



# Employee Discipline (Excluding Academic and Bargaining Unit Staff)

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## POLICY STATEMENT

Cornell University may use disciplinary actions to assist supervisors and staff members in resolving unsatisfactory job performance, misconduct, or behavior that violates university policies, procedures, or practices. Disciplinary procedures will be administered consistently, and in a manner that is intended to be corrective.

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## REASON FOR POLICY

The disciplinary process is an important component of the university's goal of maximizing and sustaining the performance of each staff member and, in turn, the university as a whole.

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## ENTITIES AFFECTED BY THIS POLICY

- Ithaca-based locations
- Cornell Tech campus
- Weill Cornell Medicine campuses

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## WHO SHOULD READ THIS POLICY

- Administrative managers
- All regular, nonacademic, non-bargaining unit staff
- Deans, directors, and department heads
- College/unit human resource representatives
- Supervisors

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## MOST CURRENT VERSION OF THIS POLICY

- [www.dfa.cornell.edu/policy/policies/employee-discipline-excluding-academic-and-bargaining-unit-staff](http://www.dfa.cornell.edu/policy/policies/employee-discipline-excluding-academic-and-bargaining-unit-staff)

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Cornell Policy Library  
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Resources Officer  
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## RELATED RESOURCES

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### University Policies and Information

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[University Policy 4.6, Standards of Ethical Conduct](#)

[Campus Code of Conduct](#)

[Human Resources Policy 6.10.6, Performance Dialogue](#)

[Human Resources Policy 6.11.4, Staff Complaint and Grievance Procedure](#)

[Pay Transparency Statement \(PDF\)](#)

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## CONTACTS – ITHACA-BASED LOCATIONS AND CORNELL TECH

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Direct any general questions about this policy to your college or unit administrative office. If you have questions about specific issues, contact the following offices.

*Contacts, Ithaca-Based Locations and Cornell Tech*

<b>Subject</b>	<b>Contact</b>	<b>Telephone</b>	<b>Email/Web Address</b>
<b>Policy Clarification and Interpretation</b>	College/Unit Human Resource Representative		
	Workforce Policy and Labor Relations	(607) 255-4652	
<b>Other offices that provide problem-solving consultation</b>	Office of the University Ombudsman	(607) 255-4321	
	Department of Inclusion and Workforce Diversity	(607) 255-3976	
	Workforce Policy and Labor Relations	(607) 255-4652	

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## DEFINITIONS

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These definitions apply to terms as they are used in this policy.

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<b>Insubordination</b>	Refusal to submit to authority.
<b>Serious Misconduct</b>	Conduct by an individual, while engaged in university business or on university premises, that includes, but is not limited to: violation of laws, and/or university policies, procedures, and practices; theft; assault or fighting; insubordination; dishonesty or other unethical conduct; safety violations; harassment; possession/concealment of weapons; possession, use, sale, or purchase of illegal drugs or illegal intoxicants; falsification or improper alteration of records, including time cards/records; and disclosure or misuse of confidential information.  ◆ <b>Note:</b> Serious misconduct may also arise as a result of personal behavior by a staff member that has specific job-related or institutional consequences. The connection between such personal behavior and the staff member's employment will be assessed on a case-by-case basis by appropriate leadership. To that end, the university reserves the right to take appropriate disciplinary action, up to and including termination, if an employee engages in out-of-work or off-premises conduct that is sufficiently egregious and/or sufficiently detrimental to the best interests of the university.
<b>Unit</b>	A college, department, program, research center, business service center, or other operating unit.

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## RESPONSIBILITIES – ITHACA-BASED LOCATIONS AND CORNELL TECH

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The major responsibilities each party has in connection with this policy are as follows:

<b>College/Unit Human Resource Representative</b>	Consult with Workforce Policy and Labor Relations in the central Division of Human Resources and the supervisor and/or unit head to ensure that disciplinary procedures are conducted in accordance with this policy.  Review all suspensions before their issuance.
<b>Staff Member</b>	Read and understand University Policy 6.11.3, Employee Discipline. When grieving a disciplinary action, do so in accordance with Human Resource Policy 6.11.4, Staff Complaint and Grievance Procedure.
<b>Supervisor</b>	Before invoking the terms of this policy, meet with the staff member to discuss performance problems and/or inappropriate behavior and outline the steps necessary to correct them.  Before invoking disciplinary procedures, consult with the college/unit human resource representative.  Issue verbal or written warnings and carry out disciplinary procedures fairly, and in accordance with this policy.  Prior to issuance, have all written warnings reviewed by the college/unit human resource representative and/or unit head, or Workforce Policy and Labor Relations in the central Division of Human Resources, as appropriate.  Give originals of all warnings to the staff member.  Retain a copy of all warnings in the staff member's unit file and/or the unit head or college/unit human resource representative's file.  In cases of termination, request the return of all university property, including keys, ID cards, parking permits, computer equipment, procurement cards, etc.

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## PRINCIPLES

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### Overview

Identifying employee performance problems and/or inappropriate behavior, and the appropriate and most effective means of resolving them, can be complex and require a variety of considerations. Disciplinary actions are usually corrective and progressive in nature, however, serious misconduct and work performance problems, or violation of laws and /or university policies, procedures, and practices may warrant disciplinary action, including termination, outside of the corrective, progressive approach that is outlined below. These procedures serve as a guide for supervisors to help ensure that a fair approach is taken in dealing with staff with continuing and/or serious performance problems. In most instances, disciplinary actions should not come as a surprise to staff, but should occur after other informal remedial and/or corrective measures such as on-going performance feedback, coaching, counseling, training, etc., have not been successful.

