



# DISCIPLINE PROCESS FOR ACADEMIC MANAGERS AND ADMINISTRATORS

PROCESS & RESPONSIBILITIES

February 27, 2025



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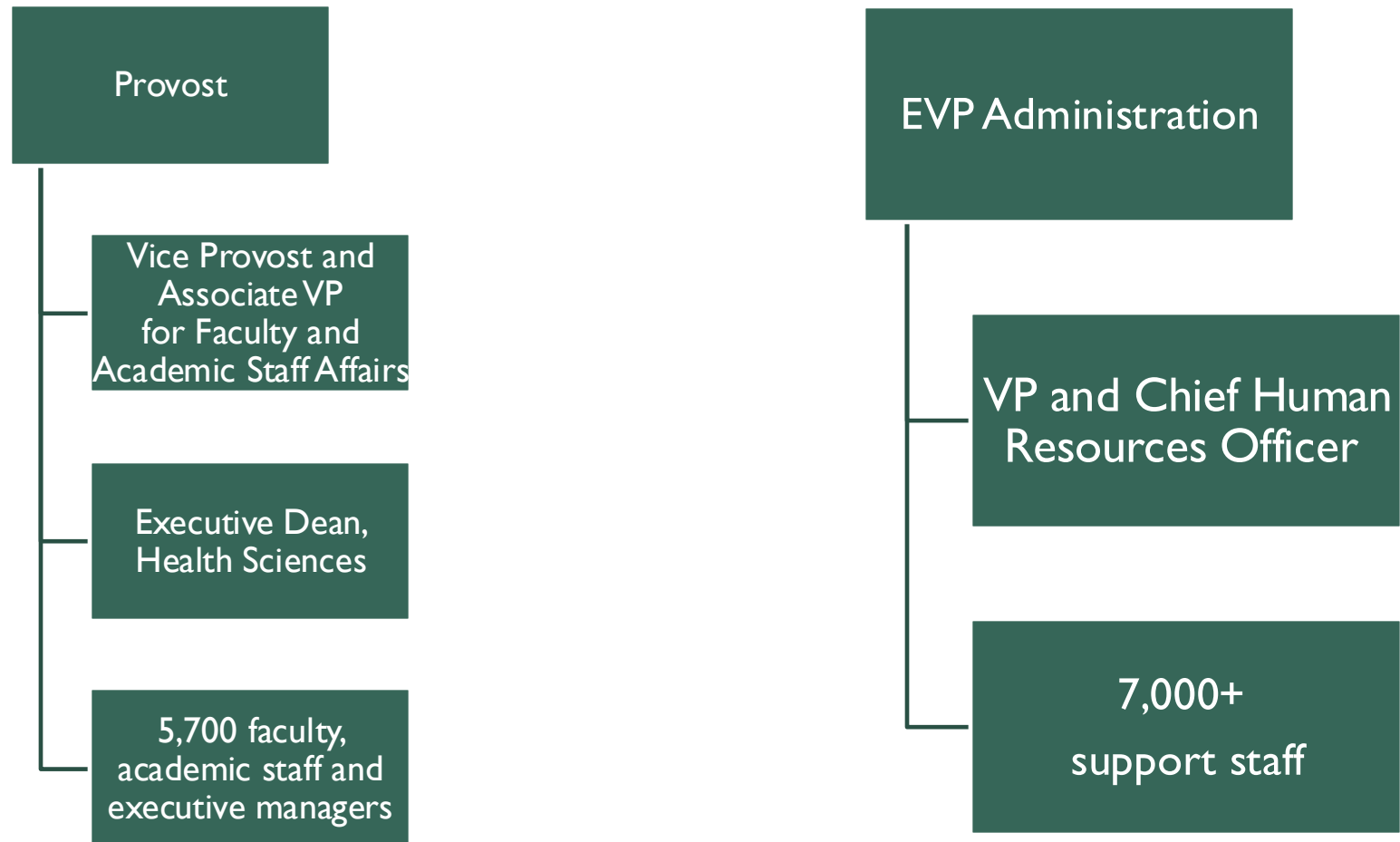
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# OBJECTIVES

