



<b>Policy Title</b>	<b>Progressive Discipline Policy</b>
<b>Policy Category</b>	<b>Employment, Benefits, and Workplace Policies</b>
<b>Policy Approval Date</b>	
<b>Responsible Office</b>	<b>Finance and Administration</b>
<b>Related Policies</b>	<b>Performance Improvement Plan Policy</b>
<b>Frequency of Review</b>	<b>3 Years</b>
<b>Date of Next Review</b>	

### **I. SCOPE**

The Progressive Discipline Policy (“Policy”) applies to staff members of the University, including both Exempt and Non-Exempt Staff Members (hereinafter collectively referred to as “employees”). This Policy does not apply to faculty members or student workers. See section IV below for the definitions of capitalized terms contained in this Policy.

### **II. POLICY STATEMENT**

The purpose of this Policy is to establish guidelines and best practices pertaining to corrective action and employee discipline for acts of Misconduct.<sup>1</sup>

Employment at Arcadia University is based on the premise of employment at will.<sup>2</sup> This means that employment can be terminated with or without cause, with or without notice, at any time at the option of either the University or the employee, unless the employment relationship is governed by expressed agreement. Notwithstanding, Arcadia University strives to maintain good relationships with its employees. This Policy is designed to provide a structured corrective action process to improve and prevent a recurrence of employee Misconduct.

This Policy institutes a progressive discipline process that will:

- Ensure that the employee knows what the problem(s) is/are;
- Communicate what the supervisor or manager’s expectations are in order for the employee to correct the problem(s);
- Provide appropriate courses of action for employee Misconduct; and
- Provide a record of corrective action taken by supervisors or managers in such problem situations.

### **III. POLICY**

There may be instances where Misconduct may result in immediate adverse employment action, up to and

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<sup>1</sup> Issues pertaining more specifically to Unsatisfactory Work Performance, as opposed to Misconduct, are addressed through the University’s Performance Improvement Plan Policy.

<sup>2</sup> For some non-U.S. based employees, such as non-U.S. based employees of The College of Global Studies (“TCGS”), local law governing employment status may not provide for at will employment.

including Termination. Factors to be considered include, but are not limited to:

- The length of time the employee has been employed or has been in the position;
- The seriousness or egregiousness of the Misconduct;
- The impact the Misconduct has on the essential business needs of the University or the department; and
- The grade level of supervisory responsibilities of the employee.

Misconduct which may result in immediate adverse employment action, up to and including Termination, could include insubordination; theft of or damage to University property; conduct involving illegal drugs, alcohol, weapons, or acts or threats, including implied threats, of violence; conduct leading to the release of confidential information; the making of false statements or misrepresentations, including the falsification of documentation; and conviction for a crime that calls into question an individual's fitness for their position.

Termination for Misconduct is a serious matter that requires careful evaluation and the approval of the Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS,<sup>3</sup> or their designees. For instances where immediate adverse employment action is not deemed necessary, supervisors should act consistently with the procedures that follow.

There are four steps in the Progressive Discipline Process: Verbal (Oral) Warning, Written Warning, Suspension, and Termination. However, depending on the severity or persistence of the Misconduct or repeated infractions, the Process may be shortened and the supervisor or manager, in consultation with the Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS, or their designees, may move to a later step in the Process. All Disciplinary Actions should be taken within a reasonable amount of time from when the supervisor or manager learns of or has knowledge of the offense.

#### **A. Verbal (Oral) Warning**

Verbal (Oral) Warnings are appropriate for minor instances of Misconduct. Supervisors and managers should adhere to the following guidelines in issuing Verbal (Oral) Warnings:

1. The supervisor notifies the employee of the issues with their conduct, providing specific examples.
2. The employee has the opportunity to respond to the issue(s) raised.
3. The supervisor makes concrete statements about expectations for the employee's conduct, emphasizing in a constructive manner the University's expectation that the employee will refrain from further similar conduct.
4. The supervisor informs the employee of the possibility of further action if the conduct reoccurs.
5. The supervisor documents the discussion with the employee, including date of the Verbal (Oral) Warning, the issue(s) and/or conduct discussed, and recommendations made.

#### **B. Written Warning**

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<sup>3</sup> Non-U.S. based employees of TCGS, may be subject to locality-based policies in addition to or instead of this Policy.

Written Warnings are appropriate for more significant initial incidents of Misconduct, or for recurrent incidents of Misconduct. Supervisors and managers should adhere to the following guidelines in issuing Written Warnings:

1. The Written Warning should be reviewed by the Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS, or their designees, prior to issuance.
2. The Written Warning should identify the conduct issue, providing specific examples; make concrete statements about expectations for the employee's conduct; emphasize in a constructive manner the University's expectation that the employee will refrain from further similar conduct; and inform the employee of the possibility of further action if the conduct reoccurs (further disciplinary action up to, and including Termination).
3. The Written Warning should be reviewed with the employee during an in person meeting with the supervisor.<sup>4</sup>
4. The employee should have the opportunity to respond to the issue(s) raised.
5. The Written Warning should be given to the employee directly following the discussion with copies to the Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS, or their designees, and to the employee's personnel file. The supervisor or manager should also maintain a copy.

