

# North Dakota State University

## Policy Manual

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### SECTION 220 STAFF JOB DISCIPLINE/DISMISSAL

SOURCE: NDUS Human Resources Policy Manual, Section 25

1. A regular staff employee may be dismissed from employment, suspended without pay, changed to a lower pay rate, *or changed to a position with a lower pay rate*, for just cause. Just cause includes conduct related to the employee's job duties, job performance, or working relationships which is detrimental to the discipline or efficiency of the institution in which the employee is or was engaged.
2. The employing department shall notify the employee and the Director of Human Resources/Payroll of the proposed action in writing. The written notice must include:
  - a. A statement that the supervisor intends to dismiss, suspend, or lower the pay rate of the employee.
  - b. A statement identifying any policies violated by the employee.
  - c. A statement of the specific charges against the employee; citing the employee's behavior, dates and/or occurrences, witnesses, and other evidence against the employee.
  - d. Notice that the employee may provide the supervisor with evidence, explanation, or other information in writing which contradicts the allegations and evidence.
  - e. Notice of the employee's status until the final decision is made. (i.e. whether the employee to continue working or be placed on leave of absence with pay)
3. A regular staff employee who is being suspended without pay, changed to a lower pay rate for disciplinary reason or dismissed shall be entitled to a pre-action review. This review *will be conducted by the Director of Human Resources/Payroll* or designee and may be limited to the written record including the employee's written response to the allegations, or at the option of the Director of Human Resources/Payroll or designee may be conducted in person. The pre-action review shall be held no sooner than three working days from the time notice as provided to the employee.
  - a. The review official shall consider all evidence and will make a determination whether there are reasonable grounds to believe the charges against the employee are true and support the proposed action.

The employee and the department head will be notified, in writing, of the review official's determination. The department head will then give the employee a written notice of his/her final decision. A notice of dismissal, suspension without pay, or demotion must include a written detailed statement of the basis for the action and inform the employee of their right to appeal.
4. This Policy shall not apply to conduct by an NDSU employee which is alleged to constitute sexual harassment under Title IX of the Education Amendments of 1972, which is governed by NDSU Policy 156.1.

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HISTORY:

New	April 1992
Amended	June 1997
Amended	August 1999
Amended	February 11, 2014
Amended	December 16, 2015
Amended	August 14, 2020
Amended	December 14, 2020