

Progressive Discipline

Scope: This policy applies to all benefitted employees (with the exceptions noted), but does not apply to temporary employees or those employees with employment contracts.

Definitions: Disciplinary actions include, but are not limited to, oral warnings, written warnings, suspensions (paid and unpaid), and involuntary separations.

Policy: The College endeavors to maintain a work environment where supervisors focus on preventing serious personnel problems from occurring, rather than on disciplining employees. The general purpose of disciplinary action is to correct improper performance or behavior, to provide clear notification of when improvement is needed, and to hold employees accountable. Employees whose behavior, actions or inactions are unacceptable are subject to disciplinary action.

The degree of discipline shall depend on the gravity of the offense and the circumstances under which it occurred. Disciplinary action by supervisors should be timely and progressive, including but not limited to oral or written warnings (reprimands?), suspension, demotion, or dismissal. However, at times, factors may make it inappropriate in individual cases to give prior warnings (eg- when behavior or acts are of so serious a nature that a first occasion violation is cause for a recommendation for the employee's dismissal.) Depending on the nature of the infraction, the employee may be put on a Performance Improvement Plan.

Nothing in this or any other policy or procedures shall preclude taking adverse action against any employee, if such action is appropriate, regardless of whether the employee may have a current performance rating of meets or better, or regardless of the lack of previous disciplinary actions.

Any one of the following is deemed sufficient reason to discipline an employee, although discipline may be appropriate for reasons other than those listed below:

- Neglecting or failing to perform duties
- Conviction of a felony or misdemeanor related to the employee's area of job responsibilities
- Crime involving moral turpitude
- Insubordination
- Falsifying records, reports, or information
- Larceny, misappropriation, or unauthorized possession or use of property belonging to the college or an employee, student, visitor
- Misuse of college property, services, resources
- Working under the influence of alcohol or dangerous substance as defined by law
- Taking unauthorized leave
- Habitual absence or tardiness
- Willfully violating a law or policy prohibiting discrimination on the basis of age, race, religion, color, sex, national origin, disability, veteran status, or genetic information
- Threatening, intimidating, harassing, or coercing a college employee, student, or visitor

The above list is not exhaustive and the College may sanction other conduct deemed harmful to the best interests of the College, its students, or its employees.

In some situations, both this policy and the Performance Appraisal and Counseling policy (HR 4120) may be applicable. The college expressly reserves the right to apply either or both policies to such situations.

Procedures:

Disciplinary actions should generally be corrective in nature. The most common disciplinary actions are outlined below, but the College may, in its sole discretion, choose other remedial measures.

The Faculty Dismissal policy details certain processes applicable to dismissal for faculty members. To the extent that the dismissal is proposed for a qualifying faculty member, the Faculty Dismissal policy and procedures shall control.

First Step: Oral Warning

An oral warning is a private conversation between supervisor and employee to discuss a problem or concern and to give the employee an early opportunity to correct the problem. Any actions required of the employee to correct the problem in terms of performance and/or conduct should be presented.

Oral warnings shall be documented in writing by the supervisor for their records and possible later reference and be sent to Human Resources for information purposes.

The record should include:

- The employee's name
- The date of the oral warning
- The specific offense
- A specific statement of the expected performance
- Any explanation given by the employee or other information the supervisor feels is significant

Second Step: Written Warning

Supervisors may issue written warnings, which must indicate the nature of the problem, refer to any previous oral or written warnings, indicate what the employee must do to correct the problem, and indicate that further disciplinary action will be taken for subsequent offenses. The purpose is to correct a performance problem by discussing it with the employee and providing a formal documented written record of that conversation.

Written warnings generally are appropriate when the conduct addressed by the oral warning is repeated or additional subsequent problems occur. On the other hand, if a single incident is more serious than is appropriate for a verbal warning, a written warning can be issued.

The supervisor shall meet with the employee to discuss the written warning.

The employee should have an opportunity to respond at the meeting and in writing. Written warnings shall be timely issued, typically within ten (10) working days of the incident. In addition to providing a copy to the employee, a copy should be sent to Human Resources to be included in the employee's personnel file.

The employee should be asked to sign the memo as documentation that the written warning has been received. If the employee refuses, the supervisor should note that refusal on the memo.