There are three types of disciplinary action that may be taken: warning, suspension, and termination. (They are described below.) However, in determining the proper course of disciplinary action, the supervisor and/or the college/unit human resource representative or unit head may repeat, modify, or omit a level of discipline based upon the facts of the specific case. For example, in the case of serious misconduct, a suspension or termination of employment on the first offense may be warranted.

◆**Note:** Although the university's philosophy on improving performance and behavior is a corrective and progressive approach, there are situations when this approach is not appropriate. Some examples of this type of situation are: staff members who fail to meet performance expectations in positions that require them to (1) regularly and reliably exercise a high level of judgment and discretion, (2) consistently demonstrate effective supervision, management, and leadership, and (3) productively participate in a confidential capacity as part of the management team, where the actions and inactions of such individuals may seriously impair the ability of a unit, college, division, or the university to carry out its mission. In these cases, as early as possible, the affected staff member should be given a clear understanding of how his/her performance is not meeting expectations or the standards of the job. The supervisor should thoroughly discuss the concerns with the staff member and allow him/her an opportunity to present his/her understanding of the situation. If a mutually agreeable resolution to the situation cannot be found, the university reserves the right to terminate the staff member's employment. Appropriate notice or pay in lieu of notice will be arranged.

◆**Caution:** Before imposing discipline, supervisors are expected to consult with the college/unit human resource representative and/or unit head.

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## PRINCIPLES, continued

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### **Staff Member Rights**

There are three types of disciplinary action that may be taken: warning, suspension, and termination. (They are described below.) However, in determining the proper course of disciplinary action, the supervisor and/or the college/unit human resource representative or unit head may repeat, modify, or omit a level of discipline based upon the facts of the specific case. For example, in the case of serious misconduct, a suspension or termination of employment on the first offense may be warranted.

Staff members have the right to file a formal grievance whenever they believe they have been treated in a manner inconsistent with this policy (see Human Resources Policy 6.11.4, Staff Complaint and Grievance Procedure).



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## PROCEDURES – ITHACA-BASED LOCATIONS AND CORNELL TECH

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### Disciplinary Actions

#### Warning

Initial disciplinary actions can be oral or written, depending upon the severity of the situation. The supervisor should meet with the staff member to discuss the performance problem and/or inappropriate behavior and outline the steps necessary to correct it. The supervisor may make notes of this initial discussion and retain them for future reference.

If performance or behavioral problems continue, or if the severity of the initial offense warrants, the supervisor should meet with the staff member and give a formal written warning to document the discussion. The written warning should include a description of the problem and the specific steps necessary to successfully correct it, the timeline for improvement, and a scheduled time to meet to review the staff member's subsequent performance. The warning should also indicate that unless the unacceptable performance or behavior is corrected and the acceptable behavior maintained as discussed, further disciplinary action, including termination, may occur.

If there is no change or improvement in performance or behavior, further disciplinary action may include a second written warning, a final warning, a suspension, or termination, depending on the actual situation. Determination of which action is appropriate should be made after consultation with the college/unit human resource representative and/or unit head, or Workforce Policy and Labor Relations in the central Division of Human Resources, as appropriate. Written warnings should make clear to the staff that absent compliance and appropriate corrective action, further disciplinary measures, which may include termination, will follow.

Prior to issuance, all written warnings should be reviewed by the college/unit human resource representative and/or unit head, or Workforce Policy and Labor Relations in the central Division of Human Resources, as appropriate. The original is given to the staff member and a copy is retained in the staff member's unit file and/or the unit head or college/unit human resource representative's file.

#### Suspension

Suspension may be appropriate as a form of discipline. It may also be invoked to facilitate investigative actions.

*Disciplinary suspensions* are used to address serious misconduct/violations of procedures, practices, or laws. They also may be used when oral and written warnings have not corrected deficient work performance or behavior or when the

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## PROCEDURES – ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

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performance/behavior warrants a more severe discipline in the first instance. Supervisors must discuss with their college/unit human resource representative plans to suspend staff members.

*Disciplinary suspensions of non-exempt staff members:* These suspensions are unpaid and, generally, range from one to three consecutive workdays in duration. In cases of severe infractions, longer suspensions may be given and scheduled at the discretion of the unit.

*Disciplinary suspension of exempt staff members:* In accordance with the Fair Labor Standards Act, no exempt staff member may be subject to a suspension without pay unless it is in increments of full workweeks, except under limited circumstances. Human Resource Representatives should contact Workforce Policy and Labor Relations prior to suspending an exempt staff member for less than one full workweek.

*Investigatory suspensions* may be used in situations where actions of a staff member are being investigated. The staff member is placed on a suspension, with or without pay, depending upon the circumstances of the case, while the investigation is being conducted. Based on the outcome of the investigation, the staff member may be issued a disciplinary suspension, reinstated either with or without the imposition of a lesser disciplinary action, or terminated.

Prior to issuance of suspension, the college/unit human resource representative and/or unit head, or Workforce Policy and Labor Relations in the central Division of Human Resources, as appropriate must review all suspensions. Following the investigation and discussion with the staff member, the individual should receive a letter documenting the reason for the suspension, whether the suspension is with or without pay, and the period of suspension. A copy of the letter is retained in the staff member's unit file and/or the unit head or college/unit human resource representative's file.

#### Termination

A staff member's employment may be terminated for performance deficiencies that are not corrected, or for serious misconduct. Prior to initiating such action, the supervisor and/or unit head must consult with the college/unit human resource representative who, in turn, is expected to consult with Workforce Policy and Labor Relations in the central Division of Human Resources.

Following the investigation and discussion with the staff member, a memorandum or letter, documenting the reason for termination, must be given to the staff member

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## PROCEDURES – ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

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and placed in his/her human resources file in the unit. Supervisors must request the return of all university property, including keys, ID cards, procurement cards, parking permits, computer equipment, etc.

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