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Chapter: Personnel

Modification No. 001

Subject: **Disciplinary Action and Suspension**

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- I. It is the policy of the Board of Trustees to encourage high standards of service, fair, equitable and consistent handling of unacceptable employee behavior or acts, and constructive counseling. Employees whose behavior, actions or inactions are unacceptable shall be subject to disciplinary action. Disciplinary action shall generally be progressive in nature, and include but not be limited to a warning, reprimand, suspension, or dismissal. Except for unusually serious offenses, dismissal will not be proposed unless there is a previous record of disciplinary action against the employee.
- II. Nothing in this or any other policy shall preclude disciplinary action against an employee regardless of whether the employee may have a satisfactory performance rating or regardless of the lack of previous disciplinary actions against the employee.
- III. The President is authorized to establish procedures to implement this policy.

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Board Approval: September 21, 1987.

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Chapter: Personnel

Modification No. 007

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I. General

- A. The general purpose of disciplinary action is to correct improper performance or behavior, to provide clear notification when improvement is needed, and to hold employees accountable for their impact on the workplace. Employees whose behavior, actions or inactions are unacceptable are subject to disciplinary action.
- B. The degree of discipline shall depend on the gravity of the offense and the circumstances under which it occurred. Disciplinary action taken by supervisors should be timely and progressive including, but not limited to, a warning, reprimand, suspension, demotion, or dismissal. However, at times, factors may make it impracticable in individual cases to give prior warnings; e.g., when behavior or acts are of so grave a nature that a first occasion violation is a cause for a recommendation for the employee's discharge.
- C. Nothing in this or any other policy or procedure of this manual shall preclude taking adverse action against an employee, if such action is appropriate, regardless of whether the employee may have a current official performance rating of satisfactory or better, or regardless of the lack of previous disciplinary actions.
- D. Non-bargaining staff employees may be accompanied by another non-bargaining staff employee to provide support during the disciplinary process outlined below. The support person may be selected by the employee (subject to certain limitations; i.e., the staff of the General Counsel's Office or the Office of Employee and Labor Relations may not serve as a support person), and the support person may not participate in the process, but may take notes.
- E. As used in this procedure, working days are defined as all days during the calendar year where the College is open for the normal course of business other than Saturdays, Sundays, and days the College is closed.

II. Reasons for Disciplinary Action

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

- A. Insubordination.
- B. Misconduct or malfeasance or nonfeasance of duty.
- C. Dishonesty in the performance of duties or in activities related to the performance of duties.
- D. Unsatisfactory attendance or tardiness record.
- E. Performance issues, such as, but not limited to, failing to discharge duties in a

satisfactory or timely manner.

- F. Unauthorized access of confidential information, including but not limited to student or personnel records; as well as misuse of confidential information for purposes other than the legitimate discharge of duties.
- G. Unauthorized possession, use, sale, or distribution of alcoholic beverages or of any illegal or controlled substance while at work or on College premises or off College premises while in duty status.
- H. Unauthorized use, possession, or storage of any weapon, dangerous chemical, or explosive element.
- I. Disorderly conduct on the job.
- J. Violation of safety regulations and instructions.
- K. Unauthorized use of, or negligent damage to, College property.
- L. Littering, defacing, damaging or destroying College property or property under its jurisdiction, or removing, using, occupying or entering such property without authorization.
- M. Theft or attempted theft of College property or services, or personal property, or knowingly possessing such stolen property.
- N. Loafing, intentional idleness or sleeping while in duty status.
- O. Misappropriation of public funds.
- P. Misrepresentation, falsification, or intentional omission of a material fact(s) in connection with employment application, or any record, report, investigation or other proceeding involving a work related matter.
- Q. Forging, altering, falsifying or misusing College documents, records or identification cards.
- R. Unauthorized or fraudulent use of the College's facilities and/or equipment including but not limited to the phone system, mail system, computer system, transportation system and/or equipment, or use of any of the above for any illegal act.
- S. Causing false information to be presented before any administrative proceeding of the College when a person knew or reasonably should have known that the information was false or intentionally destroying evidence important to such a proceeding.
- T. Initiation of, or causing to be initiated, any false report, warning or threat of fire, explosion or other emergency.
- U. Physical or mental abuse, threat or harassment of a College student, employee or any other person on College premises or any other conduct which threatens or

endangers the health or safety of any such person.

