

## 5530 Discipline: Staff

The College has a discipline policy for regular staff. Regular staff are College staff who were originally hired through a formal search process (see policy [5110 "Employee Recruitment"](#)). Disciplinary steps shall typically be followed in staff disciplinary matters except in matters determined to warrant deviation from the discipline steps.

Typically, the staff member's immediate supervisor shall begin the process of addressing performance issues or behaviors with informal coaching, counseling, and feedback. The supervisor also has the option to administer any appropriate corrective or disciplinary action. Appropriate action shall be determined based on factors such as severity, frequency, and degree of deviation from expectations and length of time involved. Because of the great variety of situations that may arise, the College may need to make decisions related to employment in a manner other than as provided in this section.

Disciplinary actions may take place in several forms. The forms of disciplinary actions are: verbal warnings, written warnings, disciplinary leave(s), and dismissals. The College's Human Resources Director and/or Vice President for Administrative Services and Finance shall be consulted when disciplinary action with a staff member is necessary.

Staff may use the Conflict Resolution process (see policy [5800 "Conflict Resolution"](#)) or the Appeals process listed in this policy if they believe there has been an unfair application of this policy.

### **Procedure**

#### **I. Staff Member Feedback, Coaching and Counseling**

Staff member coaching and counseling typically begins with an initial discussion between the supervisor and staff member about the issue or concern. The objective is to correct the problem early on, and through open conversation, information is mutually shared. The supervisor and staff member establish how actual performance falls short of desired performance or behavioral expectations. Together, the supervisor and staff member may choose to discuss a verbal action plan which includes support from the supervisor for the staff member to successfully meet the expectation and/or resolve the issue. The staff member and supervisor may decide to establish a follow-up date to review progress within a reasonable period of time. During the follow up meeting, if the objectives are not met, the staff member and supervisor may again discuss what the deficiency is, identify the root cause, and how to address it. Supervisors are strongly encouraged to coach, train, educate, and encourage staff members prior to administering discipline.

#### **II. Verbal Warning**

Verbal warnings may take place between a staff member and the supervisor in situations where prior feedback and counseling has not been effective. Verbal warnings may also be utilized for issues that are deemed less serious in nature but need a formal warning documented in a letter to the staff member. Prior counseling may or may not have been conducted. Efforts are made to determine and resolve the cause of the problem. At the same time, however, it shall be specifically stated that the staff member is receiving a formal warning.

Verbal warnings and a documenting letter to the employee shall include the following:

- The staff member's name
- Date of incident(s)
- Description of incident(s)
- Reason for discipline
- Why this incident(s) is/are a concern
- Information and description of prior related disciplinary action(s) and/or counseling/coaching
- Action steps for improvement and support to be provided
- Follow-up date

- Consequences of non-compliance – includes further discipline, up to and including termination
- Signatures of supervisor and staff member

The staff member shall be requested to sign the letter to acknowledge receipt. Copies of verbal warnings shall be distributed as follows: one copy to the staff member, one copy to the Human Resources Director for inclusion in the staff member's personnel file, and one copy maintained in departmental files under lock and key.

### **III. Written Warning**

Written warnings take place between a supervisor and a staff member when the performance or behavior of the staff member has not improved as a result of a verbal warning, is a repeated violation, or for incidents where the situation or violation calls for a more severe disciplinary action than a verbal warning.

Written warnings shall include the following:

- The staff member's name
- Date of incident(s)
- Description of incident(s)
- Reason for discipline
- Why this incident(s) is/are a concern
- Information and description of prior related disciplinary action(s) and/or counseling/coaching
- Action steps for improvement and support to be provided
- Follow-up date
- Consequences of non-compliance – includes further discipline, up to and including termination
- Signatures of supervisor and staff member

The staff member shall be requested to sign the warning letter, acknowledging receipt of the letter. Copies of written warnings shall be distributed as follows: one copy to the staff member, one copy to the Human Resources Director for inclusion in the staff member's file, and one copy maintained in departmental files under lock and key.

### **IV. Administrative Leave with Pay**

If a supervisor deems it necessary to release a staff member from the workplace pending an investigation or decision regarding a suspected offense, the staff member may be placed on leave from duty with full pay for a prescribed period of time. The staff member may be required to return to duty at any time during the administrative leave.

### **V. Disciplinary Leave**

Disciplinary leave is usually taken after unsatisfactory performance and/or behavior has not been corrected following prior warnings or in a situation which calls for a more severe disciplinary action than a verbal or written warning. It may be taken as a first and final step before discharge in the event of a major offense. A staff member returning to work following disciplinary leave must agree to work in a manner that includes following policies and/or correcting unsatisfactory performance and/or behavior.

### **VI. Decision-Making Leave with Pay**

In a decision-making leave, the staff member is given disciplinary leave with pay for one day to decide if he/she wants to continue to work for the College given the standard of performance or behavior that is expected.

## 5530 Discipline: Staff

- The staff member is asked to return with a decision about his/her future and must complete the Decision-Making Leave Form. If the staff member shall not complete the Employee Decision-Making Leave Form, the supervisor shall start the termination process and document all actions taken.
  - If the staff member returns and is committed to making the necessary changes, a performance plan with reasonable timelines for improvement shall be jointly developed with the supervisor.
- If the staff member does not want to make the commitment, he/she may decide to resign. If the staff member does not want to make the commitment and complete the Decision Making Leave form and/or does not resign, the College may terminate the staff member.

