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## Staff Discipline and Termination Procedures

The employment relationship between Brigham Young University and a staff employee exists at the will of either party and may be terminated at any time and for any cause whatsoever or no cause, other than for reasons prohibited by law. In addition, no employee or officer of the university, other than one authorized in writing by the president, can make a commitment to a person for employment in staff position for a specified period of time or contrary to the university's policy of at-will employment. Those who act in a manner inconsistent with the university's at-will policy are not authorized to do so. Employees may not rely on an oral or implied-in-fact contract.

The university values its employees and desires that each one succeed in his or her respective job responsibilities. Therefore, when discipline is required, the action to be taken should be determined with due regard to the nature of the alleged offense and the employee's previous employment record. Disciplinary actions, that may be taken, range from informal counseling to immediate termination. In situations where line management determines that employee behavior or performance warrants immediate termination, these disciplinary guidelines are not applicable. However, the employee relations manager should be consulted *before* proceeding with an involuntary termination.

### Reasons for Discipline

Some reasons that may lead to employee discipline include, but are not limited to, the following:

- Misconduct—Violation of the [Church Educational System Honor Code](#), [Personnel Conduct Policy](#), or other university policies.
- Insubordination—Refusal or failure to follow a reasonable directive of a superior.
- Unsatisfactory Performance—Unacceptable work, incompetence, or carelessness.
- Unacceptable Behavior—Unexcused absences, excessive tardiness, poor work ethic, unauthorized eating or sleeping on the job, leaving without permission, or excessive breaks.
- Ecclesiastical Action for Latter-day Saint Employees—Withdrawal of membership from The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ), formal membership restrictions in the Church of Jesus Christ, resignation of membership in the Church of Jesus Christ, or failure to meet the standards of conduct consistent with qualifying for temple privileges for a reasonable period of time (determined solely by the administration of the university) are grounds for immediate termination.
- Misconduct in Investigation—Refusal to cooperate in an official university investigation, including the misrepresentation of any facts or the withholding of pertinent information.



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The decision and responsibility to discipline or terminate an employee rest with line management. However, line management should generally consult with the employee relations manager *before* proceeding with serious discipline or termination procedures unless, in rare cases, the seriousness of the situation requires direct and immediate action.

Employees who believe they have been unfairly dealt with are encouraged to resolve their concerns directly with line management. If necessary, they may bring concerns to the Employee Relations manager. Employees may also request an opportunity to appeal a disciplinary action (see the [Staff Grievance Procedures](#)).

### **Termination**

Violation of the [Church Educational System Honor Code](#), the [Personnel Conduct Policy](#), the [Student Behavioral Intervention Policy](#) or other university policies, occurring on or off the job, could result in immediate termination without notice. For Latter-day Saint employees, withdrawal of membership from the Church of Jesus Christ, formal membership restrictions in the Church of Jesus Christ, resignation of membership in the Church of Jesus Christ, or failure to meet the standards of conduct consistent with qualifying for temple privileges for a significant period of time as determined by the university, are grounds for immediate termination. Exception to the application of these procedures may occur when circumstances surrounding the incident warrant a period of attempted correction. The process for terminating an employee is described in the [Employee Termination Policy](#). (Also see the [Staff Grievance Policy](#).)

### **Progressive Discipline Guidelines**

Although the university provides guidelines for progressive discipline, staff may not rely upon progressive discipline being in effect. Immediate termination can be the result of fighting or inappropriate physical contact, the discovery of theft of monies or services, egregious disruptive insubordination, or other serious employee misconduct. For issues which are not deemed by line management to be serious enough to merit immediate termination, the following guidelines should generally be considered for staff.

### **Verbal Counseling**

Unless a situation requires more serious and immediate action, the supervisor may respond to unsatisfactory performance or unacceptable behavior with verbal counseling. Following verbal counseling, if the situation still is not appropriately remedied, line management may accelerate the disciplinary process. In some instances, termination may be appropriate following verbal counseling. *Before* pursuing further disciplinary action after verbal counseling, a supervisor should generally consult with the Employee Relations manager. Documentation of verbal counseling is appropriate.



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### ***Written Warning***

In the event of subsequent offenses or continued unsatisfactory performance, a written warning may be issued to the employee. It is permissible to initiate disciplinary action with a written warning if the issue involved requires more serious and immediate action than verbal counseling would accomplish or if the verbal counseling has not remedied the situation.

The warning letter should be clearly labeled so the nature of the document is fully understood. The contents of the letter should generally accomplish the following:

- Describe specific unacceptable behavior, problems, or offenses;
- Describe the specific changes expected (acceptable behavior) to meet expectations;
- Describe future possible consequences if expected changes are not met and sustained;
- When appropriate, indicate an evaluation date(s) that allows the employee a reasonable amount of time to demonstrate an acceptable level of sustained change.

The possibility of termination should be clearly and specifically articulated so the employee does not misunderstand the consequences of failing to comply with the intent of the warning letter. Preferably, the employee should sign and date the warning letter, signifying acknowledgement and receipt of the warning. A copy should be provided to the employee and the original sent to the employee relations manager.

Employees may also bring issues to the Employee Relations office if they feel their side of the situation is not being taken into consideration or would like counsel. There should be no retaliation by management should an employee determine it is in his or her best interest consult with a representative from Employee Relations or the Equal Opportunity Office.

### ***Additional Warning(s)***

In the event of continued offenses or unsatisfactory performance following a written warning, several actions may occur. In situations deemed serious or severe, termination may be appropriate. In the judgment of management, if a situation appears to have substantial potential for a remedy, an additional written warning may be given. This warning should contain all of the elements of the first written warning. The possibility of termination should be clearly and specifically articulated so the employee does not misunderstand the consequences of failing to comply with the intent of the warning. It should be clearly labeled as a warning letter or letter of understanding and preferably signed by the employee acknowledging receipt of the written warning. A signed copy should be provided to the employee and line management. The signed original should be sent to the Employee Relations manager.

**Suspension**

Generally, suspension (with or without pay, as determined by management) is appropriate during a period of investigation, that is, when a situation is such that an employee should not return to work until an investigation is concluded. For example, a suspension may be appropriate for the investigation of certain allegations such as theft, inappropriate behavior in relation to other employees, inappropriate gender-based behavior, unlawful sexual harassment, or threats of a violent nature (see [Student Behavioral Intervention Policy](#)). Under certain circumstances, suspending an employee may be an appropriate disciplinary action. However, a suspension is not required before terminating an employee. The length of the suspension should be commensurate with the nature of the alleged problem and the employee's past employment record.

**Other Staff (temporary, student part-time, non-student part-time, on-call, etc.)**

Generally, in employment-related situations, an employee within one of these categories should be alerted to unsatisfactory performance and provided with a reasonable opportunity to make the requisite changes. If management determines that sustained improvement has not occurred within a reasonable period of time, the employee may be terminated without further notice or process. A supervisor should generally consult with the Employee Relations manager before action is taken.

**APPROVED:** 25 Feb 2014 [Revised 9 Dec 2024]

**PRIOR VERSION:** 1 Nov 2010

**APPLICABILITY:** These procedures apply to all university staff.

**POLICY OWNER:** Administration Vice President and CFO

**RESPONSIBLE OFFICE:** Human Resources

**RELATED POLICIES:**

- [Church Educational System Honor Code](#)
- [Employee Termination Policy](#)
- [Personnel Conduct Policy](#)
- [Staff Discipline and Termination Policy](#)
- [Staff Grievance Policy](#)
- [Student Behavioral Intervention Policy](#)