

13.2.4 DISCIPLINARY SANCTIONS OF STAFF PERSONNEL

March, 1990; Rev/June, 1998; Rev/October, 2000 (Effective November 1, 2000)

13.2.4.1 GENERAL GUIDELINES (See also [13.1.5 Alcohol/Drug Free Workplace](#), [13.2.13 Notice of Termination](#) and [13.2.14 Payment in Lieu of Notice of Termination](#))

1. Sanctions are disciplinary measures authorized to be imposed upon staff employees which may include oral or written reprimands, warning letters, suspensions with or without pay, up to a six-month provisional status, dismissal from employment or other action deemed appropriate by the College. Under this policy, disciplinary sanctions are expected to be handled in a manner to achieve the least adverse effect upon the institution and the employee. Throughout the entire disciplinary process, all parties should maintain confidentiality to ensure the rights of the employee and the institution.

A staff employee may resign rather than face disciplinary action. By doing so, however, the employee loses the right to file a grievance. Employees cannot be compelled to resign; resignation must be entirely voluntary. Resignations should be made in writing and cannot be rescinded without mutual agreement of the employee and the College.

2. An employee who is absent from work for three consecutive scheduled working days for non-job related activities and is capable of providing proper notification to the supervisor but does not do so shall be regarded as having voluntarily terminated.

3. Notice to an employee of a written disciplinary sanction should be personally delivered to his/her usual place of employment during his/her normal working hours; however, if the employee cannot be located, notice may be given by mailing to the last known address. If notice is mailed, it is deemed effective for all purposes when deposited in the United States mail, postage pre-paid.

4. Definitions of staff employees subject to this policy.

Regular staff employees, who have successfully completed an initial probationary period (see [Probationary Period Policy 13.2.9](#)), are those who work 75% time or more in a position of a continuous nature, and are generally classified as exempt or non-exempt employees.

Part-time and temporary staff employees are those who work less than 75% time or are in a position considered temporary or expected to be of a duration of six months or less and are at-will employees.

Initial-Probationary regular staff employees are newly hired employees in a regular position. Initial-probationary status consists of a time period (see [Probationary Period Policy 13.2.9](#)) for the employees to become competent and qualified in their job.

Probationary regular staff employees are currently employed by the College but appointed to a new position within the College. Probationary status consists of a time period (see [Probationary Period Policy 13.2.9](#)) for the employees to become competent and qualified in their job.

5. Faculty employees and certain executives, including the President and Vice Presidents or at-will personnel are not covered by this policy.

13.2.4.2 Regular Employees (Non Probationary Status)

The imposition of sanctions, including the dismissal of a regular staff employee for cause, may result for any of the following job-related reasons under circumstances that demonstrate the inability or

unwillingness of the employee to meet his or her responsibilities to the institution: negligence; incompetence; excessive absence or unauthorized absence without leave; misuse of institutional property and funds; disorderly conduct; fraud or falsification of employment application; unsuitability to job requirements; unsatisfactory compliance with terms of probationary conditions; non renewal, suspension or termination of a license or employment authorization necessary to perform the essential functions of the job; expired employment authorization under IRCA (Immigration Reform and Control Act); unauthorized possession of firearms in the workplace; use of alcohol or drugs (or being under the influence thereof while working as per Alcohol and Drug Free Work Place Policy 13.1.95); insubordination, unjustified interference with the work of others; also violation of applicable statutory requirements or institutional regulations relating to employment practices, including but not limited to regulations prohibiting discrimination or harassment because of race, color, ethnic origin, religion, sex, age, disability, or other legally impermissible behavior; conviction of a crime by a court of competent jurisdiction; and violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the institution.

13.2.4.3 Part-Time, At-Will, Temporary or Probationary Staff Members

Probationary Full-Time Staff Employees--While under probationary status a suspension, termination or release from employment may be effected prior to the end of the probationary period with no less than two week's notice.

Initial-Probationary Staff Employees Suspension or termination may be effected without prior notice and with or without "cause." However, these employees have the right to respond, explain, correct, or deny in writing any facts in question and send their reply to the Human Resource Office for inclusion in their file.

Part-time, At-Will, or Temporary Staff Employees Suspension, termination or release from employment may be effected at any time. However, these employees have the right to respond, explain, correct, or deny in writing any facts in question and send their reply to the Human Resource Office for inclusion in their file.

