



BROWN

**Performance Management
and Corrective Discipline
Policy**

POL 08.20.02

Effective Date: November 23, 2020

1.0 Policy Purpose

The purpose of this policy is to provide guidance for managing work performance and conduct beyond the annual performance appraisal and annual performance goal-setting process. These steps are not intended to apply to every situation. Instead, the steps are intended to establish expectations to support supervisors and staff to understand performance expectations.

2.0 To Whom the Policy Applies

This policy applies to staff and student employees.

3.0 Policy Statement

All staff members are expected to meet acceptable performance standards of their position established by their supervisor as well as to conduct themselves in a professional manner that is consistent with University policies and procedures. When a staff member cannot or does not do so, the supervisor is expected to take corrective action.

Supervisors can consult with the UHR-Sr. Director or UHR-Assistant Directors of Employee and Labor Relations to determine whether corrective action will address performance or conduct or both.

As a general rule, corrective disciplinary action is the standard method used to address unacceptable workplace conduct with the expectation that the employee can correct it immediately and with little, if any, training. By contrast, Performance Management is applicable when it addresses performance issues that may require time, clarification, and training. Employee relations processes are stated below in more detail:

3.1 Work Performance

Supervisors will establish clear expectations for acceptable work performance for new employees and during the annual performance appraisal process. If a staff member is failing to achieve acceptable work performance standards, the supervisor is expected to meet with the employee timely to explain the areas where work performance exceeds, meets, or is below expectations. Where performance does not meet acceptable standards, the supervisor should outline specific improvements and a time period during which improvements will be required.

If work performance continues to remain below acceptable standards, the supervisor ordinarily will issue a Performance Improvement Plan (PIP), which summarizes in writing performance concerns and a timeline to meet expected improvements during the duration of a PIP. The PIP duration may vary depending on expectations for improvement. A PIP may be in effect for a minimum of 30

business days and up to 90 business days. The UHR-Assistant Director of Employee and Labor Relations will advise the supervisor and employee to provide consultation as needed and review a PIP before it is issued.

If performance remains below acceptable standards while the PIP is being monitored, the supervisor, in consultation with a UHR-Assistant Director of Employee and Labor Relations, may decide to extend the time period of the PIP, may reassign the employee to a more suitable internal position, or may initiate action to terminate the employment relationship. The supervisor will consider the employee's overall capabilities, length of service, and prior performance history when determining the most appropriate action. The existence of a PIP is not intended to limit the ability of a supervisor to take more significant action if performance does not improve, declines further, or other unexpected circumstances arise.

Regular and part-time employees in non-union positions at or above salary grade 13, who have satisfactorily completed an employment probationary period, are not expected to receive a PIP. Employees in these positions whose work performance is below acceptable standards may be terminated after consultation with the UHR-Sr. Director of Employee and Labor Relations.

Termination for unsatisfactory work performance is a serious matter that requires careful evaluation and the approval of University Human Resources. Termination procedures are outlined in the University's Involuntary Termination policy and procedures.

3.2 Disciplinary Action

University staff members are expected to adhere to University policies and rules of conduct. If an employee engages in inappropriate behavior or violates University policies or standards of conduct (i.e., misconduct or cause), the supervisor will consult with a UHR-Assistant Director of Employee and Labor Relations to determine the appropriate course of action. Progressive discipline should be used to address misconduct or failure to comply with departmental or University policies. Corrective action can range from informal feedback for minor infractions to more formal corrective measures, up to and including termination of employment for serious offenses (e.g., assault, theft, confidentiality or privacy violation, discrimination or harassment, physical violence, or threats of violence).

Discipline for unacceptable conduct is normally issued progressively but will be issued in accordance to the degree of misconduct. Steps may be omitted or repeated depending on the frequency, severity, or nature of misconduct. For example, in instances of serious or gross misconduct, immediate termination of employment may be appropriate.

3.3 Probationary Period Employees

The employment probationary period allows the supervisor to closely assess a newly hired staff member's performance and suitability in their new position. During the probationary period, new staff members may be terminated without notice or prior warnings without regard to the procedures outlined above. Probationary terminations will be reviewed and approved by the UHR-Sr. Director of Employee and Labor Relations.

