



**Performance Management  
and Corrective Discipline  
SOP (2 of 2)**

SOP 08.20.03

Effective Date: February 12, 2021

## 1.0 Standard Operating Procedure (SOP) Purpose

The purpose of this SOP is to establish guidelines when issuing verbal or written Corrective Discipline to a staff member that could lead to termination of employment. This document seeks to:

- Ensure that an employee knows the extent and nature of the concern(s);
- Communicate the supervisor's expectations so the employee can address the concern(s);
- Provide an appropriate course of action for unacceptable work product(s); and
- Provide documentation of action(s) taken by the supervisor to address the situation.

## 2.0 SOP

There are two general categories of Corrective Discipline. The categories are informal feedback (coaching or counseling) and formal corrective measures (warning, suspension, or termination). While Corrective Discipline is generally progressive, in cases of misconduct or repeated infractions, the process may be expedited and the supervisor, in consultation with University Human Resources, may move to a step in the process to include immediate employment termination. Corrective Discipline should be taken within a reasonable amount of time when the supervisor learns, or has knowledge of, the offense and the type of action that is taken by the University.

Corrective Discipline includes coaching, counseling and warnings that are primarily intended to correct unacceptable or inappropriate workplace conduct and attitudes. These actions can also include suspension without pay for a specified period of time or termination of employment. Corrective Discipline should inform an employee of the nature of the offense, the behavior that must be modified, and the consequences that an employee will have if they do not follow instructions for corrective action.

The following guidelines serve to describe the types of Corrective Discipline to modify an employee's behaviors to meet Brown's expectations.

### 2.1 Informal Corrective Discipline

Supervisors are encouraged to use coaching and counseling throughout the year as an informal method to correct unacceptable conduct. The goal of this approach is to correct unacceptable behavior before taking formal action.

#### 2.1.1 Coaching

Supervisors should coach a staff member who engages in behavior that is unacceptable but does not warrant counseling. Guidelines to coach an employee are listed below.

- Supervisors should coach a staff member to address the first time they report late to work;
- Supervisors should remember to document when and why they coached a staff member;
- Supervisors should maintain documentation of coaching in their critical incident work files; and
- A staff member does not receive written documentation of coaching action(s).

### **2.1.2 Counseling**

If coaching does not address the concern(s), the supervisor should counsel a staff member. Guidelines to counsel a staff member are listed below.

- The supervisors should counsel a staff member to address a second incident of reporting late to work;
- A written document should be created to explicitly state the unacceptable behavior, why it is unacceptable, and the consequences of a staff member's failure to address the unacceptable behavior;
- The supervisor should provide written confirmation to a staff member reiterating one or more previous counseling sessions (e.g., e-mail confirmation of previous counseling); and
- Written documentation of counseling should be maintained in a staff member's personnel files.

### **2.1.3 Egregious Acts of Misconduct**

Egregious acts of misconduct or policy violations will not be addressed using Corrective Discipline. Instead, such situations will be addressed with formal measures after consultation with the Senior Director of Employee and Labor Relations or an Assistant Director of Employee and Labor Relations.

## **2.2 Formal Corrective Discipline**

When informal counseling fails to address concern(s), the supervisor, in consultation with the Senior Director of Employee and Labor Relations or an Assistant Director of Employee and Labor Relations, should initiate formal Corrective Discipline. Guidelines of formal Corrective Discipline are listed below.

### **2.2.1 Written Warning**

A written warning is appropriate when a staff member has failed to correct unacceptable conduct after being counseled. A written warning may also be appropriate to address a first-time incident when a staff member violates a University policy or engages in more serious misconduct. In general, a written warning should be created according to the guidelines listed below.

- A written document that is issued to a staff member with a date of the incident and a date of the notice;

- A description of the standard for acceptable conduct;
- Examples or a description of unacceptable conduct;
- Dates of prior counseling taken by the supervisor to address similar unacceptable conduct;
- Statement of the University's expectations moving forward; and
- Notice to inform a staff member that failure to correct concern(s) will result in further discipline, up to and including termination of employment.

Written warnings can only be issued after consultation with the Senior Director of Employee and Labor Relations or an Assistant Director of Employee and Labor Relations.

## **2.2.2 Suspension or Final Written Warning**

A suspension or final written warning is Corrective Discipline that is issued to a staff member as a final opportunity to address unacceptable behavior. It is intended to convey to the employee that the behavior is serious, and, if the behavior is not corrected, a staff member can reasonably expect that the next step will be termination of employment.

### **2.2.2.1 Suspension**

Suspension provides a mechanism for temporarily removing a staff member from the workplace for serious misconduct. In general, before a staff member is suspended, the supervisor must meet with a staff member to discuss the concern(s) after consultation with University Human Resources. A staff member should be notified in writing of the suspension as soon as possible. The notice should outline the reason for the suspension and the dates of the suspension. Suspensions may be issued at a minimum of one to a maximum of three consecutive workdays. The dates of a suspension are determined by the supervisor in consultation with the University Human Resources. Suspensions that are more than three work days due to a severe infraction may be issued at the discretion of management and in consultation with University Human Resources. The staff member should be informed that continuation of the behavior may result in termination of employment.

