee receiving the plan in order to maximize the employee's chances for a successful outcome. A Human Resources Employee Relations and Equal Employment Opportunity representative must be consulted prior to assigning an employee a "Performance Improvement Plan." Managers are required to complete final assessments (narrative document for employee record) once a "Performance Improvement Plan" has been successfully or unsuccessfully completed by the employee. In instances where the performance improvement plan is unsuccessful, a final written counseling may accompany the final assessment document.

6. **Discharge:** Used for infractions of a grave nature or repeated infractions for which the employee has previously received a final written counseling and has been appropriately warned that a re-occurrence of the specific infraction, or other policy violation would result in discharge. **The Vice President of Human Resources must be consulted prior to the discharge of any staff employee.**

**Managers contemplating the termination of a student employee must contact the Director or Assistant Director in the Office of Student Employment prior to the discharge of any student employee.**

Processes to be followed throughout the disciplinary process:

- After the investigation, or full assessment of the situation, is completed, appropriate disciplinary action will be applied in a timely manner, if necessary.
- During any and all stages of an employee counseling, the employee will be given the opportunity to explain his/her position by stating and/or documenting any extenuating or mitigating circumstances that might be involved.
- After the manager conducts a counseling session (private discussion with the employee), the employee is asked to sign and date the counseling form. This signature is an acknowledgment that the issue has been presented and discussed with the employee. It is not an indication of

agreement or disagreement on the employee's part with the content. If the employee refuses to sign the form, the manager will ask another manager to serve as a witness that the employee was presented the counseling form and refused to sign. The witness signs and dates the form and makes a notation that the employee received the form, but refused to sign. The manager and the employee keep a copy of the counseling form and return the original to the Human Resources Employee Relations and Equal Employment Opportunity representative for placement in the employee's personnel record.

- If a "Performance Improvement Plan" is warranted, the manager and employee keep a signed copy of the document and the original is submitted to the Human Resources Employee Relations and Equal Employment Opportunity representative along with a written counseling, final written counseling or "Performance Appraisal" form. Repeated instances of conduct and/or poor performance issues do not mandate that managers must repeatedly implement "Performance Improvement Plans" to restore the employee to acceptable conduct and/or job performance levels.
- When an employee commits multiple violations, such as when a single incident involves more than one (1) offense, or when two (2) or more incidents involve different offenses, the violations need not be treated as separate accounts. A single, more severe penalty may be imposed provided that each offense/incident is specifically stated when completing the disciplinary counseling form.
- General departmental guidelines for conduct and job performance expectations should be established, and regularly communicated to employees, to maintain consistency in administering progressive discipline.
- In the instance that an employee is charged or convicted of a crime, the manager must notify a Human Resources Employee Relations and Equal Employment Opportunity representative, who will obtain the necessary facts and contact legal counsel to determine a course of action.

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## **Divisional Collaborations**

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Office of Student Employment

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## **Contact Information**

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### **For Staff Issues**

#### **Office of Human Resources**

#### **Office Location:**

14 East Jackson Boulevard  
Suite 1300  
Chicago, Illinois 60604  
(312) 362-8500

### **For Student Issues**

#### **Office of Student Employment**

#### **Mailing Address & Office Location:**

1 East Jackson Boulevard  
Suite 9400

Chicago, Illinois 60604  
(312) 362-5599

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## **Appendices**

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All counseling forms and performance improvement plan documents are available at the Human Resources Web site (<http://hr.depaul.edu>).

Introductory Period Policy  
Verbal Counseling form  
Student Employee Verbal Counseling form  
Written/Final Written Counseling form  
Student Employee Written Counseling form  
Performance Improvement Plan (PIP)  
Student Employee Performance Improvement Plan (PIP)

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## **History/Revisions**

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Origination Date: 12/09/1996  
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