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- Increase understanding of the discipline process and your role as an administrator
  - Bring awareness on how to build accountability within your unit around behavior
  - Establish the importance of working closely with Faculty and Academic Staff Affairs (FASA – formerly AHR), Office of Employee Relations (ELR) and Office of Audit, Risk and Compliance throughout this process, so that you have the support needed
  - Identify possible action steps to assess and address behavior


# MSU STRUCTURE



# ACRONYMS

- ADP (Anti-Discrimination Policy)
- ELR (Office of Employee and Labor Relations)
- FASA (Office for Faculty and Academic Staff Affairs)
- ISR (Investigation, Support and Resolution)
- OARC (Office of Audit, Risk and Compliance)
- OCR (Office for Civil Rights and Title IX Education and Compliance)
- OGC (Office of General Counsel)
- RVSM (Relationship Violence and Sexual Misconduct and Title IX Policy)





Proactive efforts to address behavior at earliest point sets standard of acceptable behavior for the individual and all the individuals your unit

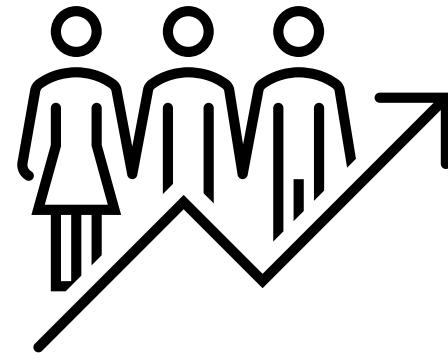
“Organizational leadership, and the signals that leaders send about civility, respect, and tolerance for sexual harassment, are power cues that individuals in the organization take seriously – and they adapt their own behavior accordingly”

-- SEXUAL HARASSMENT OF WOMEN: CLIMATE, CULTURE, AND CONSEQUENCES IN ACADEMIC SCIENCES, ENGINEERING, AND MEDICINE (2018)

Importance of intervention

# YOUR RESPONSIBILITY AS A LEADER

- Clarify the expectation and set the tone
- Model the behavior
- Discuss values with the team and how to make them actionable
- Address behavior that does not support the effort





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## The Basics:

# WHAT IS MISCONDUCT?

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Behavior that is inappropriate for the workplace, negatively impacts the work environment, does not meet legitimate expectations and/or violates University or departmental policies or procedures. It can range from minor issues to serious violations.

## Coaching

- First interaction
- Be specific about concerns
- Problem-solving
- Engage in dialogue
- Explain the difference between intent and impact
- Ask questions
- Listen
- Agree on a solution and follow-up

SETTING  
EXPECTATIONS:

COACHING

# ACCOUNTABILITY: COUNSELING

## Counseling

- Continued behavior
- Review the coaching and follow-up
- Be specific about concerning behavior
- Ask questions and listen
- Problem-solve
- Set expectations
- Follow-up in writing

# Office of Audit, Risk and Compliance

*Creating a Culture of Compliance through an Effective  
Program Structure*

What You Need to Know – The Discipline Process  
for Academic Administrators and Managers

February 27, 2025

# What is a Compliance Program?

- An effective compliance program prevents or detects violations of law or policy.
- Defines expectations for employees for ethical and proper behaviors when conducting business.
- Demonstrates the organization's commitment to "doing the right thing".
- Encourages problems to be reported.
- Provides a mechanism for monitoring.

## Institute - Seven Elements of a Compliance Program

1. Organizational Leadership, Culture and Governance
2. Standards and Procedures
3. Right People, Right Roles
4. Education and Awareness
5. Program Evaluation and Guidance
6. Consistent Enforcement of Standards and Discipline
7. Response and Prevention

# Organizational Leadership, Culture and Governance

- Demonstrate a compelling “tone from the top” by instituting effective organizational vision, structure, oversight, communication and governance.

# Standards and Procedures

- Establish standards and procedures, policies and guidelines to promote operational excellence through ethical behavior.
- Encourage commitment to University standards and unit guidelines for performance and conduct.

