

Section: Discipline

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Sponsoring Unit/Department: Human Resources

Discipline

For non-disciplinary conversations, see *General Expectations for Supervisors*.

The College's disciplinary process addresses unsatisfactory employee conduct and/or performance, ensuring such matters are dealt with in a fair, consistent, and timely manner. The process applies to all employees where an employee's conduct/performance does not meet Department or College expectations.

Many situations should be able to be resolved through discussions or coaching with the employee; however, some one-time incidents may be severe enough to merit a formal disciplinary action. The seriousness of the offense and the employee's disciplinary and performance history will be considered when determining the level of discipline to be applied.

Following coaching, there are three disciplinary levels utilized in formally addressing unsatisfactory performance/behavior.

- Written Warning
- Final Written Warning
- Termination

The disciplinary process may begin at any level, including termination, depending on the nature and severity of the issue. Should new issues occur during a disciplinary action, the supervisor may include additional performance or conduct issues to an existing disciplinary process but must provide formal notice to the employee and sufficient additional response time. The disciplinary process may also be used to address investigatory findings.

Except in cases of extremely severe disciplinary issues, the disciplinary process will typically start at the lowest level. The disciplinary process applies to all employees. Both temporary and probationary employees may have employment directly terminated at the discretion of the supervisor and the Chief Human Resources Officer.

Supervisors must consult with their Human Resources Consultant prior to starting any disciplinary actions or notifications to ensure that the disciplinary action is appropriate.

Coaching

The College expects that Coaching will resolve the majority of performance and conduct issues and in many situations is sufficient. Coaching sessions are used to bring a problem to the attention of the employee before it becomes so serious that it has to be addressed with a written warning and placed in the employee's personnel file.

The purpose of Coaching is to clarify policies and expectations and assist employees by being clear and precise about performance or conduct and the consequences if concerns of the same nature or other problems of misconduct occur. Coaching alleviates misunderstandings, clarifies the direction for necessary and successful correction, and seeks to engage the employee in finding solutions.

The Supervisor must promptly document the discussion with the employee. (The Outcome-Based Coaching Plan template may be used for this purpose.) Your HR Consultant is available to assist with the coaching plan but it is not necessary to copy Human Resources. This serves as a record of the meeting and as reference later if further discipline is needed. It is not necessary to submit a formal document (to employee personnel file) of the Coaching session as it is considered an informal step in progressive discipline.

Formal Disciplinary Actions

The College expects that Coaching will resolve the majority of performance and conduct issues. However, when these approaches have been exhausted (or the severity warrants), the supervisor should utilize Formal Disciplinary Action. If the poor performance/conduct addressed by Coaching is repeated or additional concerns arise, the supervisor will follow up with a Written Warning. A Written Warning may also be appropriate if a single incident is more serious in nature.

1. Written Warning

A Written Warning shall inform the employee of the specific concerns that must be addressed immediately and sustained indefinitely.

1. The Supervisor will consult with their HR Consultant.
2. Supervisor prepares a Notice of Potential Violations that:
 - Identifies specific potential violations.
 - Identifies the impact to the workplace.
 - Summarizes prior discussions, if applicable.
3. Supervisor provides the Notice of Potential Violations to the employee.
 - An employee shall receive two business days advance notice in writing of a disciplinary meeting whenever possible. Any meetings should be scheduled at a fair and reasonable opportunity. The HR Consultant will also be in attendance.
 - Employee may provide a written response prior to meeting.
 - The employee may choose to bring an Employee Advisor at any step (see Employee Advisor section of Employee Handbook.)
4. During the Meeting:
 - Employee is provided an opportunity to ask related questions, offer explanation(s), or provide additional context for consideration, and may offer suggestions for an action plan/solution(s).
 - Both parties may agree to schedule further time.
 - Employee may submit a written response to the Written Warning to be included in the personnel file.
5. Decision
 - The Supervisor considers all input.
 - If appropriate, issues a Warning and Performance Management Plan.

- Informs the employee in writing.
- Employee may submit a written response to the Notice of Potential Violations to be included in the personnel file.
- Documentation is maintained in the personnel file with a copy provided to the employee and Human Resources.

6. Follow up steps

- The Supervisor will regularly communicate with the employee regarding progress on the Performance Management Plan and overall performance.
- Documentation of progress will occur at agreed upon intervals (usually at the 3 and 6 month period) and be attached to the Discipline document in the employees' personnel file.
- Employee's performance evaluation will reflect on identified issues and progress in meeting expectations.
- Documentation of successful completion of the Performance Management Plan is provided to the employee with a copy to Human Resources for the personnel file.