A. Documentation of Decision-Making Leave

Written notice requiring the staff member to take a decision-making leave is addressed to the staff member and shall include:

- The staff member's name
- Date of the decision-making leave
- Date of incident(s)
- Description of incident(s)
- Information and description of prior related disciplinary action(s) and/or counseling/coaching
- Reason for decision-making leave
- Why this incident(s) is/are a concern
- Action steps for improvement and support to be provided
- Follow-up date
- Consequences of non-compliance includes further discipline, up to and including termination
- Signatures of supervisor and staff member

The staff member shall be requested to sign the decision-making leave letter, acknowledging receipt of the letter. Copies of decision-making leave notices shall be distributed as follows: one copy to the staff member, one copy to the Human Resources Director for inclusion in the staff member's file, and one copy maintained in departmental files under lock and key.

Upon the staff member's return to work following the decision-making leave day, the following documentation shall be provided:

- A summary of the staff member's decision, upon return to work as documented by the Employee Decision-Making Leave Form. **IN MOST CIRCUMSTANCES, FAILURE TO COMPLETE THIS FORM SHALL RESULT IN TERMINATION.** The Employee Decision-Making Leave Form is located on the Human Resources Portal or on the common drive under Human Resources.

**VII. Terminations**

A staff member's employment may be terminated after other disciplinary measures have failed or when an incident occurs that is extremely serious and warrants deviation from other possible disciplinary options. A staff member may be discharged at any time without regard to any steps if he or she commits an offense for which immediate discharge is necessary or if, in the College's judgment, the staff member's continued presence would be contrary to the well-being of the College, its employees and/or students. The Compliance Officer, the Human Resources Director, and the College President shall be consulted when the dismissal of a staff member is necessary. The College President must approve all terminations. Terminations may not be appealed through the appeal process listed in this policy or grieved internally. If a terminated staff member requests a hearing, the Board of Trustees shall comply with policy [2600 "Rules of Practice Governing Hearings."](#) (See

## 5530 Discipline: Staff

also policy [5540 "Dismissal."](#))

### VIII. Behaviors That May Result in Disciplinary Action

Staff members are prohibited from engaging in conduct listed below and may receive discipline up to and including termination for doing so. This list has been established to serve as examples of behavior that could warrant a range of disciplinary sanctions. **This list is not exhaustive.** Appropriate levels of discipline may be based on the severity of staff behavior.

- Failure to meet job performance expectations as outlined by the staff member's supervisor
- Refusing to do assigned work or failing to carry out the reasonable assignment of a manager, supervisor, or department head
- Displaying disrespectful and/or inappropriate behaviors toward a student, employee, or supervisor including verbal and physical abuse
- Falsification of any official College records, including time sheets or the provision of false information to anyone whose duty is to make such a record
- Being repeatedly or continuously absent or late, being absent without notice or reason satisfactory to the College, or leaving one's work assignment without appropriate authorization
- Willfully failing to report an On the Job Injury (OJI)
- Carrying out any form of harassment including sexual harassment
- Having an unauthorized weapon, firearm, or explosive on College property; this does not include weapons properly stored in residence halls or personal vehicles in accordance with College policy
- Stealing or possessing without authority any equipment, tools, materials, or other property of the College or attempting to remove them from the premises without approval or permission from the appropriate authority
- Appropriating College equipment, time or resources for personal use or gain
- Conviction of a felony, which negatively impacts the staff member's ability and/or credibility of their primary job functions
- Misusing or willfully neglecting College property, funds, materials, equipment or supplies
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or illegal drugs when on the job or subject to duty
- Fighting, engaging in horseplay, or acting in any manner which endangers the safety of oneself or others; this includes acts of violence as well as threats of violence
- Marking or defacing walls, fixtures, equipment, tools, materials, or other College property, or willfully damaging or destroying property in any way
- Willful violation of safety rules or College policies

### IX. Appeals

For appeals regarding discipline or sanctions in cases involving sexual misconduct, the appeals process in policy [5700 "Sexual Misconduct"](#) will apply. For other situations, staff members are encouraged to first review and consider a variety of conflict resolution resources which are addressed in policy [5800 "Conflict Resolution."](#) However, if a staff member still feels that he/she has received an unfounded warning, a staff member may appeal a disciplinary action except termination; terminations are not eligible for appeal. While in the appeals process, any further violation of the performance or behavioral problem for which the staff member is receiving disciplinary action may result in immediate termination. The appeal process begins with the staff member addressing his/her concerns with the next level of supervision. This supervisor shall review the circumstances and documentation and render a timely decision. If a staff member disagrees with this decision, the staff member may appeal to his/her Vice President. If a staff member disagrees with the Vice President's decision, the staff member

may appeal to his/her College President. The College President's decision is final except in those cases of staff who report directly to the College President. Those staff may appeal the College President's decision to the Board of Trustee's Human Resources Committee, whose decision is final.

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