- V. Violation of law which is directly related to on the job performance.
- W. Violation of a College policy and/or procedure.
- X. Encouraging others to commit any of the above acts.

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, or conduct that adversely affects the rendering of prompt, courteous, or efficient service by the College. Attempts to commit acts stated above or encouraging or assisting others to commit such acts may be punished to the same extent as if one had committed the act itself.

In addition, the College reserves the right to pursue any and all remedies available at law or equity.

III. Procedures for Certain Disciplinary Actions

- A. 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.
- B. Bargaining unit staff and administrators have provisions detailing certain disciplinary processes in their contracts. To the extent that disciplinary action is taken with respect to those administrators and bargaining staff, the relevant contractual provision shall control the procedure.
- C. Oral or Verbal Reprimands
  - 1. A private discussion shall be held between the supervisor and the employee to discuss the employee's problem and to afford the employee an early opportunity to correct the problem.
  - 2. Oral or verbal reprimands shall be noted in writing by the supervisor for possible later reference and be sent to HRSTM to be included in the employee's personnel file. Outcomes of a verbal reprimand may be documented but does not rise to the level of a written reprimand.
- D. Written Reprimands
  - 1. Supervisors within the employee's supervisory chain may issue written reprimands, which must indicate the nature of the problem, refer to any previous oral or written reprimands, indicate what the employee must do to correct the problem and indicate that further disciplinary action will be taken for subsequent offenses.
  - 2. The supervisor shall discuss the written reprimand with the employee. Written reprimands may be formally recognized and noted in a performance evaluation as influencing a salary increment, promotion recommendation or performance rating.

3. Written reprimands shall be timely issued, typically within ten (10) working days of the incident, with a copy sent to HRSTM to be included in the employee's personnel file.

IV. Disciplinary Demotion of Staff

- A. The Director of Employee and Labor Relations has the authority to demote employees as a disciplinary remedy. Such decisions are subject to the review of the Senior Vice President of Administrative and Fiscal Services at the request of the affected employee. A demotion may include, but may not be limited to, a reduction in pay, a reduction in duties or responsibilities, and/or a reduction in title or rank.
- B. The unit supervisor, after appropriate consultation with HRSTM, shall submit in writing the recommendation for demotion to the Director of Employee & Labor Relations. The recommendation must be accompanied by sufficient documentation to justify the demotion. Sufficient documentation should include a description of the problem, and reference to any prior oral or written warnings or reprimands. The supervisor shall indicate the corrective action necessary and also indicate if subsequent similar behavior may result in a recommendation for the employee's dismissal.
- C. The Director of Employee & Labor Relations shall give the affected employee notice of the proposed demotion, the justification for the demotion, an opportunity to respond to the proposed demotion and to present rebuttal evidence.
- D. An employee demoted for disciplinary reasons shall also have their salary reduced by an amount proportionate to the reduction in the new position duties. However, no employee may receive a salary higher than the maximum of the salary range for the demoted position classification.
- E. A staff employee who has been demoted may grieve such demotion in accordance with 34101CP-Personnel Grievance Process For Non-Bargaining Staff Employees at the Formal Grievance Step.

V. Disciplinary Suspension

The College may suspend an employee whose behavior, action(s) or inaction(s) warrant discipline more severe than a written warning but less severe than termination. The duration of the suspension shall depend on the severity of the offense(s).

- A. The supervisor shall consult with their supervisor as well as the staff of the Office of Employee & Labor Relations prior to recommending a suspension.
- B. The supervisor shall submit a recommendation for suspension in writing to the College's designated authority (the President for administrators, the Vice President & Provost for instructional faculty, the Senior Vice President for Student Affairs for counseling faculty, and the Director of Employee & Labor Relations for Staff).
- C. The designated authority will review the recommendation. The designated

authority may request additional information from either party.

