

## **Excerpt from Policies & Procedures Manual**

### **3.32 DISCIPLINARY ACTION, SUSPENSION, AND DISMISSAL**

An employee, regardless of occupation, position, profession or work performed, may be warned, reprimanded, or suspended by the Chancellor or his/her designee, or dismissed by the Board of Trustees. Copies of all admonishments and reprimands will be submitted to the Personnel Office for inclusion in the employee's personnel file immediately following delivery. Any employee who receives an admonishment, warning or reprimand has the right to respond, in writing, and for the response to be made a part of his/her personnel file.

Admonish is to caution against specific faults; to warn, to reprove mildly. For the purpose of this policy, reprimand is defined as a severe or formal rebuke. The causes for suspension and/or dismissal fall into two categories: (1) causes relating to performance of duties, and (2) causes relating to personal conduct detrimental to the College. Causes for suspension and/or dismissal shall include, but not necessarily be limited to:

#### **A. Performance of Duties**

1. Inefficiency or incompetency in the performance of duties.
2. Negligence in the performance of duties.
3. Physical or mental incapability of performing duties.
4. Careless, negligent, or improper use of College property or equipment.
5. Failure to maintain satisfactory and harmonious working relationship with the public and/or employees.
6. Absence without leave.
7. Habitual improper use of sick leave privileges.
8. Habitual pattern of failure to report for duty at the assigned time and place.
9. Failure to obtain or maintain a current license or certificate required by law as a condition for performing the job.
10. Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
11. Violation of any of the policies and procedures of the College.

#### **B. Personal Conduct**

1. Guilty of conduct detrimental to the College.
2. Conviction of a felony.
3. Convicted of immoral or dishonest conduct or a criminal act.
4. Misuse of College funds.
5. Falsified job information to secure position with College.
6. Participation in any action that would in any way seriously disrupt or disturb the normal operation of the institution.
7. Trespassing on the home of any trustee or employee for the purpose of harassing or forcing dialogue or discussion from the occupants.
8. Willful damage or destruction of property.
9. Willful acts that would endanger the lives and property of others.
10. Possession of unauthorized firearms or lethal weapons on the job.
11. Brutality in the performance of duties.
12. Reporting to work under the influence of alcohol or drugs, or distribution, possession, or use of such substances on the job.
13. Acceptance of gifts in exchange for "favors" or "influences."
14. Betrayal of confidential information from official records.
15. Engaging in incompatible employment or serving a conflicting interest.
16. Taking part in political management or political campaigns prohibited by law.
17. Engaging in sexual or romantic interactions with subordinate students or subordinate employees.
18. Sexual Harassment.

Revised 1/09/06

### 3.33 DISMISSAL PROCEDURE

Except for unusual or emergency situations, employees who are dismissed for unsatisfactory performance of duties should receive at least two warnings. These will typically, but not always, be in the form of Employee Warning Notices.

#### A. First Employee Warning Notice

- a. Review with the employee exactly what is expected of him/her and why.
- b. Explain to the employee how he/she has not met the requirements and why his/her performance has been unacceptable.
- c. Allow the employee to give the reasons for his/her actions or failures.
- d. Make suggestions for correction.
- e. Establish a reasonable period of time for the employee to correct the problem.
- f. Review with the Chancellor or his designee and any intermediate superior/supervisor the contents of the Notice prior to the delivery of the Notice to the employee by the supervisor.

#### B. Second Employee Warning Notice

Upon continued unsatisfactory employee performance, the supervisor should complete a second Employee Warning Notice, using the same process outlined in the First Employee Warning Notice section.

Additionally, the supervisor should stipulate within the second Employee Warning Notice that continuation of the deficiencies in performance may result in disciplinary action and loss of pay or dismissal.

#### C. Dismissal

Before an employee is dismissed because of unsatisfactory performance of duties, the following should occur:

- a. A written summary of the case will be prepared by the supervisor and reviewed with the Chancellor.
- b. The Chancellor will review the summary and will act by accepting, rejecting, or modifying the supervisor's recommendation.
- c. Upon dismissal, an employee shall be given a written notice and a copy will be placed in the employee's file. If the employee appeals, a copy of the statement to the employee and the employee's appeal shall be filed with the Chancellor within five days of their delivery.

#### D. Exception

An employee may be dismissed without warning for cause(s) relating to personal conduct.

Revised 11/11/02

Revised 2/13/06

Revised 12/10/07

### 3.34 SUSPENSION PROCEDURE

- A. Suspension is for use at the Chancellor's discretion, either for discipline or investigation. Disciplinary suspensions may not exceed ten (10) working days without pay. Investigation suspensions should only be for a period of time necessary to investigate, establish facts, and reach a decision concerning an employee's actions in those cases where it is determined the employee should not continue work pending a decision, but in no event longer than six (6) months.
- B. When immediate suspension is made, the supervisor will tell the employee to leave the College property at once and either report back to the superior/supervisor the following day, or remain away until further notice.
- C. When immediate suspension is made, all facts leading to the suspension must be clearly understood by the Chancellor or his designee. A written statement must be prepared giving the circumstances and facts which led to the decision for suspension and a copy furnished to the employee within twenty-four hours of the action taken.
- D. Failure of the employee to report back to work when requested or at the suspension expiration date will be considered to have terminated his/her employment and any subsequent reinstatement or reemployment shall be on the basis of new employment.
- E. Any suspension must be fully documented stating (1) beginning date, (2) reasons for action, (3) brief description of plans and procedures for solving the problem, and (4) signature of appropriate levels of authority. At the conclusion of the problem, dates and details of the action taken shall be placed in the appropriate personnel file.

### 3.35 RIGHT OF APPEAL

In case of disciplinary action, suspension, or dismissal, the employee has a right to appeal the decision and must do so within ten (10) working days of the action taken. Appeals shall be submitted in writing to the Chancellor. The following procedure shall be followed:

- A. The Chancellor shall notify the chairman of the Employee Relations Committee within five (5) working days after notice of appeal is received from the employee.
- B. An ad hoc disciplinary appeals committee shall be selected from the membership of the Employee Relations Committee for each appeal as follows:
  1. One member selected by the Chancellor,
  2. One member selected by the employee who submitted the appeal,
  3. One member to be selected to serve as chairman by the other two members of the ad hoc committee.

At the conclusion of its hearings, which must be held within fifteen (15) working days, the ad hoc committee shall have five (5) working days to submit a written report and recommendations by its chairman to the Chancellor. The Chancellor can accept, reject, or modify the recommendation and will make a decision to all parties concerned. If the Chancellor's decision is not satisfactory to the employee, he/she may appeal to the Board of Trustees under the same procedures as set forth in Section 3.37, Step 4.

7/01/91

Reviewed 1/24/06

### 3.36 EMPLOYEE GRIEVANCE POLICY

In order to maintain a harmonious and cooperative relationship between the College and its employees, it is the policy of the College to provide for the settlement of problems and differences through an orderly grievance procedure. Every employee shall have the right to present his/her problem or grievance in accordance with the procedures described herein free from interference, coercion, restraint, discrimination, or reprisal. This procedure provides for prompt and orderly consideration by supervisors and the Chancellor.

A grievance is any matter of employee concern or dissatisfaction within the control of the institution, except: (a) the content of institution policies, or (b) the non-renewal of a contract.