[University Policies | Michigan State University](#)



# Standards and Procedures - Hard and Soft Controls

- **Hard Controls**
  - Policies, rules and defined procedures
  - Organization structure
  - Defined roles, responsibilities and authorization levels
- **Soft Controls**
  - Competence of personnel
  - Trust and openness
  - Leadership philosophy and operating style
  - High expectations
  - Shared values
  - Integrity and high ethical standards

## Right People, Right Roles

- Hire and empower exceptional personnel. Grant and monitor appropriate authority to enable effective support of the University's mission.
- Promote recognition for exceptional work and ensure decision-making authorities are informed and knowledgeable about operations.

## Education and Awareness

- Communicate expectations of high ethical standards and adherence to policies, procedures and other aspects of ethics and compliance.
- Provide training and education consistently, effectively and in a practical manner as appropriate to an individual's role and responsibilities.

# Program Evaluation and Guidance

- Monitor and audit periodically to detect unusual results or noncompliant conduct.
- Establish and promote mechanisms for individuals to seek guidance or report potential noncompliant conduct without fear of retaliation.
  - Speak up culture.

## Program Evaluation and Guidance - Compliance Owners

- Regularly assessing risk, annually reporting the impact and probability of a potential compliance violation for their areas and summarizing monitoring plans to mitigate risks and instances of noncompliance.
- Conducting appropriate monitoring activities related to their areas of responsibility.
- Reporting significant findings from internal monitoring activities and/or external agency requests to the Office of Audit, Risk and Compliance and senior leadership.
- **Implementing changes to address instances of noncompliance to strengthen controls and minimize future risks of noncompliance.**
- Training individuals in their areas on the compliance requirements.

# Roles in Risk Management – Three Lines of Defense Model Takes an Entire Campus to Ensure Compliance

Board of Trustees/Audit, Risk and Compliance Committee			EXTERNAL AUDITORS
Perform Oversight			
Executive Management			
Monitor Performance			
1 <sup>st</sup> Line of Defense	2 <sup>nd</sup> Line of Defense	3 <sup>rd</sup> Line of Defense	
Management Processes	Risk Assurance Functions – Monitoring Controls	Risk Assurance - Internal Audit	
	Intercollegiate Athletics – Office of Compliance Services		
Unit operations	Environmental Health & Safety	Independent oversight	
Process & risk owners	Controller’s Office	Operational effectiveness & efficiency	
Management controls (assess, control, mitigate)	HCI Compliance Office	Safeguarding of assets	
	IT Security	Reporting reliability and integrity	
	Office of Audit, Risk & Compliance - Compliance	Compliance with laws, regulations, policies/procedures, and contracts	
	Office for Civil Rights and Title IX Education and Compliance	Internal control framework	
	Office of the General Counsel		
	Office of Health Affairs – Chief Medical Officer		
	Office of Regulatory Affairs/ IRB/Research Integrity Officer		
	Risk Management & Insurance		
	Sponsored Programs Administration – OSP/CGA		
	Youth Program Director		
	Other Control Areas		

# Program Evaluation and Guidance - Open Lines of Communication

- Misconduct Hotline
  - Allows anonymity for confidential reporting of any concerns.
  - Provides a confidential reporting option for reporting concerns.
- Non-Retaliation Policy
  - Protects employees who report violations of law, regulations and policies.
  - Encourages employees to express concerns without fear of reprisal.

[University Policies | Michigan State University](#)

# IT'S YOUR CALL

If you have a concern about misconduct, don't keep it to yourself. Discuss it with a supervisor, or contact the misconduct hotline online or by phone. Anonymous reports can be made 24 hours a day, seven days a week.

Report misconduct related to:

- Athletics
- Conflicts of interest
- Discrimination/harassment
- Employment
- Fiscal
- Hazing
- Medical/HIPAA
- Privacy
- Research
- Retaliation
- Safety

Or any other compliance issues that do not fit into these categories

**The Misconduct Hotline is not for reporting emergencies.**  
**If you need immediate assistance, please dial 9-1-1.**

**Misconduct Hotline**  
**1-800-763-0764**  
**[misconduct.msu.edu](https://misconduct.msu.edu)**

**MICHIGAN STATE**  
**UNIVERSITY**

\*Descriptions of misconduct types are provided at [misconduct.msu.edu](https://misconduct.msu.edu)  
\*The MSU Misconduct Hotline is a tool for the MSU community and others to raise concerns regarding misconduct. The university contracts with a private company, The Network, Inc., to provide this reporting service.