Written warnings (reprimands) and any more significant levels of discipline should be recognized and noted in the next performance appraisal and may adversely impact an employee's merit-based salary increase, promotion, and/or performance rating. A final written warning can follow a written warning and may or may not include a suspension without pay as noted below in the next step of progressive discipline.

Third Step: Disciplinary Suspension Without Pay

An employee may be suspended whose behavior action(s) or inaction(s) or pattern of misconduct warrants discipline more severe than a written warning but less severe than dismissal. The length of the suspension varies by the severity of the offenses.

Procedure

The employee's supervisor shall consult with their supervisor as well as Human Resources prior to recommending a suspension.

The supervisor shall submit a recommendation for suspension to the next level supervisor in the employee's division. That supervisor will review the recommendation and may request additional information from either party. The next level supervisor shall give the employee an opportunity to respond and present rebuttal evidence.

The next-level supervisor will respond to the parties in writing, typically within five (5) working days, stating whether the recommendation is adopted, rejected, or modified, and the reasons for that conclusion.

Suspended employees may grieve the decision in accordance with HR: 4010, Grievance Policy and Procedures at Step: 4 Final Appeal step. An employee may or may not serve a suspension prior to a Step 4 decision. If the suspension is overturned after it has been served, the employee will be paid retroactively for any days on suspension without pay.

During the period of the suspension, the employee will not have access to college property, including email.

Human Resources will arrange for the employee to relinquish keys or other college property, and access to technology will be suspended for the time of the suspension. Human Resources shall also schedule an appointment with the employee at the beginning of his/her first work day at the conclusion of the

suspension.

Fourth Step Dismissal (or Involuntary Separation)

Dismissal generally occurs as the final step in progressive discipline, but serious offenses may result in dismissal prior to exhausting all steps in the disciplinary process. Misconduct that involves dishonesty, or significant risks to college operations or the safety or health of others or the employee, may be grounds for immediate dismissal.

Examples of unacceptable behaviors that may result in immediate dismissal without progressive discipline include, but are not limited to, the following:

- Fighting on the job
- Stealing
- Sleeping on the job
- Unauthorized absence from the worksite
- Falsifying documents
- Other criminal activity

Other than in situations where immediate dismissal may be necessary, employees will receive notice of dismissal, as outlined below, and the opportunity to be heard and present relevant evidence. **(Not sure under what circumstances an immediate dismissal would be appropriate since we have ability to suspend temporarily if offense warrants it. Really it would be dismissal without progressive discipline being applied)**

Procedures

A supervisor in an employee's direct supervisory chain may recommend dismissal of an employee. The supervisor may only recommend dismissal after consulting with Human Resources and their next highest-level supervisor, which may be a director, dean or other administrator in charge of the department. The Associate Vice President, or designee, will determine whether a suspension with pay for purposes of investigation is appropriate while the recommendation for dismissal is under review. If the AVP, Human Resources, does not support the recommendation, then he/she may recommend alternative remedies.

The recommending supervisor, in consultation with Human Resources, shall provide the employee with notice of the recommendation for dismissal. The notice will include the reasons for the recommendation; any prior disciplinary actions; if applicable, any evidence that supports dismissal; the effective date of the dismissal, and notice of the employee's status pending the outcome of the recommendation or any grievance appeal.

The recommending supervisor, along with an HR representative, will meet with the employee within ten (10) working days or the employee receiving notice of the proposed dismissal. The employee may choose to rebut the recommendation verbally or in writing at that time. The employee may also present any relevant documents in response to the recommendation.

The AVP, Human Resources, or designee, shall evaluate the proposed dismissal, including supporting documentation and the employee's rebuttal. If he/she finds that the recommendation is supported, the recommendation for dismissal is adopted.

Dismissed employees may grieve the decision in accordance with HR: 4010, Grievance Policy and Procedures, at Step 4: Formal Appeal. However, the relevant administrator to consider the grievance will be the Vice President of the employee's division. If the employee to be dismissed reports directly to a Vice President, then the President or designee will be substituted for the Vice President at Step 4.

In this instance, the grievance should be based on the grounds that the discipline policy was not adhered to, some procedural aspect of the policy was not followed or evidence presented during the investigatory stage was not considered. The employee may not submit any new evidence that was not presented before the discipline was issued.

If an employee has been dismissed prior to any grievance appeal and the dismissal is not upheld at the Step 4 grievance appeal, the employee will receive retroactive pay.

August 2022