

32.02 Discipline and Dismissal of Employees



Revised [February 6, 2020](#) (MO -2020)
Next Scheduled Review: February 6, 2025
Click to view [Revision History](#).

Policy Summary

Nonfaculty employees of The Texas A&M University System (system) are “at-will” employees. The discipline and/or dismissal of any system employee will be in accordance with system policies and regulations.

Policy

1. AT-WILL EMPLOYMENT FOR ALL NONFACULTY EMPLOYEES

All nonfaculty positions in the system are “at will,” meaning that any nonfaculty employee may be dismissed from employment with or without cause.¹ Any such dismissal must be in compliance with federal and state law.

2. DISCIPLINE AND DISMISSAL

2.1 Subject to Section 1 of this policy, all employees may be dismissed for cause at any time. Discipline and dismissal of a faculty member will be in accordance with applicable system policies.

2.2 Except as provided in System Policy *01.03, Appointing Power and Terms and Conditions of Employment*, and Section 1 of this policy, an employee will be subject to disciplinary action, including dismissal, upon a finding that the employee’s job performance or conduct falls below expected or required standards.

2.3 To the extent not addressed in system policy, the chancellor will establish regulations to determine when disciplinary action or dismissal may be imposed under Section 2.2 of this policy.

3. WRITTEN NOTICE

All notifications to employees regarding disciplinary actions, including the term of any designation as Not Eligible for Rehire, must be in writing and include notice of applicable

¹This reference excludes a nonfaculty system employee having a written employment contract entered in accordance with System Policy *25.07, Contract Administration*.

appeal procedures. Copies of these written notifications must be maintained in the employee's official personnel file.

4. 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. The member who designates a former employee as Not Eligible for Rehire 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 law such as theft, violence or threat of violence in the workplace.

A designation of Not Eligible for Rehire will disqualify a former employee from being (a) employed or retained by a member as an independent contractor, consultant or volunteer, or (b) assigned to perform work for a 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 member for whom they are proposing to perform work. A business entity employing a former member employee designated as Not Eligible for Rehire is responsible for ensuring that its employee is not involved in any work for the system. Members must include a clause to this effect in all solicitations and agreements. (See the Contract Management Handbook).

Related Statutes, Policies, or Requirements

[System Policy 01.03, Appointing Power and Terms and Conditions of Employment](#)

[System Policy 12.01, Academic Freedom, Responsibility and Tenure](#)

[System Policy 12.07, Fixed Term Academic Professional Track Faculty](#)

[System Policy 25.07, Contract Administration](#)

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

[Contract Management Handbook](#)

Member Rule Requirements

A rule is not required to supplement this policy.

Contact Office

Human Resources
(979) 458-6169