

DISCIPLINARY PROCEDURES

Chancellor's Office Policy

Effective 07-01-97

Applicability

All unclassified employees of the Chancellor's Office not covered by OAR 580-021-0330.

Principles Regarding the Administration of Discipline

1. Supervisors are encouraged to follow the principles of progressive discipline. Discipline shall include, but not be limited to, oral or written warning or reprimand, reduction in pay, removal from an assigned post, demotion, suspension with or without pay, and termination.

2. When an employee is disciplined, the employee shall be entitled to:

(a) notice of the basis for the discipline; and

(b) the opportunity to respond to the charges if the discipline imposed is more serious than an oral or written warning or reprimand or have explanations or rebuttals entered into the record of the disciplinary matter if the discipline is an oral or written reprimand.

Procedure for Sanctions More Serious Than an Oral or Written Warning or Reprimand

1. If the Chancellor or designee determines that there is probable cause to impose a sanction or sanctions more severe than an oral or written reprimand or a warning, s/he shall attempt to reach a satisfactory resolution to the matter. Sanctions may include, but are not limited to, suspension, demotion, or termination during the term of the contract. If no satisfactory resolution is reached within a reasonable time, the Chancellor or designee shall authorize the preparation of formal charges. The charges shall:

a.) Specifically state the facts believed to constitute grounds for the recommended sanction;

b.) Be personally delivered or sent by certified mail; and

c.) Inform the employee of the right to a formal hearing on the charges and the employee's duty to notify the Chancellor within fourteen (14) days whether or not the employee desires to have a contested case hearing.

2. If the employee elects not to have a contested case hearing, the employee may submit a written statement or request a meeting with the Chancellor or designee to provide information to refute the charges or show mitigating circumstances prior to the time the Chancellor or designee imposes sanctions.

3. Nothing herein shall be construed as to limit the right of the Chancellor to suspend without prior notice an employee for serious misconduct or serious dereliction of duty.

Request for a Formal Hearing

The employee shall make a written request within fourteen (14) days of the delivery or mailing of the charges or notice of his/her desire to have a formal hearing. Within fourteen (14) days upon receipt of the request, the Chancellor or designee shall designate a hearing officer to hear the appeal and so shall notify the employee.

Conduct of Hearing

1. The hearing officer shall set a date for the hearing, allowing the employee and the Chancellor's Office sufficient time to prepare a case. Both the employee and the Chancellor's Office shall have the option of representation by counsel.
2. The hearing officer shall consider the case on the basis of the information presented at the hearing. The hearing may be open or closed at the option of the employee, to the extent permitted by law. The conduct of the meeting shall be under the control of the hearing officer, subject to the requirements of this policy. The hearing officer shall have the powers as defined in OAR 580-021-0425, except the hearing officer's findings of fact and recommendations shall be made to the Chancellor.
3. The Chancellor's Office shall have the burden of proof and the hearing officer's findings shall be according to the preponderance of evidence.
4. The hearing officer shall follow the requirements of the Oregon Administrative Procedure Act regarding evidence.
5. The employee shall have the right to appear, participate in the hearing, and present relevant evidence to the hearing officer.
6. The employee and the Chancellor's Office shall have the right to cross-examine witnesses. The Chancellor's Office shall permit the attendance at the hearing of any witness requested by the employee for the time necessary for the testimony. The employee and the Chancellor's Office shall be given reasonable opportunity to submit rebuttal testimony or other evidence. At the conclusion of the testimony, the hearing officer may permit each side to make an oral or written summation.
7. When the hearing officer is satisfied that all the pertinent and available evidence has been received, and that such summations as s/he deems appropriate have been presented, the hearing will be adjourned.
8. These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented. These rules are intended to carry out the intent of the Oregon Administrative Procedure Act and are to be interpreted consistent therewith. Any situation not provided for in these rules shall be governed by the Act.

Hearing Officer Report

The hearing officer shall make findings based upon the hearing record with respect to each of the formal charges lodged against the employee and shall make a recommendation based upon those findings. Within fourteen (14) days, following determination of the findings, the hearing officer shall send a copy of his/her findings and recommendation to the employee and the Chancellor's Office.

Action by the Chancellor

If deemed necessary, the Chancellor or designee may refer the matter back to the hearing officer for further findings of fact. The Chancellor or designee shall promptly, after receipt of the hearing officer's final report and after a reasonable opportunity to consult with others, give the employee written notice of the decision.

Standard of Conduct

Contemptuous conduct by any person present at a hearing shall be grounds for exclusion from the hearing by the hearing officer.

No Reprisals

No employee shall be subject to any reprisals for appearing as a witness in these proceedings.