## Consistent Enforcement of Standards and Discipline

- Promote and consistently enforce standards and discipline throughout the organization.
  - Establish a response to detected offenses and implement corrective action plans.
  - Uniformly enforce standards through appropriate discipline to prevent similar conduct.

# Response and Prevention

- Respond appropriately to noncompliant acts to prevent further instances.
- Make any necessary improvements to reduce the risk of future noncompliance and perform outreach to re-align organizational culture.

# Response and Prevention - Actions

- High Level Oversight
  - President
  - Board of Trustees Audit, Risk and Compliance Committee
- Operational Compliance Committees
- Due Care in Retaining Trustworthy Individuals
  - Pre-employment Screening
- Compliance Investigations
- Enforcement and Discipline
  - Disciplinary actions on employees who have committed unethical behavior no matter their position and tenure with the organization

# Culture

Evolves over time and is a function of many things:

- Mission, vision, core values and beliefs
- Strategy, risk appetite and performance objectives
- Organizational structure
- The character of the people hired
- Standards, rules and encouraged behaviors articulated by policies
- Protocols to reinforce and influence compliance with those policies

# Culture

- Culture infuses the shared values and attitudes that frame how an organization thinks and behaves.
- Strong, positive and transparent culture contributes significantly to the alignment of leadership and employees with the mission, vision and strategy driving the organization's pursuits.

# Risk Culture

- Set of encouraged and acceptable behaviors, discussions, decisions, and attitudes toward taking and managing risk within an organization.
- Reflects shared values, goals, practices and reinforcement mechanisms that embed risk into the organization's decision-making processes and risk management into its day-to-day operations.
- **The real driver of behavior on the front lines is what employees see and hear every day from unit level/department/college managers to whom they report.**

# Cultural Transformation

- Continuous improvement
- Trust
- Respect
- Ethics and compliance
- Integrity and holding people accountable
- Execute on responsibility
- Provide education and communication throughout the organization

[Faculty Rights and Responsibilities](#)

# Culture Reinforcement

- Open lines of communication
- Accessibility
- Clarity
- Information and decisions communicated down
- Appreciation
- Building trust
- Investing in people



# Structure for Success

*The foundation for success are clear policies, strong procedures, and unshakeable core ethical values – so that employees want to follow ethical conduct and do so in their daily responsibilities.*

# Leadership Considerations

Deborah Johnson, Diversity Research Network and  
Professor

# Implicit Bias and Employee Discipline

## Explicit Bias—

- Clear Preferences
- Prioritized over others
- Intentionally Privileged, marginalizes others

## Implicit Bias—

- unconscious preference for or aversion to a person or group of people based on an attitude toward a stereotyped attribute associated with them

## Biased Outcomes:

- Influenced by unconscious factors (socialization, cultures of bias, media, legacy) that impact how we relate to others
- Microaagressions: Intent v impact

# What is a Microaggression?

**Intentional** and often **unintentional** slights and insults experienced by members of these marginalized groups



Can be unconscious acts or acts delivered with no awareness of the meaning being communicated



Microaggressions can be verbalizations or behaviors

# Routes to Avoiding Bias

- Set a supervisory context
- Don't generalize verbally or in writing
- Review what you write to determine stereotyping
  - Would you describe similar behavior the same way for a white man or woman, cisgendered person or nonbinary person, person of international origins, disability, first gen,
  - Interrogate your expectations of behavior or performance
- Has the playing field been level and consistent across time and the unit
  - Consider the cultural or historical obstacles for the person of concern and whether they have had all the supports they needed to be successful
  - Use your words: Be specific in reporting
    - General statements can import bias
  - Avoid personal opinions and colloquialisms
  - Don't build narratives that are damaging



# DISCIPLINE PROCESS





## DISCIPLINE PROCESS - OVERVIEW

- If the behavior/performance issue continues after coaching and counseling- then consider options under the disciplinary process
- **Always** consult with your College/Unit Head, Faculty and Academic Staff Affairs and/or Employee and Labor Relations before engaging in this process
- Disciplinary processes differ depending on the Policies, Handbooks and Contracts that pertain to that employee



## DISCIPLINE PROCESS- OVERVIEW

- When discipline is necessary, except for those offenses in which immediate dismissal is warranted, The University utilizes corrective discipline through progressive penalties.
- Discipline should be proportionate to the offense
  - Consideration of prior cases and discipline



