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All disciplinary action is intended to be progressive in nature. However, the type of disciplinary action will be based on the factual situation as well as the nature, severity, and type of offense. If warranted by the facts and situation, even for first time offenses, administrators/supervisors may recommend dismissal.

The College encourages the use of counseling, coaching, and other informal methods of improving job performance and correcting personal conduct. When job performance or personal conduct issues are of sufficient concern or egregiousness, employees shall receive a written warning which will serve notice upon the employee that a continuation of the deficiencies in performance or conduct may result in disciplinary action, which may include dismissal. Sufficiently egregious job performance deficiencies or personal conduct issues may be subject to more severe forms of disciplinary action as appropriate. Before any type of formal disciplinary action is taken, the employee's supervisor shall first consult with their supervisor and the Human Resources department.

I. CAUSES FOR DISCIPLINARY ACTION

Disciplinary action may be taken for one of three reasons: (1) unsatisfactory job performance, (2) grossly inefficient job performance, or (3) unacceptable personal conduct.

A. Just Cause for Unsatisfactory Job Performance

The determination that an employee has engaged in unsatisfactory job performance is generally made by the supervisor in consultation with the Department of Human Resources. Any such determination should be reasonable, consistent, and factually supported. In determining whether an employee's job performance is unsatisfactory job performance, the supervisor should consider any one or a combination of the factors set forth below:

1. Failure to produce work of acceptable quality, accuracy, quantity, promptness, work habits, or by established deadlines;
2. Deficiencies in performance as required in the work plan or as noted in the performance evaluation;
3. Inability to follow instructions or procedures, appropriateness of work performed, or demonstrated poor judgment, analysis or decision-making;
4. Insufficient or inappropriate customer service, service delivery, or teamwork;
5. Misuse/abuse of fiscal resources, including a wasteful use of State resources;
6. Absenteeism, tardiness, or other abuses of work time; and
7. Any other factors that, in the opinion of the supervisor and/or manager, are appropriate to determine whether an employee's performance constitutes unsatisfactory job performance.

B. Just Cause for Grossly Inefficient Job Performance

Grossly inefficient job performance exists when an employee fails to satisfactorily perform job requirements as specified in their job description, work plan, or as directed by the management of the work unit or agency, and that act or failure to act causes or results in:

1. Death or serious bodily injury or creates conditions that increase the chance for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) for whom the employee has responsibility; or
2. The loss of or damage to State property or funds that results in a serious adverse impact on the State or work unit.

C. Just Cause for Unacceptable Personal Conduct

Unacceptable personal conduct may be a result of intentional or unintentional acts. The conduct may be job-related (on duty) or off duty so long as there is a sufficient connection between the off-duty conduct and the employee's job. Unacceptable personal conduct means:

A. Conduct for which no reasonable person should expect to receive prior warning;
B. Job-related conduct which constitutes a violation of State or federal law;
C. Conviction of a felony or an offense involving moral turpitude that is detrimental to or negatively impacts the employee's service to the State;
D. The willful violation of the Employee Code of Conduct;

E. Conduct unbecoming a College employee that is detrimental to College service;
F. The abuse of client(s), patient(s), student(s), or person(s) over whom the employee has responsibility or to whom the employee owes a responsibility, or the abuse of an animal owned by or in custody of the College;
G. Material falsification of a College application or other employment documentation;
H. Willful failure or refusal to carry out a reasonable order from an authorized supervisor;
I. Absence from work after all authorized leave credits and benefits have been exhausted, unless appropriately authorized.

Examples of unacceptable personal conduct may include, but are not limited to:

- Use of professional College credentials for personal gain (which may be an example of unacceptable personal conduct type (A) and/or (E) above);
- Serious disruption in the workplace (which may be an example of unacceptable personal conduct type (A), (D) and/or (E) above).
- The creation of a toxic workplace through continued or severe harassment, discrimination, bullying, gossiping, spreading negativity, or undermining/demeaning colleagues (which may be an example of unacceptable personal conduct type (D), (E), and/or (F) above);
- Subjecting an employee, client, contractor, or customer to intentionally discriminatory treatment or harassment. (which may be an example of unacceptable personal conduct types (A), (B), (D) and/or (E) above); and
- Falsification of work-related documentation, such as a timesheet (which may be an example of unacceptable personal conduct type (A), (D), and/or (E) above.

