



DISCIPLINE, SUSPENSION, AND DISCHARGE OF COLLEGE EMPLOYEES PROCEDURE

Board Bylaw:
Policy Number: 4.5500
Subject Area: Personnel
Adopted: 05/10/2023
Revised: 05/10/2023

In the case of performance issues, supervisors should make attempts to take corrective measures through informal discussions, coaching, and regular employee performance evaluations prior to implementing disciplinary procedures.

Discipline of employees shall be for just cause and shall generally be imposed in a corrective progressive manner. However, the sequence and severity of disciplinary action may vary based upon the type of offense and the circumstances surrounding it. Not all steps need to be used under all circumstances. Any formal complaint presented against an employee must be submitted in writing, and the named employee will be notified within ten business days. Any formal action must be addressed in writing by the Administration prior to any progression of corrective discipline. Disciplinary action administered for a particular incident shall not constitute precedent or prejudice for any conduct of a similar nature for any other employee.

Formal complaints initiated by students are addressed in already established policies and procedures.

Any discrepancies between the provisions of this policy and the provisions of a Collective Bargaining Agreement shall be resolved in favor of the guidelines of the Collective Bargaining Agreement.

The formal general progression of corrective discipline shall flow through the Department of Human Resources. The progression of corrective discipline is as follows:

A. Formal Documented Verbal Reprimand

A verbal reprimand shall be communicated in a meeting between the employee and his/her supervisor to discuss unacceptable performance and/or behaviors. Employees represented through collective bargaining shall be entitled to union representation if requested by the employee. The supervisor shall inform the employee of concerns with performance and/or conduct and explain how the concerns can be corrected so that the employee is meeting acceptable standards of performance and conduct.

Documentation of the verbal reprimand shall be maintained in the employee's personnel file in Human Resources, and the employee shall receive a copy of the documentation indicating the date, the substance of the verbal reprimand, and the desired corrective action. A representative of the Human Resources Department shall attend the meeting. An employee may provide documentation/evidence related to a verbal reprimand within ten business days from the date of the meeting regarding the verbal reprimand, and the documentation/evidence will be included in the personnel file along with the verbal reprimand documentation.

If after three full calendar years with no additional incidents of reprimand, an employee may submit a written request to Human Resources to remove verbal reprimand documentation from their personnel file. The request shall be reviewed by the Human Resources Department, college administration, and the college President with consultation from legal counsel as needed to mitigate legal risk to the college. The employee will be informed of the decision in writing to remove the verbal reprimand from the personnel file within thirty business days. The written decision will include rationale as to the decision. If the request to remove the verbal reprimand is denied, the employee may resubmit a written request to Human Resources after one year with additional information and justification for requesting the removal of the verbal reprimand.

B. Written Reprimand

A written reprimand is a letter or memorandum stating the reasons and the manner in which the employee is failing to meet acceptable standards of performance or behavior. The written document shall also inform the employee that if any continued unacceptable performance or behavior persists, suspension or dismissal may result.

A representative of the Human Resources Department should be contacted to assist in the preparation of the written reprimand which shall include a Performance Improvement Plan with corrective actions and a timeline to implementation. The written reprimand shall be communicated in a meeting between the employee and his/her supervisor to discuss unacceptable performance and/or behaviors. Employees represented through collective bargaining shall be entitled to union representation if requested by the employee. A representative of the Human Resources Department shall attend the meeting. A copy of the document will be placed in the employee's personnel file in Human Resources. The employee may provide documentation/evidence related to the written reprimand within ten business days from the date of the meeting and the documentation/evidence will be included in the personnel file along with the written reprimand.

If after five full calendar years with no additional incidents of reprimand, an employee may submit a written request to Human Resources to remove a written reprimand from their personnel file. The Human Resources Department will coordinate a meeting of a three-person committee within thirty days to review the request. Committee members shall be identified by Human Resources and shall include: a non-administrative representative of the division in which employee is assigned, a member of college administration, and an unbiased representative experienced in human resources management or labor law. Human Resources personnel will participate in the

committee meeting as a non-voting member to assist with file review and recording of the committee decision. College legal counsel will be consulted as needed to mitigate legal risk to the college. If determined by college legal counsel that removal of the written reprimand places the college at risk for any future litigation, the request for removal would be denied not requiring a vote of the committee. The employee will be informed of the decision in writing to remove the written reprimand from the personnel file within ten business days of the committee meeting. The written decision will include rationale as to the decision. The decision of the committee is final and the employee may not resubmit subsequent requests to remove the written reprimand from their personnel file.

C. Suspension

A suspension with or without pay, along with fringe benefits, is an action that may be recommended by the employee's supervisor to the appropriate Vice President and the Human Resources Department if the employee subsequently fails to meet acceptable standards of performance or behavior.

The suspension is to be documented, referencing the dates that the suspension is to begin and to end. Prior to the commencement of the suspension, the reasons for suspension and/or complainant shall be communicated in a meeting between the employee and supervisor to discuss unacceptable performance and/or behaviors. Employees represented through collective bargaining shall be entitled to union representation if requested by the employee. A representative of the Human Resources Department shall attend the meeting. This provision does not apply to suspensions with pay of any employee while the College conducts an investigation of the employee.

If after ten full calendar years with no additional incidents of reprimand, an employee may submit a written request to Human Resources to remove a suspension from their personnel file. The Human Resources Department will coordinate a meeting of a three-person committee within thirty days to review the request. Committee members shall be identified by Human Resources and shall include: a non-administrative representative of the division in which employee is assigned, a member of college administration, and an unbiased representative experienced in human resources management or labor law. Human Resources personnel will participate in the committee meeting as a non-voting member to assist with file review and recording of the committee decision. College legal counsel will be consulted as needed to mitigate legal risk to the college. If determined by college legal counsel that removal of the suspension places the college at risk for any future litigation, the request for removal would be denied not requiring a vote of the committee. The employee will be informed of the decision in writing to remove the suspension from the personnel file within ten business days of the committee meeting. The written decision will include rationale as to the decision. The decision of the committee is final and the employee may not resubmit subsequent requests to remove the suspension from their personnel file.

D. Discharge

A discharge is termination of employment. An employee may be discharged if the employee subsequently violates College policy, rule or regulation or fails to meet acceptable standards of performance or behavior after receiving verbal and written reprimands and suspension. Discharge will occur only with the approval of the President, or President's designee, and the Board of Trustees.

A suspension or discharge without prior disciplinary actions may be justified depending on the type of offense and the circumstances surrounding the offense.

The employee will receive copies of disciplinary documentation.