



THE UNIVERSITY OF SOUTHERN MISSISSIPPI

Office of the Provost and Senior Vice President for Academic Affairs

To: Rodney D. Bennett
President

From: Steven R. Moser 
Provost

Date: June 22, 2018

Subject: Faculty Handbook: Progressive Disciplinary Policy

Dr. Bennett,

Attached you will find the Faculty Handbook Committee's *Progressive Disciplinary Action* policy. The subcommittee of the Faculty Handbook Committee that formulated the proposal included a representative from General Counsel and the full committee followed standard protocol in vetting and approving the policy. I support this policy and present it to you for review and approval.

REQUEST APPROVED:



Rodney D. Bennett, President



Date

Faculty Handbook Committee Report: First Vote Passed on Progressive Disciplinary Action

Passed First Vote May 18, 2018

Edited after receiving comments. Edits took place on 06/13/2018 to be submitted to the FHC for second vote.

Passed Second Vote on June 18, 2018

University of Southern Mississippi Progressive Discipline Policy for Faculty

Policy Statement

This progressive discipline policy applies to situations absent in other university policies. This policy is intended to address and remedy workplace situations requiring immediate attention, but do not merit initiation of proceedings leading to the termination of employment. This policy does not cover situations involving contumacious conduct, malfeasance, Title IX, scholarly misconduct, inefficiency, cause, or criminal conduct. This policy applies to the Corps of Instruction as defined in the Faculty Handbook as well as visiting instructors and visiting professors. Examples of conduct covered by this policy include, but are not limited to, violations of university protocols or policies, failure to perform assigned duties, misuse of financial resources, misuse of facilities, excessive absenteeism, improper supervision of graduate assistants, or inappropriate behavior leading to an unproductive learning and working environment.

Reason for Policy

The progressive discipline policy provides an opportunity to identify and correct various workplace issues that may arise within the Corps of Instruction. The policy provides a standard process by which faculty are notified of inappropriate workplace behaviors or practices and what steps are required to correct the situation. The policy also provides a standard process by which faculty can appeal the allegations of inappropriate workplace behaviors or practices. Administrative personnel should follow the procedures listed in this policy when addressing situations requiring progressive discipline.

Who Needs to Know this Policy

Faculty, School Directors, College Deans, University Human Resources, Provost, and President

Policy and Procedures

School directors are responsible for oversight of the faculty in their schools. School directors, in consultation with the dean, are generally responsible for implementing the progressive discipline policy. The parties involved in the progressive discipline process should maintain confidentiality, when possible.

The procedures below outline the possible steps that can be taken when administering progressive discipline. However, some situations merit an alternate point of entry in the progressive discipline process. Any situation that is deemed severe, yet correctable, might start at either Step 2 (reprimand) or Step 3 (censure) depending on the severity of the offense. Multiple issues arising from the same faculty member may be considered collectively. Multiple issues being considered collectively may merit an alternate point of entry in the progressive discipline policy. The progressive discipline procedures outlined below do not guard against termination of employment for situations deemed severe, situations leading to an unsafe working environment, or other situations as defined by IHL or other institutional policies.

Step 1: Verbal warning

The school director verbally communicates the concern with the faculty member in a private meeting. The school director communicates the issue to the faculty member, why the issue is a concern and the expected corrective actions to be taken by the faculty member to remedy the situation. The school director communicates to the faculty member the time frame for reevaluation of the situation and indicates to the faculty member that failure to correct the behavior within the indicated time frame will result in a written reprimand as described in Step 2. The school director will identify this as a verbal warning and summarize the meeting in an email to the faculty member which does not go into the faculty member's HR file. The faculty member may respond to the email to address any inaccuracies in the summary of the meeting.

The verbal warning is to be corrective and non-punitive in that it is not made public and does not result in any documentation being placed in the faculty member's HR file.

Step 2: Written reprimand

The school director may initiate Step 2 if the faculty member fails to resolve the situation identified in Step 1 within the indicated time frame for reevaluation. The school director may also initiate Step 2 as the entry point for progressive discipline for situations deemed too severe to begin with a verbal warning.