### **C. Suspension or Final Written Warning**

Suspension is intended to indicate to the employee the seriousness of the infraction and that the employee can reasonably expect that the next step if there are further acts of Misconduct is Termination of employment. Supervisors and managers should adhere to the following guidelines in issuing Suspensions:

1. Notice of the Suspension should be reviewed by the Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS, or their designees, prior to issuance.
2. The notice should identify the conduct issue, providing specific examples; make concrete statements about expectations for the employee's conduct; emphasize in a constructive manner the University's expectation that the employee will refrain from further similar conduct; and inform the employee of the possibility of further action if the conduct reoccurs (further disciplinary action up to, and including Termination).
3. The notice should be reviewed with the employee during an in person meeting with the supervisor and the Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS, or their designees.
4. The notice should be given to the employee directly following the discussion with copies to the Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS, or their designees, and to the employee's personnel file. The supervisor or manager should also maintain a copy.

For reasons related to compliance with the Fair Labor Standards Act, Suspensions without pay are sometimes not available as a corrective action for Exempt Staff Members. However, if an investigation of alleged Misconduct is necessary, an Exempt or Non-Exempt Staff Member may be suspended with pay, pending the results of the investigation. If an employee is suspended without pay pending the results of an investigation, pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

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<sup>4</sup> A call can replace any in person meeting described in this Policy when an in person meeting is impracticable (e.g. for a remote employee or non-U.S. based employee of TCGS).

There may be instances when, due to an employee's status or the nature of the Misconduct, a Final Written Warning may be more appropriate as a step following a Written Warning, and may, upon consultation with the Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS, or their designees, substitute for a Suspension.

#### **D. Termination**

Termination is a culmination of the Progressive Discipline Process, or the penalty for very serious offenses. Notwithstanding the employment-at-will doctrine referenced above, the University reserves the right to take disciplinary action up to and including Termination for serious infractions, incidents of Misconduct, violations of rules or safety measures, or, as noted in the Performance Improvement Plan Policy, for serious incidents of Unsatisfactory Work Performance. Supervisors and managers should take the following steps before Termination is issued:

1. The supervisor should fully document the circumstances of the Termination in consultation with the Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS, or their designees.
2. The Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS, or their designees, should conduct a pre-Termination review. The purpose of the review is to review with the employee's supervisor the past record and any new circumstances leading to the supervisor's request to terminate.
3. Upon approval of the Termination by the Associate Vice President for Human Resources and Employee Experience or the Unit Vice President for non-U.S. based employees of TCGS, or their designees, an in person meeting should be held with the employee to inform them of the Termination.
4. A copy of the documented Termination decision should be filed in the employee's personnel file.

Of relevance here, the University's Grievance Policy specifically does not apply to terminations of employment and employee discipline, performance review, or dismissals during the introductory period of employment.<sup>5</sup>

#### **IV. DEFINITIONS**

A **Non-Exempt Staff Member** is defined under the Fair Labor Standards Act as a Staff Member holding a position that is subject to the overtime provisions of the Act.

An **Exempt Staff Member** is defined under the Fair Labor Standards Act as a Staff Member holding a bona fide executive, administrative, or professional position that is not subject to the overtime provisions of the Act.

As noted above, **Misconduct** which may result in immediate adverse employment action, up to and including Termination, could include insubordination; theft of or damage to University property; conduct involving illegal drugs, alcohol, weapons, or acts or threats, including implied threats, of violence; conduct leading to the release of confidential information; the making of false statements or

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<sup>5</sup> Non-U.S. based employees may have a grievance process available if local law requires.

misrepresentations, including the falsification of documentation; and conviction for a crime that calls into question an individual's fitness for their position. However, employee Misconduct is intended to be broadly conceived and may include other acts including *but not limited to*: unauthorized absence(s); excessive lateness or "early quit"; a Non-Exempt Employee's failure to record time in or out or performing unauthorized extra work; unprofessional conduct; failure to comply with health or safety rules or to report accidents—including vehicle accidents—or personal injury immediately to a supervisor; failing to observe housekeeping rules or otherwise creating unsanitary conditions; sleeping or gambling during work hours; unauthorized use of Arcadia property; disruptive or disorderly conduct; theft of or damage to the property of other employees, students, or visitors; offering, soliciting, giving, or taking bribes; or violations of University Policy, including the Policy Prohibiting Sexual Misconduct, Relationship Violence, and Stalking or Non-Discrimination and Non-Harassment Policy.

**Unsatisfactory Work Performance** can encompass a variety of work behaviors that includes, but is not limited to:

- a. Inability to complete work assignments or correct errors in a reasonable amount of time;
- b. Inability to or unwillingness to learn new tasks or skills or to work collaboratively;
- c. Inability to exercise good judgment;
- d. Inability to receive or take instruction/direction; or
- e. Violation of University or departmental rules or policies or inappropriate conduct.

**University** refers to Arcadia University, its colleges, schools, affiliates, divisions and subsidiaries.

**V. EFFECTIVE DATE**

This Policy is effective on the date that it is signed by the President.

**VI. SIGNATURE, TITLE AND DATE OF APPROVAL**

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Ajay Nair, President



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Date

10/1/19