# DISCIPLINE POLICIES AND CONTRACTS: FACULTY, ACADEMIC STAFF AND SUPPORT STAFF



# POLICY OVERVIEW

## University-Wide

- Relationship Violence and Sexual Misconduct & Title IX Policy
- Anti-Discrimination Policy
- Acceptable Use Policy for MSU Information Technology
- Occupational Health and Safety Rules & Regulations
- Mandatory Reporting for Relationship Violence Sexual Misconduct and Stalking
- Protection from Retaliation (New)

## Support Staff

- Support Staff Rules Governing Personal Conduct of Employees
- Support Staff Disciplinary Action Policy & Procedure
- Departmental policies

## Faculty & Academic Staff

- Faculty Rights and Responsibilities
- Code of Teaching Responsibility
- Consensual Amorous or Sexual Relationships with Students
- Outside Work for Pay
- Research Misconduct



Academic Specialist Handbook



Faculty Handbook

Fixed-Term

Tenure System Faculty



FRIB Handbook



GEU Contract



Health Professions (HP) Handbook



Librarian Handbook



UNTF Contract

DISCIPLINE  
OVERVIEW FOR  
FACULTY &  
ACADEMIC STAFF

- Administrative Professionals Association contract
- Administrative Professional Supervisors Association contract
- Clerical-Technical Union contract
- AFSCME Local 1585 contract
- IUOE Local 324 contract
- IATSE Local 274 contract
- Police Officers Association of Michigan (Non-Supervisory) contract
- Spartan Skilled Trades Union (SSTU) contract
- Graduate Employees Union contract

## DISCIPLINE PROCEDURES OFFICE OF EMPLOYEE RELATIONS

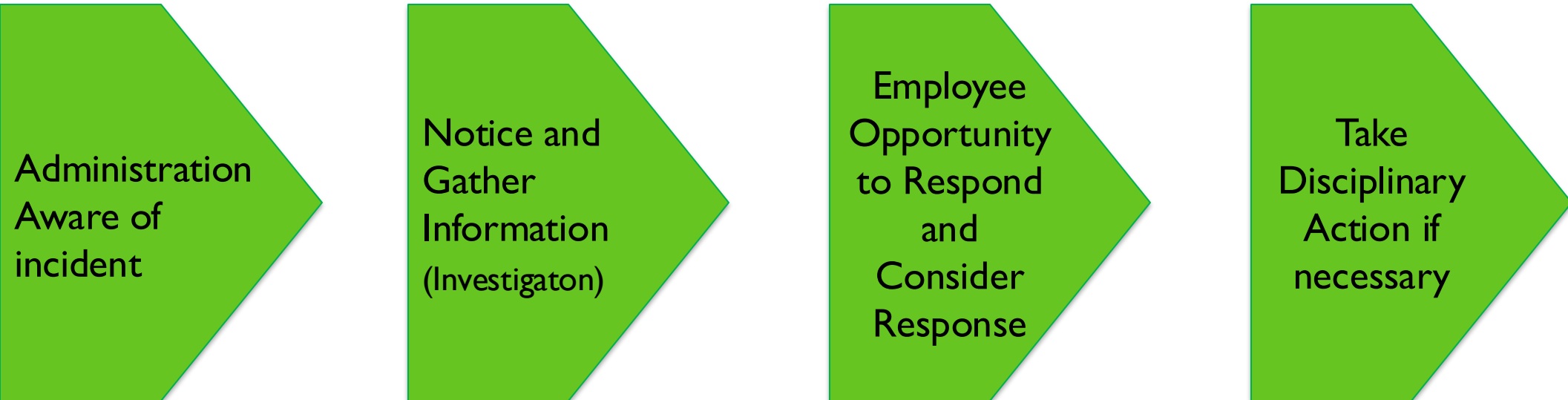
# DOCUMENTATION

- Supervisors should be documenting ongoing performance and misconduct issues, responses and supports offered- as close to the incident as possible
- Always follow-up after coaching conversations with an email/letter
- Supervisor file vs. Department or Personnel file
- Faculty and Academic Staff-
  - Annual reviews are also a good place to capture this information

