



## UTAH VALLEY UNIVERSITY Policies and Procedures

<b>POLICY TITLE</b>	Performance Management and Development for Full-Time Staff Employees	<b>Policy Number</b>	371
<b>Section</b>	People and Culture	<b>Approval Date</b>	June 21, 2024
<b>Subsection</b>	Disciplinary Sanctions and Terminations	<b>Effective Date</b>	June 21, 2024
<b>Responsible Office</b>	Office of the Vice President of People and Culture		

### 1.0 PURPOSE

**1.1** This policy outlines the standards of conduct and practices the University has determined as essential to support and promote UVU’s mission of excellence through engaged teaching, services, and scholarships. Positive reinforcement, training, coaching, and constructive discipline reinforce the University’s commitment to uphold high standards for maintaining a workplace based on a culture of professional excellence, ethical behavior, and effective operations. This policy also creates guidelines for performance measures, including sanctions and the dismissal of non-academic staff employees.

### 2.0 REFERENCES

**2.1** Utah Board of Higher Education Policy R841 *Minimum Requirements for Disciplinary Sanctions of Staff Personnel Policy*

**2.2** UVU Policy 335 *Staff Grievance*

### 3.0 DEFINITIONS

**3.1 Collegiality:** The basic competency of constructive, cooperative, and respectful interaction, including disagreement, with colleagues. Collegiality is not congeniality, conformity, or excessive deference to the judgments of others.

**3.2 Full-time employee:** An employee hired into a position where the University reasonably believes that they will work at least 130 hours per month (30 hours per week) in 12 months.

**3.3 Performance Improvement Plan (PIP):** A written document that outlines a structured plan to identify areas of improvement and provide support to enhance the employee’s behavior and job performance.

**3.4 Performance measures:** Specific management activities and actions intended to develop, promote, recognize, or reinforce desired behaviors and performance. These activities also include



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sanctions up to and including dismissal from employment or other remedies used to deter unacceptable performance.

**3.5 Performance reminder:** A verbal, written, or electronic communication between the supervisor and employee to address a minor issue.

**3.6 Probationary period:** The period of initial employment that provides the employee and the University the opportunity to assess the employee's ability to perform the required duties and fulfill the position's responsibilities.

**3.7 Sanction:** Authorized disciplinary measures imposed on full-time employees, including written warnings, final written warnings, reduction in pay, probation, suspension without pay, demotion, or termination from employment.

**3.8 Supervisor:** A university employee responsible for managing other employees' performance, including members of their supervisory chain.

**3.9 Suspension:** An unpaid removal of an employee from their job duties and workplace.

### 4.0 POLICY

**4.1** The University supports employee performance and development and deters unacceptable performance through formal and informal performance measures. Supervisors are expected to manage performance measures to achieve the least adverse effect on a staff employee and the University.

#### 4.2 Policy Scope

**4.2.1** Only full-time staff employees are subject to this policy. This policy does not apply to faculty or student, executive, probationary, part-time, or temporary employees.

#### 4.3 Relationship to Other Policies

**4.3.1** Conduct specifically defined in and prohibited by UVU Policy 162 *Title IX Sexual Harassment*; UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*; UVU Policy 168 *Whistleblower Anti-Retaliation*; and UVU Policy 326 *Workplace Conduct* are subject to the procedures outlined in the applicable policy.

#### 4.4 Performance Measures

**4.4.1 Informal:** Informal performance measures may be imposed for any job-related reason consistent with section 4.5, regardless of whether the employee falls below the minimum performance standards described in section 4.5. They may be imposed in addition to, or instead of, formal performance measures depending on the factors described in section 5.1.2.



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**4.4.2 Formal:** Formal performance measures may be imposed only for failure to meet the minimum performance standards described in section 4.5.

### **4.5 Minimum Performance Standards**

**4.5.1** Performance measures may be imposed for any of the following job-related reasons under circumstances that demonstrate the employee's inability or unwillingness to meet their responsibilities to the institution. The following behaviors are grounds for a performance measure:

- 1) Lack of collegiality
- 2) Negligence
- 3) Incompetence or inadequate job performance
- 4) Excessive absence or unauthorized absence without leave
- 5) Misuse of institutional property, resources, or funds
- 6) Disorderly conduct
- 7) Fraud or falsification, such as on an employment application
- 8) Failure to meet minimum job requirements
- 9) Insubordination
- 10) Unjustified interference with the work of others
- 11) Violation of law that interferes with, or is related to, an employee's job duties, including a conviction of a crime, a plea in abeyance, or a plea of guilty or no contest to a crime
- 12) Violation of UVU policy
- 13) Violation of other generally accepted standards of conduct where such violation creates substantial inefficiency or an unacceptable work atmosphere at the University

**4.5.2** Although performance measures may be used progressively, this policy does not confer any right to progressive disciplinary steps, nor is it intended to be strictly administered as a progressive discipline system.



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### 5.0 PROCEDURES

#### 5.1 Determination of Performance Measures

**5.1.1** Supervisors should carefully consider the most appropriate performance measures for addressing undesirable behavior(s) or performance or stimulating growth for individuals and the institution. If a supervisor is considering a formal performance measure or a PIP, they must consult with People and Culture.

**5.1.2** Any performance measure may be administered based on the individual facts and circumstances of the incident or the performance deficiency. Some of the more common factors to consider include (a) intent; (b) potential or actual impact; (c) severity; (d) previous performance measures imposed on the individual (both related or unrelated); (e) past performance measures on similarly situated individuals; (f) personal, physical, or safety risks to self or others; (g) the frequency, duration, or pattern of behaviors or actions; (h) the resultant disruption level; or (i) other relevant factors or considerations.

