
PROCEDURE SUMMARY

This procedure provides guidelines that supplement the requirements contained in The Texas A&M System (System) Policy 32.02, *Discipline and Dismissal of Employees*, and System Regulation 32.02.02, *Discipline and Dismissal of Nonfaculty Employees*. Included in this procedure is the delegation of authority to approve dismissals and the administrative processes specific to Texas A&M AgriLife Research (AgriLife Research).

PROCEDURES AND RESPONSIBILITIES

1.0 GENERAL

- A. As provided in [System Policy 32.02, Discipline and Dismissal of Employees](#), all nonfaculty positions in the System are “at will,” meaning any nonfaculty employee may be dismissed from employment with or without cause. Any such dismissal must be in compliance with federal and state law.
- B. Unit Heads are responsible for informing their employees of the rules and regulations to be followed, the standard of conduct to be met, and the job performance to be achieved. Employees are expected to fully acquaint themselves with the rules, procedures, and standards of conduct and performance of their departments or units. Employees who do not assume the responsibilities set out by these rules, procedures, and standards may be subject to disciplinary actions, up to and including dismissal.

2.0 GROUNDS FOR DISCIPLINARY ACTION OR DISMISSAL

- A. Acts that may result in disciplinary action or dismissal include, but are not limited to, inadequate job performance, inadequate job knowledge, misconduct, excessive absenteeism, or unauthorized leave or absences.
- B. AgriLife Human Resources should be consulted before taking the disciplinary actions outlined below in Section 3.0 and in [System Regulation 32.02.02, Discipline and Dismissal of Nonfaculty Employees](#).
- C. A supervisor’s request to dismiss or suspend an employee will be sent to AgriLife Human Resources through normal approval channels. AgriLife Human Resources will consider the request in view of the justification submitted and any documentation available for review. Following the review, AgriLife Human Resources will approve/deny the request or, if required by System Regulation 32.02.02, *Discipline and Dismissal of Nonfaculty Employees*, consult with the System Office of General Counsel (OGC). After consulting the OGC, AgriLife Human Resources will forward the request to the Director or designee for appropriate action.

3.0 TYPES OF DISCIPLINARY ACTION

In most cases, inappropriate job-related conduct or job performance can be addressed by the supervisor who is counseling the employee and providing guidance on appropriate conduct or performance. After consulting with AgriLife Human Resources, the supervisor may issue a formal disciplinary action listed below, if circumstances warrant (i.e., more serious acts or for progressive discipline).

- A. Written reprimand—a written memorandum may be issued for more serious incidences or if counseling does not achieve the desired result. A reprimand may contain directives and other action items.

- B. Suspension without pay—an employee may be temporarily removed from duties without pay or be temporarily placed in a non-paid status. Any suspension without pay for more than five workdays must be submitted to the Director or designees for approval.
- C. Transfer, demotion, and/or reduction in salary—these actions include the realignment of an employee's assigned duties, title, and/or salary for disciplinary reasons.
- D. Dismissal—an employee may be dismissed from employment in accordance with System Regulation 32.02.02, *Discipline and Dismissal of Nonfaculty Employees*.

All notifications to employees regarding formal disciplinary actions, including the term of any designation of Not Eligible for Rehire, must be in writing and include notification of the appeal procedure as described in System Regulation 32.02.02, *Discipline and Dismissal of Nonfaculty Employees*. Copies of these written notifications must be maintained in the employee's personnel file.

4.0 NOT ELIGIBLE FOR REHIRE

An employee who is dismissed or resigns in lieu of dismissal as a result of a finding of serious misconduct that has been substantiated by an investigation conducted in accordance with System policy, will be designated as *Not Eligible for Rehire* in Workday for a specified term of not less than five years. AgriLife Research is responsible for removing the designation in Workday at the end of the specified term. Serious misconduct includes, but is not limited to, sexual harassment, research misconduct, fraud, and violations of laws such as theft, violence or threat of violence in the workplace.

A designation of Not Eligible for Rehire disqualifies a former employee from being (a) employed by a System member, (b) retained by a System member as an independent contractor, consultant or volunteer, or (c) assigned to perform work for a System member while an employee of a business entity for the duration of the specified term. Any former employee acting as an independent contractor, consultant or volunteer must disclose their designation of Not Eligible for Rehire to the System member whom they are proposing to perform work. A business entity employing a former System member employee designated as Not Eligible for Rehire is responsible for ensuring that their employee is not involved in any work for the System. System members must include a clause to this effect in all solicitations and agreements. (See the Texas A&M University System [Contract Management Handbook](#).)

5.0 RESTITUTION

In addition to other action taken pursuant to System Regulation 10.02.01, *Fraud, Waste and Abuse*, the employee being disciplined or dismissed may be required to make restitution for damages to property or equipment, for theft, for unauthorized purchases or payment of wages, for unauthorized travel expenses or for 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.

6.0 APPEAL OF DISCIPLINARY ACTION OR DISMISSAL

An appeal of any disciplinary action or dismissal from employment will be in accordance with System Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*, and AgriLife Research Procedures 32.01.02.A0.01, *Complaint and Appeal for Nonfaculty Employees*. However, an appeal alleging discrimination, sexual harassment, and/or related retaliation must be filed in accordance with System Regulation 08.01.01, *Civil Rights Compliance*.

RELATED STATUTES, POLICIES, OR REQUIREMENTS

[System Regulation 08.01.01, Civil Rights Compliance](#)

[System Regulation 10.02.01, Fraud, Waste and Abuse](#)

[System Policy 32.02, Discipline and Dismissal of Employees](#)

[System Regulation 32.02.02, Discipline and Dismissal of Nonfaculty Employees](#)

[System Policy 32.01, Employee Complaint and Appeal Procedures](#)

[System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees](#)

[AgriLife Research Procedures 32.01.02.A0.01, Complaint and Appeal for Nonfaculty Employees](#)

[AgriLife Research Procedures 33.99.99.A0.02, Official Personnel File](#)

Texas A&M University System, [Contract Management Handbook](#)

CONTACT OFFICE

Questions regarding this procedure should be referred to AgriLife Human Resources at 979-845-2423.

REVISION HISTORY

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