



## UNIVERSITY OF MANITOBA PROCEDURE

<b>Procedure:</b>	<b>DISCIPLINE AND DISMISSAL FOR EXCLUDED MANAGEMENT, ADMINISTRATIVE AND PROFESSIONAL STAFF</b>
<b>Parent Policy:</b>	Discipline and Dismissal for Excluded Management, Administrative and Professional Staff
<b>Effective Date:</b>	January 24, 2006
<b>Revised Date:</b>	
<b>Review Date:</b>	January 24, 2016
<b>Approving Body:</b>	Administration: President
<b>Authority:</b>	Policy: Discipline and Dismissal for Excluded Management, Administrative and Professional Staff
<b>Responsible Executive Officer:</b>	Vice-President (Administration)
<b>Delegate: (If applicable)</b>	
<b>Contact:</b>	Executive Director of Human Resources
<b>Application:</b>	Employees Excluded Management, Administrative and Professional Staff

### **Part I Reason for Procedure**

- 1.1 To set out Procedures secondary to Policy: Discipline and Dismissal of Excluded Management, Administrative and Professional Staff, in conjunction with
- a) the concept of progressive discipline;
  - b) the need to suspend or dismiss without prior warning; and
  - c) the process for a separation of employment with notice

for those employees who have previously successfully completed a probationary or trial period in the position.

## **Part II Procedures**

The Discipline and Dismissal Policy provides three options for action. A representative of the Staff Relations unit of Human Resources must be consulted to determine the appropriate option. A copy of all disciplinary letters given to the employee shall be sent to Human Resource Services and be placed in the employee's employment file.

The procedures for each option are as follows:

### **2.1 Progressive Discipline - Option 1**

Where job expectations have been communicated and problems with job performance occur, the supervisor should consult with Staff Relations to determine the course of action. Normally the disciplinary process should begin with an investigation of the circumstances, which may include discussions with the employee and/or other staff. The objective of the investigation is to determine the facts and to determine any factors contributing to the poor performance, including the possibility of factors that may be outside the employee's control. After investigation, circumstances such as previous disciplinary action, the nature of the performance problem, the impact of the employee's actions on the safety of other employees, or the potential for damage or loss of University resources may mean that one or more steps in the progressive discipline process are bypassed.

#### **2.1.1 Step One - Oral Discussion Summarized in Writing**

2.1.1.1 The supervisor should discuss the results of his/her investigation with the employee, with a view to resolving the problem(s).

2.1.1.2 The supervisor shall review:

- a) the incidents that led to the discipline,
- b) the specific actions required of the employee and
- c) how these actions relate to the employee's job responsibilities.

2.1.1.3 The discussion also should include:

- a) the fact that it is a formal disciplinary action under this Procedure,
- b) who the employee will contact if they have questions,
- c) a time frame for review of the employee's performance or completion of tasks, and
- d) a date when the disciplinary action will be reviewed.

2.1.1.4 The employee may request the attendance of a representative from Human Resource attend the meeting with the employee.

2.1.1.5 The supervisor may decide to draft a letter before the meeting to ensure that all issues are covered and use the draft to discuss issues with the employee.

2.1.1.6 The employee will be given a summary of the discussion after the meeting. This letter shall also advise that further disciplinary action may be taken if there is no progress on performance issues.

2.1.1.7 Normally the disciplinary action should be reviewed at three month intervals or sooner as required. Review meetings shall also be summarized in writing to the employee and the summary shall be placed in the employee's employment file.

## **2.1.2 Step Two - Letter of Warning**

2.1.2.1 If there is no progress in reaching the supervisor's expectations, if other job performance issues arise, or if it is determined that circumstances require discipline to begin at this stage, the supervisor will meet with the employee and give him/her a Letter of Warning.

2.1.2.2 The employee may request the attendance of a representative from Human Resource Services attend the meeting with the employee.

2.1.2.3 The information and discussions with the employee should be similar to that described under 2.1.1.

2.1.2.4 The disciplinary action should be reviewed at three month intervals or sooner if required. Review meetings shall also be summarized in writing to the employee and the summary shall be placed in the employee's employment file.

**2.1.3** If an employee requests that the written disciplinary action in 2.1.1 or 2.1.2 be removed from the employee's employment file, the supervisor shall consult with a representative of Staff Relations for advice regarding the advisability of such an action.

