CONDUCTING THE DISCIPLINARY MEETING

Investigatory Interview

The purpose of a disciplinary interview is to ensure that appropriate steps are taken to deal with violations of Institute policies, procedures or performance deficiencies.

A well-planned and effective disciplinary meeting will:
- Find out all relevant information
- Consider ‘both’ sides of the issue
- Resolve the issue of where responsibility lies in a fair and reasonable manner
- Decide on an appropriate plan of action

Approach to the Interview

The specific purpose of a disciplinary interview is to establish the relevant facts, hear the different perspectives, make a judgement and decide on appropriate action.

The approach and direction of the interview will need to be positively led by the supervisor or Director of Human Resources. The person conducting the interview should be clear on the direction and flow of the interview while still giving the interviewee the opportunity to put forward their case.

Be Prepared

It is important that the supervisor or Director of HR be very well prepared for the interview. Prior to carrying out a disciplinary meeting, always ensure that there is a full investigation and a compilation of all pertinent facts.

The disciplinary meeting

- Always have two members of management present during any disciplinary meeting – the direct supervisor and the Director of HR.
- Make introductions, if necessary.
- State that this is a disciplinary meeting and define the conduct issue or performance deficiency being addressed.
- State any relevant facts substantiating the need for the disciplinary action.
- Invite the employee to respond to conduct allegations or performance deficiencies and to share any information they may have on mitigating circumstances. Encourage them to openly express their views.
- If the meeting is a result of performance deficiencies, have past performance reviews and performance improvement plans on hand.
- Listen and ask questions to ensure full clarification for all parties.
- Advise the employee of the level of discipline that has been determined and that documentation will go in the employee’s personnel file.
• If the employee was on a performance improvement plan, revisit it and make any necessary revisions in line with the disciplinary action.
• Make an appointment for the next follow-up review meeting.

The Termination Meeting

• **Write out a checklist.** Prior to the meeting, make a checklist so that you don’t get side tracked and forget important points.

• **Give yourself a way out.** During any termination, you should always place yourself closest to the exit. During a termination, if possible, keep a desk or table between yourself and the employee.

• **Provide factual reasons for the discharge.** Many employees who sue their ex-employers do so because, at heart, what they really want is a full explanation of why they were let go, and a chance to give their side of the story. You don't have to spend a lot of time going over every last detail of the employee's conduct that led to the discharge, but you should provide a reasonable explanation.

• **Ask for the employee's explanation or interpretation of events.** This should already have been done during the investigation into the misconduct or performance issues that led up to the termination. Still, allow the employee to have his or her say, and to show their emotion. Don't interrupt or talk over the person. If the employee feels that he or she was forced out because of discrimination, harassment, or some other allegedly offensive or illegal conduct on your part, you'll want to know about it now so that you can alert your attorney.

• **Make it clear that the decision is final and don’t apologize.** The decision to terminate was made before the meeting based on facts and the investigation. It was the right decision, based on facts and with the approval of all stakeholders (Director, AVP, etc.); this makes it easier for you to keep control of the situation.

• **HR will briefly run through the benefits.** While it is included in the termination/separation letter, briefly cover vacation pay, severance pay (if there is any), and continuation of health insurance (COBRA) or life insurance benefits, etc. If you are attempting to get a release from the employee, now's the time to present it. Advise the employee about the date of their final pay check.

• **Collect Institute property from the employee.** Collect any keys, beepers, laptops, company credit cards, or any other property belonging to the Institute from the employee.
**Following Through On a Disciplinary Meeting**

Record the details of the meeting:

- the level of disciplinary action decided on,
- the reasons why,
- the improvement plan (if not a termination)

Write the disciplinary warning after the meeting with the employee. Provide a copy of the written warning to the employee and place a copy in their personnel file. If the discipline was a termination, have the termination/separation letter written prior to the meeting and include important benefit information.

For disciplinary actions other than termination, hold follow-up meetings on the assigned dates, and take further action as deemed appropriate at that time.

If the employee has met the performance improvement target or not repeated the conduct violation, remove the warning from their file at the appropriate time.