**5.1.3** The supervisor or appropriate university entity should gather information to reasonably verify the concern. The level of formality in fact-finding will depend on the complexity and severity of the concern.

#### 5.2 Informal Performance Measures

**5.2.1** Supervisors are encouraged to consult with People and Culture before issuing performance measures. Supervisors should also document the notice and delivery of informal performance measures to the employee. Supervisors should retain a copy of the informal performance measure notice.

**5.2.2** Supervisors may use the following informal performance measures:

**5.2.2.1 Positive reinforcement.** Positive reinforcement and recognition motivate and encourage desired behaviors and outcomes, strengthening the likelihood the employee will repeat these behaviors and outcomes. Supervisors may use positive reinforcement to recognize expected or above-average performance. They may also use verbal, written, and monetary awards, or other incentives to provide positive feedback in a private or public setting. Supervisors are encouraged to frequently use positive reinforcement with employees.

**5.2.2.2 Verbal coaching session.** Supervisors may use a verbal coaching session to give and receive feedback related to performance expectations. A verbal coaching session can serve as a preemptive measure to address minor issues or concerns before more significant intervention is needed.



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**5.2.2.3 Training.** Supervisors may assign additional training to support the development of job-related knowledge, skills, abilities, or behaviors. All employees must complete required training in the time period set by their supervisor or President's Council; this includes required annual training.

**5.2.2.4 Performance Improvement Plan (PIP).** Supervisors may use a PIP, which is a formal written document that outlines specific and measurable goals and expectations, any necessary resources or training, and a timeline for improvement. Supervisors must consult with People and Culture before issuing a PIP. A PIP may be used in conjunction with a written warning when appropriate. A PIP is not a formal performance measure and is not appealable. A PIP will not affect an employee's merit pay qualification.

### 5.3 Formal Performance Measures

**5.3.1** Supervisors must consult with People and Culture before issuing a formal performance measure. Notice of the formal performance measure must be delivered in writing to the employee and People and Culture and must include descriptions of (1) the formal performance measures, (2) the reasons for imposing formal performance measures, and (3) the ways the employee may exercise their appeal rights under UVU Policy 335 *Staff Grievance*.

**5.3.2** Before imposing a formal performance measure of suspension without pay or termination of employment, the supervisor must provide the employee, in addition to the notice, an opportunity to meet with the supervisor or designee to discuss and respond to the contents of the notice. The employee will have five business days from the date of notice to request this meeting. After carefully considering the employee's response, the supervisor may decide to proceed with suspension or termination by providing written notice in a *Confirmation of Termination*. The sanction may be imposed immediately, though a successful appeal by the employee may result in reinstatement of employment and payment of back wages.

**5.3.3** After consultation with People and Culture, supervisors may use the following formal performance measures, either separately or in conjunction with each other:

**5.3.3.1 Written warning.** A written warning is a conversation documented in a formal letter to the employee. It is used to clarify performance expectations and the consequences of not meeting them. This letter informs the employee that change is required and outlines any training or other resources available to assist the employee.

**5.3.3.2 Final written warning.** A final written warning is a conversation documented in a formal letter to the employee. It is used to clarify performance expectations and states that further instances of the behaviors or actions will lead to termination of employment. It may include training or other resources available to assist the employee.



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**5.3.3.3 Probation.** During probation, an employee, for a maximum of two years, stays employed but has specific limitations such as ineligibility for merit pay raises, university awards, promotions, and appointments (e.g., PACE leadership).

**5.3.3.4 Reduction in pay.** Reduction in pay is a temporary or permanent reduction in an employee's compensation.

**5.3.3.5 Suspension.** Suspension is an unpaid temporary removal of an employee from their job duties and workplace.

**5.3.3.6 Demotion.** Demotion is a reduction in an employee's job title, classification, compensation, benefits, or privileges.

**5.3.3.7 Termination.** Termination may result if performance measures fail to result in satisfactory or sustained progress or if the employee's misconduct is serious. This is the most extreme of the formal disciplinary sanctions and is used only when the supervisor and People and Culture deem appropriate. With the approval of People and Culture, the supervisor meets with and must notify the employee in writing of the reason(s) for the termination.

### 5.4 Administrative Leave

**5.4.1** In consultation with People and Culture and the Office of General Counsel, a supervising executive (such as the President or a vice president, dean, or associate vice president over the employee's primary university division) may place an employee on administrative leave or establish restrictions on workplace locations or duties to mitigate identified risks. Before placing the employee on administrative leave, the supervising executive must consider the best available evidence to make an individualized determination whether the employee (1) poses a credible, substantial risk of harm to people, the University, or University property; or (2) poses a credible, substantial risk of interfering with the lawful activities, investigations, educational processes, or functions or educational pursuits of the university community.

**5.4.2** Any administrative leave should include a specific date, place, and time for the employee to return. The employee must be notified if administrative leave will be extended.

**5.4.3** The supervising executive can apply paid or unpaid leave for administrative purposes.

### 5.5 Right to Appeal

**5.5.1** A staff employee may appeal a formal performance measure under UVU Policy 335 *Staff Grievance*.



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**5.5.2** Informal performance measures are non-punitive and are not considered an adverse employment action. Therefore, a staff employee may not appeal an informal performance measure.

<b>POLICY HISTORY</b>		
<b>Date of Last Action</b>	<b>Action Taken</b>	<b>Authorizing Entity</b>
June 21, 2012	Regular policy approved.	UVU Board of Trustees
May 9, 2023	Reference to Policy 324 updated to Policy 155 <i>Alcohol- and Drug-free Workplace</i> .	UVU General Counsel
June 21, 2024	Revised policy approved.	UVU Board of Trustees
December 5, 2024	Non-substantive change approved. Deleted incorrect reference in section 5.3.2.	UVU General Counsel