## **2.1.4 Step Three - Suspension Without Pay**

2.1.4.1 If there is no progress in reaching the supervisor's expectations, if other job performance issues arise, or if it is determined that circumstances require discipline to move to or begin

at this stage, the supervisor will meet with the employee and review the job performance issues.

2.1.4.2 Prior to the meeting the supervisor will consult with Staff Relations to determine the appropriate length of the Suspension Without Pay, normally between one and three days.

2.1.4.3 In the meeting the employee will be informed that they are to serve a Suspension Without Pay and the length and dates of the suspension.

2.1.4.4 In addition it shall be made clear to the employee that his/her further employment with the University is in jeopardy unless his/her job performance improves to an acceptable level.

2.1.4.5 The meeting shall be summarized in writing to the employee, with a copy to Human Resource Services for the employment file.

2.1.4.6 When disciplinary action proceeds to this level, the supervisor may also wish to consult with Staff Relations about the possibility of removing certain duties from the job or transferring the employee to a different job, with a subsequent reduction in classification and/or pay. These options would require the cooperation of the employee and will only be considered if recommended by the supervisor(s) involved and if the option is seen as a viable solution to the job performance problems.

2.1.4.7 At this step in the disciplinary process job performance should be reviewed with the employee as often as possible.

2.1.4.8 The decision to move to dismissal should be seen as a last resort, requiring that the supervisor show that all efforts have been made to try and improve performance.

2.1.4.9 Because of the serious nature of this step, written material will not normally be removed from the employee's employment file.

#### **2.1.5 Step Four - Dismissal**

2.1.5.1 If there is no progress in reaching the supervisor's expectations or if other job performance issues arise, the employee may be dismissed.

2.1.5.2 Dismissal shall be confirmed in writing to the employee, with a copy to Human Resource Services for the employment file.

2.1.5.3 Employees who are dismissed in accordance with this progressive discipline process shall not require notice of the dismissal by the University.

## **2.2 Suspension or Dismissal Without Prior Warning - Option 2**

2.2.1 Where serious breaches of University Policy or other unacceptable behaviour including but not limited to theft, harassment, insubordination, or violent behaviour occur, the supervisor should consult with Staff Relations to determine the course of action.

2.2.2 Normally the process should include an investigation of the circumstances, which may include discussions with the employee and/or other staff.

2.2.2.1 The objective of the investigation is to determine the facts and to review any factors relevant to deciding on the appropriate option and level of discipline.

2.2.2.2 Investigation may also occur as a result of the filing of a formal complaint under Policy: Respectful Work and Learning Environment Policy, in which case the course of the investigation will be according to policy.

2.2.3 Suspension or dismissal under this disciplinary option shall not require notice of the suspension or dismissal by the University.

## **2.3 Termination of Employment With Notice - Option 3**

2.3.1 This option is reserved for circumstances where progressive discipline or immediate termination for just cause do not apply or are not considered appropriate to the type of problem or level of position.

2.3.2 A representative of the Staff Relations unit of Human Resources must be consulted in all cases before this option is applied.

2.3.3 This option must be applied in a respectful manner that preserves the employee's dignity.

2.3.4 Staff Relations will work with the supervisor to determine the appropriate plan of action including the parameters of any notice offered.

2.3.5 The settlement conditions used when an employee's position is discontinued under Procedure: Position Discontinuance, Layoff, Resignation of Excluded Management, Administrative and Professional

Staff are also considered as appropriate parameters for notice of termination.

### **Part III Accountability**

- 3.1 The University Secretary is responsible for advising the President that a formal review of these Procedures is required.
- 3.2 The Executive Director of Human Resources is responsible for the communication, administration and interpretation of these Procedures.

### **Part IV Review**

- 4.1 Formal Procedure reviews will be conducted every ten (10) years. The next scheduled review date for this Procedure is June 21, 2015.
- 4.2 In the interim, these Procedures may be revised or rescinded if:
  - a) the President and/or Vice-President (Administration) deems necessary; or
  - b) the relevant Policy is revised or rescinded.

### **Part V Effect on Previous Statements**

- 5.1 This Procedure supersedes:
  - a) all previous Board/Senate Policies, Procedures, and resolutions on the subject matter contained herein;
  - b) all previous Administration Policies, Procedures, and directives on the subject matter contained herein.
  - c) 1105 Discipline and Dismissal Policy (August 15, 1975).

### **Part VI Cross References**

Policy: Discipline and Dismissal for Excluded Management, Administrative and Professional Staff

Procedure: Position Discontinuance, Layoff and Resignation of Excluded Management, Administrative and Professional Staff