# ASSESSMENT

Schedule	Schedule a meeting with College/Department leadership, FASA/ELR, and OGC
Consider	Consider what policies were violated and if further investigation of the issues is needed
Assess	Assess appropriate discipline or other interventions
Create	Create a plan to implement discipline and any necessary communications

# Basic Steps of Discipline Process working with FASA/ELR





# DISCIPLINE PROCESS

- Standard process
  - Due Process
    - Public employees are entitled to due process
    - Notice of allegation + Opportunity to be heard/respond
  - Just Cause (union contracts)
- Differing procedures per employee type, handbooks and contracts

## DISCIPLINE PROCESS- FACULTY AND ACADEMIC STAFF

- The disciplinary process depends on the Faculty and Academic Staff type, the applicable policies and handbooks, and the individual's offer letter/memo
  - Each situation will be specific to the faculty and the circumstances
  - Consult with your FASA liaison (and AVP of HR for Health Sciences) and OGC
- All processes will have fundamental due process:
  - Notice and opportunity to respond
- Faculty and Academic Staff may file a grievance with the Faculty Grievance Office if they feel that the discipline process was not in accordance with policy/practice

# DISCIPLINE PROCESS- UNIONIZED SUPPORT STAFF

- Just Cause- Union Contracts
  - Notice/Prior warning
  - Reasonable rule or order
  - Investigation held
  - Fair & objective investigation
  - Proof: Conclusion supported by evidence
  - Equal treatment/Nondiscriminatory
  - Penalty is appropriate for the violation

## Factors Considered in Deciding Upon an Appropriate Sanction: Escalating Factors

The nature, severity, and frequency of the misconduct

The need to stop the misconduct and prevent its recurrence

The need to remedy and address the impact or effects of the conduct on the claimant or other members of the campus unit

The impact of the conduct and level of disruption the conduct had on the claimant's ability to participate in an educational activity, program or workplace

The employee's prior record of misconduct

Relationship of the offense to the employee's position

Prior notice given to the employee

Evidence that violation was willful or intentional

The level of ongoing threat to the safety and security of the claimant or other members of the campus community

Other aggravating or compelling factors, including those articulated by the parties.

## Factors Considered in Deciding Upon an Appropriate Sanction: Mitigating Factors

Technical or  
inadvertent error

No prior notice given  
to the employee on  
policy requirements

No prior  
disciplinary history

No evidence that  
the violation was  
willful or negligent

Length of  
employment (with  
no recent issues)

