2.1.16 Addressing Conduct and Performance Issues

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22.15

This Guide Memo provides guidance on when and how to use corrective action (including termination of employment) to deal with unsatisfactory performance, misconduct, or a combination of both.

Authority:
Approved by the Vice President for Human Resources.

Applicability:
Applies to all academic staff and regular employees (who have successfully completed the Trial Period) as defined in Guide Memo 2.2.2 [1]: Definitions, except Senior Staff. For policies that apply to employees covered by collective bargaining agreements, refer to the applicable agreements between Stanford University and SEIU Higher Education Workers Local 2007, and Stanford University and the Stanford Deputy Sheriffs' Association. Agreements can be found at Labor Relations & Collective Bargaining [2].

1. Policy Statement
It is the policy of the University that employees are expected to carry out their assigned tasks and responsibilities as instructed and to conduct themselves in accordance with reasonable rules and expectations for the work place. University policy is: Employees cannot be terminated without some form of cause. "Cause" is defined broadly as any legitimate business reason, including but not limited to: Failure to satisfactorily perform job duties or meet job requirements, unavailability for work, excessive absences or tardiness, disclosure/misuse of confidential information, damage or misuse of University property, insubordination, failure to follow University policies and procedures, failure to return from an approved leave, failure or refusal to fully cooperate with a university investigation and/or request for information, or any other misconduct or acts detrimental to University operations.

Written corrective action and involuntary termination are subject to Guide Memo 2.1.11 [3]: Grievance Policy.

Corrective action is taken when an employee has not conformed to performance or conduct expectations. University policy does not require corrective action be taken in any formal steps or order, and recognizes that the determination of appropriate corrective action will depend on the facts and circumstances of the particular situation. Moreover, some forms of conduct, including any form of misconduct, warrant immediate termination.

2. Purpose

The purpose of this policy is to make clear to supervisors and employees when corrective action or termination can be imposed.

3. Guide to Supervisors

a. Overview
It is the responsibility of the supervisor to provide honest and constructive performance feedback to his/her direct reports.

b. Notice
Supervisors are normally required to give written notice (e.g., memo, performance evaluation, letter, etc.) that performance or behavior is unsatisfactory and improvement is needed before terminating an employee. Such notice may or may not be preceded by verbal coaching. However, prior notice is not necessary in cases where immediate termination is appropriate (please consult with local Human Resources office).

c. Discharge
As mentioned in section 3.b, supervisors are normally required to provide notice to an employee of performance deficiencies before termination. However, there is no requirement that notice be provided before termination of employment in all cases. A supervisor must consult with the local HR Office before the decision to discharge an employee, and cannot finalize the discharge decision without the concurrence of their next level manager and review and approval by the Office of the
Vice President of Human Resources, or his/her designee.

**Guidelines on requesting a memo change can be found at**

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