**Texas A&M University-San Antonio**

32.02.02.00.01 Discipline and Dismissal of Non-Faculty Employees  
Approved: April 7, 2011  
Next Scheduled Review: April, 2013

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**Procedure Statement**

In conjunction with System Regulation 32.02.02, *Discipline and Dismissal of Non-faculty Employees*, this procedure establishes the process that will be followed by Texas A&M University-San Antonio (TAMU-SA) with regards to the discipline and dismissal of non-faculty employees.

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**Process**

1. Acts that may result in disciplinary action or dismissal include, but are not limited to, inadequate job performance, inadequate job knowledge, inappropriate conduct, excessive absenteeism or lateness, unauthorized leave of absence, or job abandonment. In addition, any employee who violates a law, policy, regulation, rule, or procedure is also subject to disciplinary action up to and including termination of employment.

2. The Department of Human Resources must be consulted prior to any dismissal or taking any disciplinary action other than a verbal warning or coaching session. The Department of Human Resources will ensure the documentation is complete, the appropriate process is followed, and the required approvals are obtained from the division head, the System Office of General Counsel (OGC), and/or the president or designee. If deemed necessary, the president has the authority to designate someone other than the Human Resources Officer (HRO) or the Department of Human Resources to consult on disciplinary and dismissal actions.

3. Absent exceptional circumstances, the OGC must review and approve in advance any disciplinary action that includes suspension without pay, transfer, demotion, reduction in salary, or dismissal. When exceptional circumstances prevent OGC review, OGC must be notified as soon as possible after the disciplinary action.

4. In most cases, concerns can be addressed by the supervisor through counseling, action plans, and written warnings that provide guidance on conduct and performance expectations. For more serious situations, or if counseling does not achieve the desired results, the supervisor may consider one of the following progressive disciplinary actions:

   **4.1 Suspension without pay**—an employee may be temporarily removed from
duties without pay or be temporarily placed in a non-paid status. The president must authorize any suspension without pay.

4.2 Suspension with pay—an employee may be suspended with pay for up to 30 business days upon finding that the suspension is in the best interest of the University or to investigate allegations against the employee.

4.2.1 Such suspensions require the president's approval and any delegation of authority under this section must be established in writing by the president.

4.2.2 Additional time for a suspension beyond 30 business days may be granted by the president.

4.2.3 When it is in the best interest of the University, suspension with pay may be used in cases that are unrelated to disciplinary action or investigations.

4.3 Transfer, demotion, and/or reduction in salary—an employee may have their assigned duties, job title, and/or salary realigned for disciplinary reasons.

4.4 Dismissal—an employee may be dismissed from TAMU-SA employment.

4.4.1 Before dismissing an employee, the supervisor must first seek guidance and approval from the division head, HRD, and president or designee. The compliance department and/or human resources department will notify the OGC for guidance and approval.

4.4.2 Employees will be notified of the dismissal in writing. The supervisor will consult with the Department of Human Resources concerning all written documents related to the dismissal.

4.4.3 When practical, a minimum of two weeks’ advance notice will be given to a dismissed employee. In such cases, the employee will cease working effective immediately; however, the employee will continue to be paid for up to two weeks. Advance notice is not required for student Workers, temporary workers, or wage employees. Advance notice is also not required in cases of job abandonment.

5. The employee being disciplined or dismissed may be required to make restitution for damages to property or equipment, for theft, for unauthorized purchases, for unauthorized payment of wages, for unauthorized travel expenses, or other illegal or improper actions. If restitution is not made under the terms and conditions mandated, the employee may be subject to legal action and/or further discipline or dismissal. Dismissed employees are required to return all TAMU-SA and state property immediately upon notification of the dismissal. If University and state property is not returned promptly, the dismissed employee may be subject to legal action.
General

1. All non-faculty positions at TAMU-SA are “at will,” meaning that any non-faculty employee may be dismissed from employment with or without cause. This procedure does not modify the “at will” status of any TAMU-SA employee.

2. In accordance with section 3.2, the Department of Human Resources must be consulted prior to delivering performance documentation for disciplinary purposes. Performance documentation may not be required for student workers, temporary workers, or wage employees and the Department of Human Resources will advise accordingly.

3. In addition to consulting with the Department of Human Resources, the supervisor or division head should research performance and conduct concerns where possible by talking to the employee and witnesses before making an employment decision.

4. Failure by TAMU-SA to follow the procedural steps outlined in this procedure will not form the basis of an employee complaint or appeal of disciplinary action or termination.

5. All original documents delivered to an employee for disciplinary action or dismissal will be submitted to the Department of Human Resources. The personnel file maintained in the Department of Human Resources is considered the official personnel file.

6. If an employee wishes to appeal any disciplinary action or dismissal from employment, the appeal must be made in accordance with the provisions of System Regulation 32.01.02, Complaint and Appeal Process for Non-faculty Employees, and TAMU-SA Rule 32.01.02.01, Complaint and Appeal Process for Non-Faculty Employees.

7. For voluntary resignations, the supervisor should obtain a letter of resignation from the employee and submit the original notice to the human resources department immediately. If unable to obtain a written resignation from the employee, the supervisor will provide a written statement to the Department of Human Resources documenting the details of the resignation to include date, time, and reason for leaving.

Related Policies

System Policy 32.02 Discipline and Dismissal of Employees
System Regulation 32.02.02 Discipline and Dismissal of Non-faculty Employees
Definitions

The following terminology applies:

5.1 Non-Faculty—Full-time or part-time positions to include staff, student workers, graduate assistants, and teaching assistants, but not faculty members.

5.2 Dismissal—When employment is terminated involuntarily or when an employee resigns in lieu of involuntary termination.

5.3 Resignations—When an employee voluntarily resigns their employment.

6. Contact Office

Office of Human Resources at (210) 784-2050