
Chapter: Personnel

Modification No. 001

Subject: **Disciplinary Action and Suspension**

- 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.

Board Approval: September 21, 1987.

Chapter: Personnel

Modification No. 006

Subject: **Disciplinary Action and Suspension**

I. General

- A. Employees whose behavior, actions or inactions are unacceptable shall be 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. Where non-bargaining staff employee reasonably believes that an investigative examination may lead to discipline, the employee may request the presence of non-bargaining staff employee witness. The employee witness may not participate in the examination, but may take notes. It is the responsibility of the affected employee to freely chose and arrange for the presence of an employee witness. An employee witness shall be assured freedom from restraint, interference, coercion, discrimination, and reprisal as a result of such participation. No employee shall be compelled to serve as an employee witness.

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 enumerated 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. 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.
- F. Gambling or promotion of gambling on College premises or off College premises

while in duty status.

- G. Holding a raffle or lottery at the College without proper College and other necessary approval.
- 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.
- Y. Any other conduct deemed harmful by the College to the best interest of the College or its students or its employees.
- Z. Attempts and Complicity - 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.
- AA. Acting in a manner not hereinabove specified that adversely affects the rendering of prompt, courteous or efficient service by the College.

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

III. Kinds of Disciplinary Actions

An employee's supervisor shall select the disciplinary action which in his or her judgment is most appropriate in the light of the facts, circumstances, and other relevant factors. The kinds of disciplinary action are as follows:

- A. Oral warning: A private discussion 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.
- B. Written Warnings or Written Reprimands: Written disciplinary documentation of an employee's problem which needs to be corrected.
- C. Disciplinary Suspension: The required unpaid absence of an employee from work for a serious violation or offense. Suspensions should be for a specified period of time, related to the seriousness of the offense.
- D. Disciplinary Demotion: The involuntary movement of an employee from one position to another position at a lower pay grade as a result of the employee's poor performance or disciplinary action.

IV. Procedures for Disciplinary Actions

A. Procedures for Oral Warnings

- 1. A private discussion should 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 warnings should be noted in writing by the supervisor for possible later reference.

B. Procedures for Written Warnings or Written Reprimands

- 1. Usually issued by the employee's supervisor, written warnings or reprimands 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. Statements of problems shall specify facts, not conclusions.

2. A written warning or reprimand will be signed by the appropriate supervisor and a copy sent to the employee and to the Director of Employee Engagement & Labor Relations for inclusion in the employee's official personnel file.
3. The written warning or reprimand must be discussed with the employee by the supervisor. Written warnings may be formally recognized and noted in a performance evaluation as influencing a salary increment, promotion recommendation or performance rating.

C. Procedures for Disciplinary Suspension

1. When an employee's behavior, action(s) or inaction(s) warrant disciplinary action more severe than a written warning but less than termination, the employee may be suspended without pay for a specific period of time. An administrative staff employee may be suspended without pay by the President; an associate or support staff employee may be suspended without pay by the Director of Employee Engagement & Labor Relations; a faculty member may be suspended without pay by a vice president/provost. An employee who is suspended without pay shall not be entitled to use any accrued leave and receive any benefits except such an employee shall be permitted to continue participation in any group insurance plan.
2. The employing supervisor shall submit in writing the recommendation for suspension without pay to either the Director of Employee Engagement & Labor Relations (for associate and support staff), the President (for administrative staff), or vice president/provost (for faculty). In the case of faculty members, a copy of the recommendation must also be sent to the Director of Employee Engagement & Labor Relations. The recommendation must be accompanied by sufficient documentation to justify the suspension. 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 action or behavior may result in a recommendation for the employee's release or termination of the employee's contract.
3. The Director of Employee Engagement & Labor Relations (for associate and support staff), the President (for administrative staff), or vice president/provost (for faculty) shall give the affected employee an opportunity to respond to the proposed suspension and to present rebuttal evidence. In the case of faculty members, the vice president/provost must consult with the Director of Employee Engagement & Labor Relations prior to suspending the faculty member.
4. Prior to being suspended, the affected employee shall receive a written

notification of the suspension without pay, which shall include a statement of the reason(s) for suspension, refer to any previous oral or written warnings, indicate what the employee must do to correct the problem, note that a subsequent offense may result in a recommendation for dismissal, and advise the employee of his/her right to appeal, if any.

5. An employee suspended for disciplinary reasons shall not receive pay, nor shall he or she be permitted to use or to accrue any privileges or benefits during the suspension period of suspension without pay.

D. Procedures for Disciplinary Demotion of Associate and Support Staff

1. When an employee's poor performance warrants disciplinary action more severe than a written warning but less than termination, the employee may be demoted. An associate or support staff employee may be demoted by the Director of Employee Engagement & Labor Relations. An employee who is demoted shall also have his or her salary reduced by an amount equal to the percentage of grade. However, no employee may receive a salary higher than the maximum of the salary range for the demoted position classification.
2. The administrative supervisor shall submit in writing the recommendation for demotion to the Director of Employee Engagement & 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.
3. The Director of Employee Engagement & Labor Relations shall give the affected employee an opportunity to respond to the proposed demotion and to present rebuttal evidence.
4. Prior to being demoted, the affected employee shall receive a written notification of the demotion, which shall include a statement of the reason(s) for demotion, refer to any previous oral or written warnings, indicate what the employee must do to correct the problem, note that a subsequent offense may result in a recommendation for dismissal, where applicable, and advise the employee of his/her right to appeal pursuant to 34101 Personnel Grievance Process for Associate and Support Staff Employees.
5. An employee demoted for disciplinary reasons shall also have his or her salary reduced by an amount equal to the percentage of grade. However, no employee may receive a salary higher than the maximum of the salary range for the demoted position classification.

- V. Investigatory Suspension: An employee who is alleged to have committed an offense which would warrant disciplinary action may be suspended at any time for purposes of investigation.

A. Associate and Support Staff

1. The Director of Employee Engagement & Labor Relations may suspend a support or associate staff 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.
2. If the suspension is without pay, the Director of Employee Engagement & Labor Relations shall provide the affected employee with an opportunity to explain his/her position on the matter prior to implementing the suspension. The affected employee is free to bring an employee witness to this interview.
3. Upon completion of such investigation, after consultation with the supervisor of the suspended associate or support staff employee, the Director of Employee Engagement & 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 absolve the employee of any and all guilt or responsibility, the employee will be reinstated and remunerated for any and all 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 Engagement & Labor Relations shall take the appropriate action. Except in unusual circumstances, a suspension for investigation shall not last longer than four weeks.
4. A support or associate staff employee who has been suspended may appeal such suspension to the Senior Vice President for Administrative and Fiscal Services in writing within seven (7) calendar days of the receipt of notification of such action in accordance with 34101CP, Personnel Grievance Process For Associate and Support Staff Employees, Section VI, Processing Grievances Involving Suspensions and Discharge.

B. Administrative Staff

1. The President may immediately suspend with or without pay an administrative staff employee 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 employee shall have an opportunity to explain his/her position on the matter prior to implementation of the suspension.

- VI. Administrative Staff 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.

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