Suspensions are usually without pay except when an investigation is necessary. When a staff member's presence at the workplace prohibits an objective investigation to be conducted, the staff member will be placed on suspension with pay. Otherwise, a staff member's suspension without pay will be for a full workday in accordance with federal, state, and local employment laws. Non-exempt employees may not substitute or use accrued paid time off (vacation or sick leave) in order to receive pay during a suspension. In accordance with the Fair Labor Standards Act (FLSA), an unpaid suspension of an exempt staff member is reserved for serious workplace safety or misconduct concern(s). Pay following a suspension is determined based on the findings of an investigation.

In general, notice of a suspension should be created according to the guidelines listed below.

- Written notice that includes a date of the notice to the employee;
- Description or specific examples of unacceptable conduct;
- References to prior coaching, counseling or written warnings to address concerns of similar conduct with dates that previous actions were taken;
- Specify the start and end dates of the suspension, state if the suspension is with or without pay, and confirm that the employee will not be expected to report to work during the dates of suspension;
- Describe the University's expectation of acceptable conduct moving forward; and
- Inform the staff member that failure to address the concern(s) will result in further Corrective Discipline, up to and including termination of employment.

Suspension must only be issued after consultation with the Senior Director of Employee and Labor Relations or an Assistant Director of Employee and Labor Relations.

#### **2.2.2.2 Final Written Warning**

There may be instances where a final written warning may be appropriate to issue instead of a suspension. For example, a final written warning may be better suited to address recurring unacceptable conduct despite prior counseling or coaching (e.g., continued absenteeism or tardiness), egregious behavior, or serious violations of policy. In general, notice of a final written warning should be created according to the guidelines listed below.

- A written document with notice of the warning, specific examples of unacceptable conduct, and dates of incident(s) of unacceptable conduct;
- Reference to prior coaching, counseling, or written warnings that addressed similar concerns of conduct and dates of prior actions;
- Describe the University's expectation of acceptable conduct moving forward; and
- Notice to the staff member that their failure to address the concerns will result in further Corrective Discipline, up to and including termination of employment.

Final written warnings must only be issued after consultation with the Senior Director of Employee and Labor Relations or an Assistant Director of Employee and Labor Relations.

#### **2.2.3 Termination**

Termination is a culmination of progressive Corrective Discipline actions or the result of a

very serious offense. The University reserves the right to take disciplinary action up to and including termination for serious infractions, misconduct, violations of rules, safety measures, or serious performance issues for exempt and nonexempt employees.

After receiving a suspension or final written warning, if a staff member's unacceptable conduct persists, their employment with the University should be terminated. Such circumstances may include, but are not limited to:

- Grossly unethical, inappropriate, or criminal behavior (e.g., misuse of University funds, release of confidential information, acts of workplace violence, etc.);
- Actions or conduct that have a severe, negative impact on the department's or the University's credibility (e.g., violation of the University's Conflict of Interest Policy);
- Misrepresentation of facts to adhere to conditions of employment (e.g., I-9 verification, educational qualifications, criminal record, etc.); or
- Severe disregard for University policy (e.g., sexual harassment, failure to comply with safety and environmental regulations, etc.).

Below are additional considerations for a termination of employment action.

- A staff member's employment may be terminated without prior counseling or warnings under specific circumstances (serious infractions, gross or egregious misconduct, willful violation of University safety policies)
- No separation pay is offered when employment is involuntarily terminated under the circumstances listed above.

For situations outlined above, the Senior Director of Labor and Employee Relations must approve the involuntary termination action before the action is communicated to an employee.

### **2.3 Application of Corrective Discipline**

Supervisors should perform the following steps before moving to formal Corrective Discipline:

- Research the facts of each situation, collect relevant information and applicable records;
- Discuss the concerns privately with a staff member. During the discussion, the supervisor should state the facts of the concerns and give the staff member an opportunity to respond to the concerns;
- Follow up with the staff member after the meeting and after all information has been collected to report and communicate outcomes to the staff member. If the supervisor intends to move to formal Corrective Discipline, the staff member should be informed of the supervisor's decision at the conclusion of the follow-up meeting or as soon after as possible after the follow-up meeting. It should be made clear to the employee which level or step of the Corrective Discipline process is being applied to the staff member; and
- Issue a letter as soon as possible after the meeting. The letter should include the date and time of the follow-up meeting, a brief statement of the concern(s), the supervisor's expectations and the supervisor's decision that was communicated to the staff member at the meeting. The step of

Corrective Discipline must be clearly stated along with a statement that informs the staff member that further failure to address the concern(s) will result in future Corrective Discipline.