2. Final Written Warning

The process for Final Written Warning is the same as above.

Optional Final Written Warning Sanctions:

Working with their Human Resources consultant, the Supervisor may impose any combination of the following in a Final Written Warning:

- Suspension without pay. The Chief Human Resources Officer or designee must approve of any unpaid status.
- Work condition change such as :
 - Employee's workplace activity restricted/modified
 - Decision authority restricted
 - Requirement and/or limitations for professional development
 - Leave restrictions
- Job assignment change such as:
 - Disciplinary reassignment (same pay/same unit)
 - Disciplinary transfers (same pay/different unit)
 - Demotion (assigned to different position/lower pay grade, may include unit reassignment)

Review process for Written Warning or Final Written Warning

An employee who receives a Written Warning may request one review of the performance management plan

and/or decision. In the event discipline proceeds to a Final Written Warning, the employee may again ask for one review of the Final Written Warning decision. The request for review must be submitted in writing to the next level administrative supervisor (with specific description of the issue for review, and any information and material to be considered) and Human Resources within ten working days of receipt of the warning.

The administrator will generally complete the review within ten business days. The reviewer may request additional information or clarification from the employee or supervisor and may meet with either. The reviewer will then issue a written decision to the employee and supervisor, with a copy to Human Resources for the personnel file. The reviewer may affirm the prior decision, impose a lesser sanction, or overturn the disciplinary action.

A request for review will be considered if based on one or more of the following arguments:

- The Supervisor's discipline decision was (a) not supported by sufficient evidence or reasonable inferences such that a reasonable person could not have reached the same decision, or (b) tainted by bias;
- The severity of the discipline was unjustifiably disproportionate to the seriousness of the employee's misconduct;
- The process included a significant mistake or omission that a reasonable person could find affected or likely could have affected the final outcome of the disciplinary process or otherwise made the proceeding fundamentally unfair.
- The discovery of new information that was not known and could not reasonably have been discovered prior to the disciplinary decision and that is substantially likely to have affected the outcome of the discipline process.

3. Termination Process

Termination of regular employment may be used for the most serious incidents or repetitions of improper job performance or conduct. Any employee terminated for cause is ineligible for rehire.

1. The Supervisor will consult with their HR Consultant and their supervising Administrator
2. If approved by the Supervisor's supervising Administrator and by the Chief Human Resources Officer, the Supervisor issues a Notice of Intent to Terminate to the employee with supporting evidence, and schedules a meeting with the employee.
 - An employee shall receive two business days advance notice in writing of Notice of Intent to Terminate meeting whenever possible.
 - Employee may provide a written response prior to meeting.
 - The employee may choose to bring an Employee Advisor at any step (see Employee Advisor section of Employee Handbook.)
3. The Supervisor and Human Resources consultant meet with the employee to review the Notice of Intent to Terminate and receive input from the employee, such as additional evidence or circumstances to be considered.
4. The Supervisor prepares a Notice of Decision in consultation with their Human Resources Consultant, generally within two business days and schedules another meeting with the employee providing at least two business days notice.

- If the decision is to proceed with termination, the Supervisor will terminate employment and collect any College property in possession of the employee.
- Once a termination decision has been issued the employee will be placed in an unpaid status for the duration of any review process. If the termination decision is not upheld, the employee will receive applicable back pay.

Termination Review Process

The employee may request in writing a review of the termination decision within ten business days to the Chief Human Resources Officer (CHRO). The request must include the specific reason the employee believes the decision is incorrect and include all supporting information and materials that should be considered. The CHRO or designee shall designate an executive administrator from a different supervisory line to conduct the review. The designated administrator will generally complete the review within ten business days. The CHRO may request additional information or clarification from the employee or supervisor and may meet with either, which may extend the time needed for the review process. The CHRO or designee will then issue a final written decision to the employee and supervisor, with a copy to the personnel file. A final decision will not be reviewed further.

Timelines

The time frames specified in this section are intended as guides to balance benefits of rapid resolution with those of thoroughness. Extensions to the time specified may be appropriate based on a legitimate business reason and notice of exceptions should be provided to those involved in the specific discipline process. While excessive delay or shortening should be addressed, either alone would not serve as a basis to discontinue or overturn a discipline decision.

Disciplinary proceedings will continue if the employee takes a leave of absence during the process, absent extenuating circumstances.