13.2.4.4 Disciplinary Sanctions

1. Sanctions may be imposed upon staff employees for one or more of the grounds described in Section 13.2.4.2 when the supervisor determines that such sanctions will tend to induce a beneficial change in conduct, deter future violations, promote respect for and commitment to the observance of applicable regulations, or promote the efficient and economical administration of college affairs. Sanctions ordinarily should be limited to measures that are deemed likely to achieve the purposes set out above, should not be disproportionately severe in relation to the grounds for their imposition, and should be calculated to give due consideration to any special circumstances that may tend to reduce the seriousness of the employee's sanctionable actions or omissions.

2. Whenever feasible, probationary and non probationary staff employees should be given an opportunity to improve their performance before sanctions are imposed. Supervisors shall consult with the Human Resources Office before initiating disciplinary sanctions.

Warnings generally take two forms of reprimand: oral and written and may include a provisional status (a specific time period in which to correct performance to a maximum of six months).

Oral Reprimand is the least serious of sanctions and is typically given as a first formal warning. The oral reprimand must be documented on a Discipline Form (available in the Human Resource Office) and a copy given to the employee.

Written Reprimand is typically given as a second warning but may be given as the first warning if circumstances are serious enough to warrant such action. A written reprimand may precede termination as a sanction. This warning should state the staff member's deficiencies and outline corrective action to be taken. The warning may also include a provisional status. One copy of the written warning must be submitted on a Discipline Form to the employee and a second copy to the Human Resource Office for filing in the personnel record. The employee has the option to provide a written comment on the sanction imposed for his/her file.

3. Suspension may be without pay if the President determines, after providing the employee with an opportunity for an informal conference to discuss the allegations, that it is more likely than not that the allegations against the employee are true and will result in termination. Documentation of the suspension without pay must be submitted on a Discipline Form and given to the employee and the Human Resource Office for filing in the personnel file.

4. Dismissal is the most serious sanction given after previous warnings or for a violation of such a serious nature that continued employment is inappropriate or unsafe. Before termination is carried out, supervisors wishing to affect a termination sanction must notify the Human Resource Office of their intent before imposing this sanction upon the employee. Employees terminated at the conclusion of the disciplinary period are entitled to an opportunity to discuss their termination face to face with their supervisor and/or appropriate vice president, or designee and the appropriate human resources office. The termination must be submitted on a Discipline Form and the employee must receive a copy. A copy must also be sent to the Human Resource Office for filing.

5. A staff employee may be suspended with pay pending notice of and an opportunity to meet with an institutional officer (Vice President with jurisdiction, the department director and/or supervisor, and/or the Human Resource Office) in a cause for sanction review or during an investigation for cause. The institutional officer explains the perceived deficiencies and charges, explains the proposed sanctions, and provides the opportunity for the staff employee to respond to the charges. After deliberation and consideration of the staff member's response and explanations, the institutional officer may make the decision to impose a sanction. The institutional officer shall inform the staff member of the decision in writing.

6. Regular staff employees terminated due to a reduction in work force are entitled to notice or payment in lieu of notice pursuant to policy ([13.2.14](#)).

7. The institution will not institute disciplinary proceedings against an employee more than once for the same acts or violations. However, it is appropriate to consider prior similar violations in progressive discipline or for severity of sanctions.

8. Documents placed in personnel files relating to discipline will be considered for expunging based on a case by case basis and/or State GRAMA (Government Records Administration and Management Act) guidelines.

13.2.4.5 Terminated Employees

1. Prior to the end of the last day of work assigned to a terminated employee, the individual's immediate supervisor has the responsibility to assure that the employee completes a Notification of Separation Form and returns it to the appropriate human resources office.

2. Terminated employees, whether voluntary or involuntary, forfeit all rights they had as employees and will be treated as a new employee, should they become re-employed by the College.

13.2.4.6 Rights of Review

All probationary and regular staff employees being formally disciplined by imposition of sanctions must be advised by the Human Resource Office of their right of review as outlined in the institution's Grievance Policy No. 13.7.2. Employees must be given a copy of the policy and the form to initiate the grievance procedure. It is understood that a successful appeal by the staff member may result in reinstatement of employment and payment of back wages.

Part-time and temporary employees do not have the grievance process available to them regarding lawful termination. Probationary employees under their first initial-probationary status also do not have the grievance process available to them regarding termination as outlined in this policy.