The written reprimand must include: 1) a detailed description of the situation, 2) any previous steps taken by the school director to communicate the situation with the faculty member, 3) a description of why the situation merits a written reprimand, 4) a description of what the faculty member must do to correct the situation, 5) the timeline by which the situation is to be reevaluated, and 6) any actions that might occur if a resolution is not achieved. The school director is to mention in the written reprimand that such actions may include moving to Step 3 (censure) of the progressive discipline policy or initiation of proceedings leading to the termination of employment (if appropriate). When possible, the written reprimand is to be delivered to the faculty member in person by the school director, and a copy is also to be placed in the faculty member's HR file. The school director may also send an electronic copy to the faculty member in addition to the hard copy as well as a copy to the dean.

The faculty member may request a dean's review of the written reprimand within five business days of receiving the hard copy of the written reprimand. The dean of the college, to whom the school director reports, has five business days to initiate a review of the merits of the reprimand and notify the parties by email. The dean can uphold the reprimand, reject the reprimand as an inappropriate discipline, or call a meeting which would include the faculty member and school director to obtain more information before making a final decision. The decision of the dean is final at this stage of progressive discipline.

A copy of the written reprimand, the dean's decision (if applicable), and the school director's reevaluation (if applicable) are to be placed in the faculty member's HR file. The written reprimand is to be corrective and non-punitive in that it is not made public and does not result in formal sanctions. In the event of a dean's review, no written reprimand will be added to the faculty member's HR file until the review is completed. Faculty have the right to include a letter of rebuttal to accompany the written reprimand.

Step 3: Censure

The school director may initiate Step 3 if the faculty member fails to resolve the issue outlined in Step 2 within the indicated time frame for reevaluation. The school director may also initiate Step 3 as the entry point for progressive discipline for situations deemed too severe to begin with a written reprimand. Censure is the final step of progressive discipline and is to include sanctions that may be punitive and non-private.

Failure to achieve resolution of the situation at the censure stage can result in the initiation of proceedings leading to the termination of employment.

In consultation with the dean, the school director composes a letter of censure to the faculty member that must include: 1) a detailed description of the situation, 2) a reason why the situation merits censure, 3) the sanctions that are to be imposed on the faculty member, 4) the corrective actions the faculty member must make to address the situation, 5) the timeline by which the situation is to be reevaluated, and 6) a statement that failure to resolve the situation can result in the initiation of proceedings leading to the termination of employment. When possible, the signed letter of censure is to be delivered to the faculty member in person by the school director, and a copy is to be delivered to the dean to whom the school director reports. The school director may also send an electronic copy to the faculty member in addition to the hard copy.

Sanctions may include, but are not limited to, reassignment of teaching duties, suspension, reassignment of research and/or service commitments, loss of committee chair privileges, or loss of university-approved travel privileges.

The faculty member may request a provost review within five business days of receiving the letter of censure. The provost has five business days to initiate a review of the merits of the letter of censure and notify the parties by email. The provost can either uphold the letter of censure or reject the letter of censure as an inappropriate discipline. The provost can elect to obtain additional facts through the use of the ombudsman or by calling a meeting which would include the faculty member, the school director, and the provost. The decision of the provost is final. In the event of a provost's review, no letter of censure will be added to the faculty member's HR file until the review is completed.

A copy of the letter of censure, the request by the faculty member for the provost's review (if applicable), the provost review (if applicable), and the reevaluation (if applicable) are to be placed in the faculty member's HR file. Administrators involved in the censure process may not broadly communicate the details of censure to the university community. Due to the nature of sanctions, censure may generally be known within the university community. Should the faculty member satisfactorily address the conditions outlined in the letter of censure, the school director will compose a letter of resolution and provide a copy to the faculty member and place a copy in the faculty member's HR file. Faculty have the right to include a letter of rebuttal to accompany the letter of censure.

Censure is the final step of the progressive discipline process, and failure to resolve the situation at this stage may result in the initiation of proceedings leading to termination of employment at the University per the provisions stipulated in the Faculty Handbook.

Other Potential Impacts of Progressive Discipline

Progressive discipline procedures could impact tenure and promotion proceedings and could have an impact on the annual evaluation process.