Minimal impact to  
University community,  
operations, or  
environment

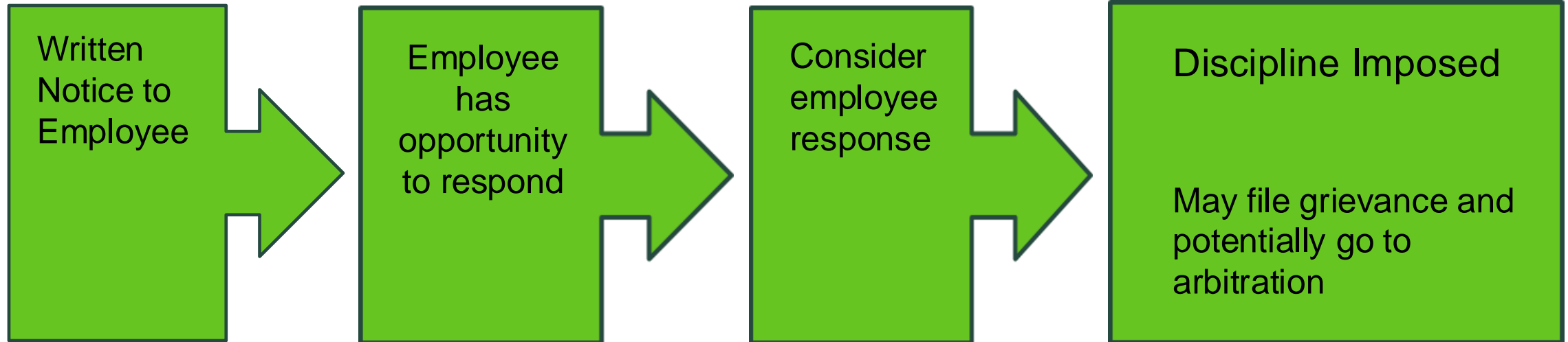
The potential for  
rehabilitation

The degree to which  
the employee  
accepted  
responsibility for the  
conduct

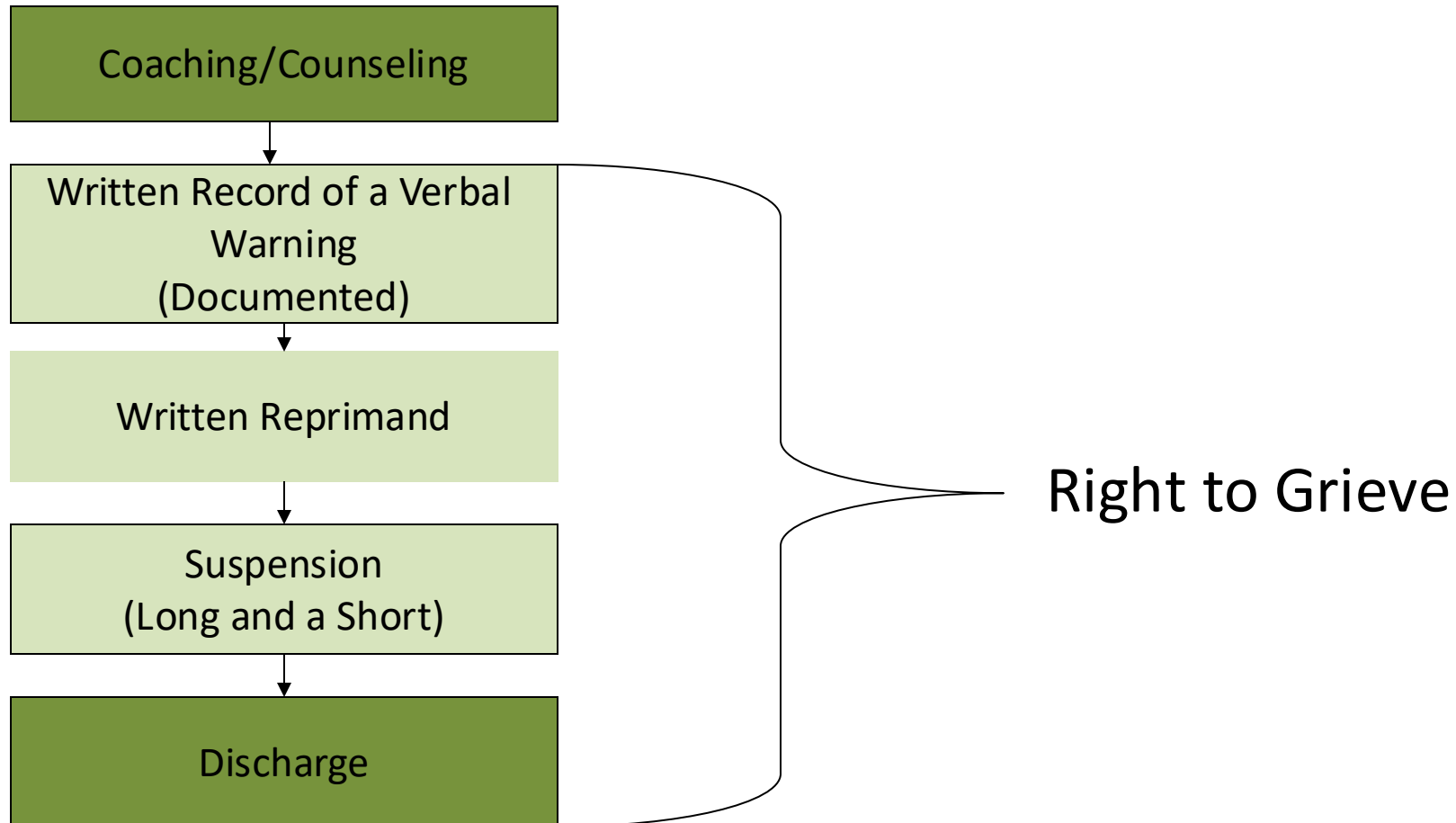
## DISCIPLINE OVERVIEW FOR SUPPORT STAFF

