

## **Rule 5-111C--Egregious Behavior Examples**

### **I. Purpose and Scope**

There are instances when it is necessary to take disciplinary action when staff members engage in conduct that violates University policy, state or federal law, or reasonable workplace rules. Some of these cases can be handled through a progressive discipline process. However, serious conduct issues that are considered to be “egregious” may warrant moving directly to termination of employment. This rule addresses such cases and applies to staff members (non academic) in all University of Utah departments or units.

### **II. Definitions**

Definitions for this rule are the same as those identified by University of Utah Regulations Library, 5-111 - *Corrective Action and Termination Policy for Staff Members*.

### **III. Rule**

This list outlines some examples of egregious conduct that, absent some substantial extenuating circumstances, would typically result in termination of employment and a Not Eligible to Reapply (NER) designation. The list is not intended to cover all possible conduct or behavior that could lead to immediate termination of employment.

Examples of Egregious behaviors include, but are not limited to:

- Falsification of University documents, including but not limited to providing false or misleading information to take advantage of University benefits or procedures or to gain employment, or other similar conduct.

- Violence or threat of violence, including but not limited to conduct that causes or could cause a reasonable person to fear physical harm or damage to property, or other similar conduct.
- Conduct that poses a serious risk of harm to people or resources.
- Violation of University policies against discrimination, sexual harassment, or retaliation.
- Use, being under the influence or possession of alcohol in violation of the University's Alcohol related policies 3-192, 5-113 and 5-114; or illegal use of drugs and/or being under the influence of illegal drugs while on University property or when engaged in University business and when such conduct poses a serious threat of harm to people, property and/or resources of the University.
- Drug diversion or other similar conduct.
- Any conduct that threatens patient safety and/or welfare.
- Theft including but not limited to theft of services or resources; theft or unauthorized possession or use of University property, theft of time (falsifying time to receive pay for time not worked), or other similar conduct.
- A conviction of, a plea in abeyance (until expunged), or a plea of guilty or no contest to any crime that adversely impacts the University community or disqualifies an employee from performing their job.
- Unauthorized and intentional access to or disclosure of confidential, proprietary, privileged or controlled information or records, or any similar conduct.
- Violation of applicable statutory requirements, policies, or procedures that protect the environment and the health and safety of others, or any similar conduct.

- Intentionally using position/affiliation with the University of Utah for personal gain or in a manner that brings disrepute to the institution or otherwise adversely impacts the course of business and/or operations of the University.

Should the decision not to pursue termination be made in such cases, approval by the department's Cognizant VP or designee in consultation with the Chief Human Resources Officer or designee would be required. In some cases, if the issue involved is outside the purview of the department, or if a violation of Human Resources policy/procedures is involved, then a representative from Human Resources may perform the function of defending the disciplinary action in a grievance.

#### **IV. References**

- A. University of Utah Regulations Library, [5-111](#) - *Corrective Action and Termination Policy for Staff Employees.*
- B. University of Utah Regulations Library, [5-106](#) - *Equal Opportunity and Nondiscrimination Employment.*
- C. University of Utah Regulations Library, [5-107](#) - *Sexual Harassment and Consensual Relationships.*
- D. University of Utah Regulations Library, [5-113](#) - *Drug-Free Workplace.*
- E. University of Utah Regulations Library, [5-114](#) - *Drug Testing.*
- F. University of Utah Regulations Library, [5-203](#) - *Staff Employee Grievances.*
- G. University of Utah Regulations Library, [1-004](#) - *Violence in the Workplace and Academic Environment.*
- H. University of Utah Regulations Library, [3-192](#) - *Restricted Purchases and Special Procurement.*

#### **V. History**

This Rule was approved by the Cabinet on July 30, 2009