- D. The designated authority shall give the employee an opportunity to respond and present rebuttal evidence.
- E. Typically within three working days (3), the designated authority shall respond to the parties in writing, stating whether the recommendation is adopted, rejected, or modified, and the reasons for that conclusion.
- F. Suspended employees may grieve the decision via Procedure 34101, beginning at the Formal Grievance Step.

VI. Investigatory Suspension

- A. An employee who is alleged to have committed an offense which would warrant disciplinary action may be suspended and placed on investigatory leave at any time for purposes of investigation. The Director of Employee and Labor Relations shall determine the appropriate duration of such administrative leave and whether such leave shall be paid or unpaid. All investigations are conducted with the highest level of confidentiality permitted by the facts and circumstances to remedy the issue.

B. Staff and Faculty

1. The Director of Employee & Labor Relations may suspend an employee with or without pay for purposes of investigation at any time. Such suspension notice shall be in writing to the employee and shall contain a statement of the reasons(s) for the suspension and the effective date of suspension. If the employee is a member of a bargaining unit, the Director of Employee & Labor Relations will notify the relevant union representative and proceed in accordance with any applicable procedure in the appropriate collective bargaining agreement, to the extent such procedure departs from this procedure.
2. If the suspension is without pay, the Director of Employee & Labor Relations shall provide the affected employee with an opportunity to explain the employee's position on the matter.
3. Upon completion of such investigation, after consultation with the supervisor of the suspended employee, the Director of Employee & Labor Relations shall determine what action should be taken and shall so notify the employee and the supervisor in writing. If the results of the investigation do not substantiate the allegations, the employee will be reinstated and remunerated for lost wages and benefits. If the results of the investigation indicate that a disciplinary suspension is appropriate, the time the employee has been suspended without pay, if any, shall be deducted from the disciplinary suspension period. If the results of the investigation indicate that termination is appropriate, the Director of Employee & Labor Relations shall take the appropriate action.
3. A staff employee who has been suspended may grieve such suspension in accordance with 34101CP-Personnel Grievance Process for Non-

Bargaining Staff Employees at the Formal Grievance Step.

4. The Director of Employee and Labor Relations may keep the employee's supervisory chain apprised of the status of an investigatory suspension.

C. Administrators

1. The President may immediately suspend with or without pay an administrator for investigation at any time.
2. The administrator shall receive a written notification of the suspension which contains a statement of the reasons(s) for the suspension and the effective date of suspension.
3. If the suspension is without pay, the affected administrator shall have an opportunity to explain his/her position on the matter prior to implementation of the suspension.
3. Upon completion of such investigation, after consultation with the supervisor of the suspended administrator, the Director of Employee & Labor Relations shall determine what action should be taken and shall so notify the administrator and the supervisor in writing. If the results of the investigation do not substantiate the allegations, the administrator will be reinstated and remunerated for lost wages and benefits. If the results of the investigation indicate that a disciplinary suspension is appropriate, the time the administrator has been suspended without pay, if any, shall be deducted from the disciplinary suspension period. If the results of the investigation indicate that termination is appropriate, the Director of Employee & Labor Relations shall take the appropriate action.

VI. Administrator Pre-separation Suspension: The President may immediately suspend with or without pay an administrator to whom the President has given notification of intended termination of employment or non-renewal of an employment agreement when the President, in his/her sole discretion, believes that such action is in the best interest of the College. The length of the suspension shall be in the sole discretion of the President.

VII. Education

Education is a key element of this Policy. The College will provide education and information, as appropriate, for employees to enhance understanding and increase awareness of the College's Disciplinary Action and Suspension Policy and Procedures. Sufficient periodic training will be conducted for supervisors and for those with direct reports. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to prevent violations, promote safety, and reduce perpetration. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing potential employees, employees, supervisors, and other members of the college community about the proper way to recognize and address violations of this Policy; and (d) preventing issues that this Policy addresses.

Presidential Approval: September 21, 1987; September 27, 1990; September 2, 1992; January 26, 2005, September 28, 2010, April 19, 2013; April 19, 2019.