3.4 Referral to the Faculty/Staff Assistance Program

If a supervisor believes a staff member's performance or behavior is being adversely impacted by personal matters, the supervisor may refer the staff member to the Faculty/Staff Assistance Program. In certain limited circumstances, a staff member may be required to contact the Faculty/Staff Assistance Program and comply with any recommended treatment as a condition of continued employment. The UHR-Sr. Director of Employee and Labor Relations must approve such requirements.

4.0 Definitions

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

Discipline: An action taken to address serious incidents of misconduct or performance deficiencies. Workplace misconduct involving violations of policies and procedures and continued failure to correct work performance may require disciplinary action.

Faculty/Staff Assistance Program (FSAP): Confidential counseling and support services administered by Brown's Faculty/Staff Assistance Program (FSAP) provider.

Performance Improvement Plan: A formal Performance Management process that facilitates constructive discussion between a staff member and their supervisor and to clarify specific work performance requiring improvement.

Performance Management: Actions designed to address an employee's performance deficiencies or work-related misconduct through guidance to achieve acceptable performance standards. Performance Management may include counseling, coaching, Performance Improvement Plans (PIPs), or other appropriate forms of guidance. Examples of work performance issues that can be addressed through Performance Management include, but are not limited to:

- Inability to complete work assignments or correct errors in a reasonable amount of time;
- Inability or unwillingness to learn new tasks or skills or to work collaboratively; or
- Inability to exercise good judgment.

5.0 Responsibilities

Individuals to whom this policy applies are responsible for becoming familiar with and following this policy. University supervisors are responsible for promoting the understanding of this policy 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 UHR when performance falls below acceptable standards or when conduct violates University policies and procedures. Supervisors will issue a PIP when necessary to address performance concerns.

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 UHR to address inquiries in a PIP if the supervisor has not addressed those inquiries.

University Human Resources (UHR): UHR will provide consultation as necessary to address work performance, confirm whether conduct has violated University policies or procedures, or review a PIP to review and approve disciplinary action steps or an employment termination decision.

6.0 Consequences for Violating this Policy

Failure to comply with this and related policies is subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with the University, in accordance with applicable (e.g., staff, faculty, student) disciplinary procedures.

7.0 Related Information

This policy is not a legal document. This policy 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 at any time for any reason.

Brown University is a community in which employees are encouraged to share workplace concerns with University leadership. Additionally, **Brown's Anonymous Reporting Hotline** allows anonymous and confidential reporting on matters of concern online or by phone (877-318-9184).

Employment at Brown University is based on the premise of employment at will. This means that employment can be terminated with or without cause and with or without notice at any time at the option of either the University or the employee except where employment is governed by an agreement.

The Office of Institutional Equity and Diversity (OIED) is responsible for investigating or adjudicating reports of harassment or discrimination based on a person's protected classification(s).

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

7.1 Related Policies:

- **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)**
- **Employment Accommodations for Persons with Disabilities**
- **Performance Management and Corrective Discipline**
- **Code of Conduct**
- **Drug Free Workplace**
- **Workplace Violence**
- **Conflict of Interests and Commitment**
- **Non-Retaliation Policy**
- **Involuntary Termination Policy**

7.2 Related Procedures:

- [Performance Management Procedures](#)
- [Corrective Discipline Procedures](#)
- [University Offboarding Procedures](#)

7.3 Related Forms:

- Performance Improvement Plan template

7.4 Frequently Asked Questions (FAQs): N/A

7.5 Other Related Information:

- [Faculty and Staff Assistance Program \(FSAP\)](#)

8.0 Policy Owner and Contact

8.1 Policy Owner: Vice President for Human Resources

8.2 Policy Approved by: Executive Vice President for Finance and Administration

8.3 Subject Matter Contact: Senior Director of Employee and Labor Relations

- Telephone: 401-863-3175
- Email: employeeandlaborrelations@brown.edu

9.0 Policy History

9.1 Policy Effective Date: November 23, 2020

9.2 Policy Last Reviewed: November 23, 2020

9.3 Policy Update/Review Summary: Formatted to comply with new University Policy Template. Policy superseded by this policy:

- Employee Relations (20.073), Revision Date: September 10, 2019