**Sample Due Process Letter (after investigation)**

**NOTE:**

*This letter is to be used when the employee has been on pre-disciplinary leave pending an investigation. If the employee has not been on leave while an incident was investigated, please use the sample letter designed to be used when there was no need for an investigation.*

* Insert on department letterhead.
* Anticipated date in the fourth paragraph must be at least 24-hours from the date the employee will receive the letter. If the letter is being mailed, allow adequate time for receipt.
* Insert information where appropriate (see highlighting)
* Remove all highlighting (and associated text as appropriate)
* Please consult with Human Resources prior to issuing any written notice.

[DATE]

Dear [EMPLOYEE NAME]:

You are a [job title] in [College/Department/Facility]. In this position you are responsible for [INSERT A VERY BRIEF JOB SUMMARY SHOWING THE EMPLOYEE IS RESPONSIBLE FOR PERFORMING THE DUTY AT ISSUE]. For example: *In this position you are responsible for providing administrative and secretarial support for the vice president and department. Your duties include typing, filing and scheduling, financial record keeping, payroll, coordination of meetings and conferences, ordering supplies, coordinating direct mailings and dealing with a diverse group of important external callers and visitors as well as internal contacts at all levels of the university.*

DESCRIBE INCIDENT/BEHAVIOR PROVIDING DATE(S) AND DETAILS] Shows employee failed to perform relevant duties. For example: *On 2/11/15 I emailed you asking for copies of the financial records of our petty cash account. The copies were needed for a meeting with the vice president of the department on 3/4/15. You did not respond to my email, and on 2/18/15 I asked you again except this time in-person to provide me with the copies of these documents.  You apologized for not responding to my email and said you were busy trying to coordinate the EVO Expo Conference and asked me if it would be alright to give the copies on Monday,  2/23/15. I told you yes and re-emphasized to give me the copies on Monday and no later.  As of today 3/9/15, I still have not received copies of the documents I requested from you.* [INDICATE THAT THERE HAS BEEN AN INVESTIGATION.] *For example: In the subsequent investigation, you admitted that you had not accurately kept updated financial record keeping of the petty cash account…OR These allegations are supported by an investigation conducted by Internal Audit/Office for Equity and Access, etc…*]

Your behavior, as outlined above, is a violation of the Virginia Department of Human Resources Management Standard of Conduct Policy 1.60, [*Unsatisfactory Performance*]*.* Therefore, I am considering issuing you a [Group I/II/III] written notice [with suspension/termination].

I have scheduled a follow-up meeting with you on [DATE] at [TIME, PLACE]. At that meeting, you will have an opportunity to provide information you want me to consider before I make a final decision with respect to issuing the [Group I/II/III] written notice [with suspension/termination (optional)]. If you do not come to the meeting on [date], I will proceed with this action on the basis of the best information I could obtain without your verbal or written response, including the facts as stated above and your employment record.

[ONLY USE THE FOLLOWING IN PLACE OF THE ABOVE PARAGRAPH IF THE EMPLOYEE IS NOT AT WORK AND THEIR RETURN IS DOUBTFUL]

*I have scheduled a follow-up meeting with you on [DATE] at [TIME, PLACE]. At that meeting, you will have an opportunity to provide information you want me to consider before I make a final decision with respect to issuing the [Group I/II/III] written notice [with suspension/termination (optional)]. If you do not come to the meeting on [DATE, TIME, PLACE] I will issue the Group [I/II/III] written notice [with suspension/termination (optional)] to you via US mail.] [DATE, TIME, PLACE] I will issue the Group I/II/III written notice [with suspension/termination] to you via US mail.]*

Sincerely,

[Supervisor/Manager]

[TITLE]

cc: Appropriate others

 Division of Human Resources