- Consult with ELR to ensure compliance with collective bargaining agreements and human resource policy
- Approval from the Director of Employee and Labor Relations is required for discharge
- ELR can assist with required notifications/reporting

# SUPPORT STAFF – UNION CONTRACTS



## Steps of Progressive Discipline –Union Contracts







# INVESTIGATIONS



# Investigation Steps

## I. Prepare

- Review the applicable policies, handbooks, etc.
- Meet with your unit human resources representative
- Consult with FASA/ELR and OGC
- Create an Investigation Plan
  - Determine what are the elements that need to be shown for a policy violation
  - What evidence needs to be gathered to support or disprove the allegation
    - What evidence do you have access to (e.g., activity logs, group chats, etc.) and what evidence can only be accessed through witnesses (e.g., individual emails, etc.)
  - Assess who needs to be interviewed- list of witnesses
- Prepare questions to asked (open-ended)

# Investigation Steps

## II. Provide Notice and Schedule the Meeting

- Send notice to the employee regarding the allegation and inviting employee to respond
- Be aware of the employee's rights to have representatives present
  - \*Weingarten Rights – right to union representation
  - For non-unionized employees- check the Policy!
- Be mindful of the timing of the communication

## III. Hold the investigatory meeting

- Ask your questions and take good notes
- You may take time to meet with your unit human resources representative

## IV. Assess the Information with FASA/ELR, OGC and Unit leadership, as applicable

- Consider whether the elements have been met/shown
- Consider mitigating and escalating factors as well
- Make a determination regarding next steps, potential follow-up

# Examples Investigatory Evidence

- Supervisor notes
- Emails
- Employee file
- Staff meeting agendas and minutes
- Review of applicable records (e.g. timekeeping, training records, PDPs)
- Work product
- Statements of other witnesses

# After the Investigation

- Follow up on any “leads”
- Review your materials and notes
- Consider the employee’s statements (evaluate for reliability and credibility)
- Make a preliminary decision
- Consult with your HR rep, FASA/ELR, OGC and others as appropriate.
  - ELR: Approval for discharge must be obtained from Employee Relations *in advance*.
  - FASA: Process depends on relevant FAS policy
- Set follow-up meeting with employee (ELR)
- FAS next step is dependent on policy

## Issuing the Discipline

- After the investigation and determining level of discipline you will hold a second meeting to convey the outcome, and/or you will issue the decision in writing
  - Depends on the Policy/Process
- Unit HR will typically draft any written responses
  - FASA/ELR and OGC will review
- Notices and written outcomes will be forwarded to central HR for inclusion in the personnel file

# Reducing Risk of Future Infractions

- State clear objectives for the future
  - Be mindful to communicate how the objective will be met or measured
- Consider a Performance Improvement Plan
- Have a plan for follow up and ongoing review
  - Do not save all these conversations for the annual review/once per year!
- Allow employee appropriate time to correct behavior
- Address additional occurrences sooner rather than later
- Intermittent discussions do not bar future discipline

## Record keeping/TIPS

- Notices and documentation will be forwarded to central HR for inclusion in the personnel file
  - If you are not sure- ask FASA/ELR
- FOIA (using email)
- Don't make personal commentary
  - This is not the time for a joke
- Contact leadership and be in alignment on communications
- Be intentional with your language and in written communications



# COMMUNICATION REVIEW PROCESS FOR EMPLOYEE MISCONDUCT

- Balance of transparency and confidentiality
- Stakeholder communication strategy considering the process and impact on stakeholders
- Trauma Informed
- Working with ELR/FASA, OCR, OGC, Presidential Advisors, and University Communications



An aerial photograph of a winding asphalt road through a dense forest covered in snow. The road has white lane markings and curves through the landscape. A small car is visible on the road in the upper left. The trees are heavily laden with snow, creating a high-contrast scene.

# QUESTIONS



# RESOURCES

- [Discipline and Dismissal of Tenured Faculty for Cause](#)
- [Faculty/Academic Staff Grievances & Discipline](#)
- [Support Staff Rules Governing Personal Conduct of Employees Policy](#)
- [Union Contracts](#)
- [Support Staff Disciplinary Action Policy & Procedure](#)