#### 2.4 UHR Review of Corrective Discipline

The University recognizes that managers have varying responsibilities and management styles and are afforded latitude in taking an employment action with respect to employees under their supervision. On occasion, a staff member may feel that a manager has taken a serious employment action that is unfair or inconsistent with applicable University policies and practices. When this circumstance occurs, the staff member should seek resolution from University Human Resources.

#### 2.5 Corrective Discipline Documentation

Documentation of formal corrective discipline described herein should be placed in an employee's personnel file in University Human Resources. When documentation of a formal corrective disciplinary action is requested to be removed from an employee's personnel file, removal will be evaluated on a case-by-case basis.

Materials that support informal corrective discipline (coaching and counseling) should not be placed in an employee's personnel file. Instead, supervisors should maintain such documents in their critical work incident files.

### 3.0 Definitions

For the purpose of this SOP, the terms below have the following definitions:

**Corrective Discipline:** An informal or formal action taken to address incidents of inappropriate conduct or performance concerns. Workplace conduct involving misconduct, violations of policies and procedures, and continued failure to correct performance concerns may require additional disciplinary action.

**Performance Improvement Plan:** A formal performance management process document that facilitates constructive discussions between a staff member and their supervisor that state job-related performance or conduct which require improvement during a specific time period not to exceed 180 days.

**Performance Management:** Actions designed to address job-related performance or conduct concerns of an employee through guidance from the supervisor. The supervisor's guidance will provide necessary improvements that are required to return to acceptable performance. Performance management may include counseling, coaching, Performance Improvement Plans, or other appropriate forms of guidance.

### 4.0 Responsibilities

All individuals to whom this SOP applies are responsible for becoming familiar with and following this SOP. University supervisors are responsible for promoting the understanding of this SOP and for taking appropriate steps to help ensure compliance with it.

**Supervisors:** Supervisors are expected to establish clear performance goals and address performance timely during the annual performance appraisal process. Supervisors will consult with University Human Resources when performance falls below acceptable standards or when conduct violates University policies and procedures. Supervisors will issue a Performance Improvement Plan or other actions of Corrective Discipline when necessary to address concerns of job-related performance or conduct.

**Employees:** Employees are expected to seek clarification of performance goals when necessary. Employees will seek guidance from their supervisor when performance falls below acceptable standards or seek consultation from University Human Resources to address inquiries in a Performance Improvement Plan or other Corrective Discipline actions if the supervisor has not addressed those inquiries.

**University Human Resources (UHR):** UHR will provide consultation as necessary to address work performance concerns; to confirm whether conduct has violated University policies or procedures, to review Performance Improvement Plans, to review informal coaching or counseling documents, to meet with a supervisor and employee when a Performance Improvement Plan must be issued, and to review and approve disciplinary action, or approve a termination of employment decision.

## 5.0 Related Information

This SOP is not a legal document. This SOP does not confer a term of employment, nor is the language intended to establish a contract of employment, express or implied, between any employee and Brown University. The University reserves the right to change, amend or terminate any of its human resources policies or SOPs at any time for any reason.

Employment at Brown University is based on the premise of employment at will. 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 an expressed agreement).

The following information compliments and supplements this document. The information is intended to help explain this SOP and is not an all-inclusive list of policies, procedures, laws and requirements.

### 5.1 Related University Policies:

- [Performance Management and Corrective Discipline Policy](#)
- [Corporation Policy Statement on Equal Opportunity, Non-Discrimination and Affirmative Action](#)
- [Discrimination and Workplace Harassment \(OIED\)](#)
- [Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy \(OIED\)](#)
- [Reasonable Accommodations in Employment for Qualified Persons with Disabilities](#)
- [Performance Management and Corrective Discipline \(formerly Employee Relations\)](#)
- [Code of Conduct](#)
- [Drug Free Workplace](#)
- [Workplace Violence](#)
- [Conflict of Interests and Commitment](#)
- [Non-Retaliation Policy](#)

- [Involuntary Termination Policy](#)

**5.2 Related SOPs:**

- [Performance Management and Corrective Discipline SOP \(1 of 2\)](#)
- [University Offboarding Procedure](#)

**5.3 Related Forms:** N/A

**5.4 Frequently Asked Questions (FAQs):** N/A

**5.5 Other Related Information:** N/A

**6.0 SOP Owner and Contact**

**6.1 SOP Owners:** Vice President for Human Resources

**6.2 SOP Approved by:** Vice President for Human Resources

**6.3 Subject Matter Contact:** Senior Director of Employee and Labor Relations

- Telephone: 401-863-3715
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**7.0 SOP History**

**7.1 SOP Effective Date:** February 12, 2021

**7.2 SOP Last Reviewed:** N/A

**7.3 SOP Update/Review Summary:** Formatted to comply with new University SOP template.