When deciding about the appropriateness of a disciplinary action for unacceptable personal conduct:

1. The severity of the violations.
2. The subject matter involved.
3. The harm resulting from the violations.
4. Prior work history, including disciplinary and performance history; and
5. The discipline imposed in other cases involving similar violations

II. TYPES OF DISCIPLINARY ACTIONS

Disciplinary action of any kind should be taken within five (5) business days of 1) the date that the offense becomes known, 2) the date of the most recent instance of a pattern of related offenses becomes known, 3) the date upon which a Performance Improvement Plan expires, or 4) the date upon which a pre-disciplinary conference is held, whichever is latest. The employee should be notified in writing of the decision regarding disciplinary action at the time the action is taken or as reasonably soon as possible thereafter, and a copy of the notice of the disciplinary action should be provided to the Director of Human Resources for the employee's personnel file.

A. Informal Actions

Informal actions can take the form of an email, written memo, or documented oral discussion. Informal actions are encouraged both (1) to give employees the opportunity for improvement without taking formal disciplinary action and (2) to ensure adequate documentation in the event that an adverse employment action is necessary. Informal documentation may be required by the Department of Human Resources to justify escalation to formal disciplinary action.

B. Written Warnings

A formal written warning may take the form of either (1) a Performance Improvement Plan (PIP) for Unsatisfactory Job Performance or (2) a Notice of Unacceptable Personal Conduct or Grossly Inefficient Job Performance. In either event, the written warning shall:

I. Inform the employee in writing that it is a written warning, and not some other nondisciplinary process, such as counseling or coaching;
II. Inform the employee of the specific issues that are the basis for the warning;
III. Tell the employee what specific improvements, if applicable, shall be made to address these specific issues;
IV. Tell the employee the time frame allowed for making the required improvements or corrections. Absent a specified time frame, 60 days is the time frame allowed for correcting unsatisfactory job performance (PIPs) and immediate correction is required for grossly inefficient job performance or unacceptable personal conduct; and
V. Tell the employee the consequences of failing to make the required improvements or corrections.

Before issuing to the employee the written warning, any intermediate superior/supervisor shall review the contents of the letter. A copy of the written warning, and all subsequent letters, shall also be included in the employee's personnel file.

Written notices that do not comply with the criteria found in the following sections are not considered disciplinary actions and should instead be considered coaching, counseling, or informal feedback of a non-disciplinary nature.

i. Performance Improvement Plan (PIP)

A Performance Improvement Plan (PIP) is a disciplinary action only if it is in writing and states it is a disciplinary action. In order to be considered a disciplinary action, the PIP must meet the following criteria:

I. Be in writing and state that it is a disciplinary action;
II. State the specific performance problem that is the reason for the disciplinary action;
III. State the specific steps to be taken to improve performance, including the specific timeframe for improvement;

IV. State the consequences, including progressive disciplinary action, of failure to make the required improvements or corrections;
V. Define a follow-up date or dates;
VI. Tell the employee of any appeal rights provided by College policy and State law; and
VII. Discuss the Employee Assistance Program, when appropriate

ii. Notice of Grossly Inefficient Job Performance or Unacceptable Personal Conduct

Supervisors may issue a written warning for grossly inefficient job performance or unacceptable personal conduct. If the grossly inefficient job performance or unacceptable personal conduct is severe enough to warrant more severe disciplinary action, the supervisor may elect to waive the issuance of a written warning and instead recommend more severe disciplinary action.

C. Demotion & Dismissal

Demotions and dismissals may only be exercised by the President. An employee may be demoted or dismissed as a disciplinary action for any of the following reasons:

I. Failure to satisfactorily complete a PIP;
II. Receiving three (3) or more PIPs within a two (2) year rolling period;
III. Receiving two (2) or more Notices of Grossly Inefficient Job Performance or Unacceptable Personal Conduct within a two (2) year rolling period;
IV. Receiving another written warning while on an active PIP; or
V. Sufficiently severe instances of grossly inefficient job performance or unacceptable personal conduct.

Prior to any proposed disciplinary action involving demotion or dismissal, permanent employees will be afforded the opportunity to participate in a pre-disciplinary conference. During a pre-disciplinary conference, the employee will be provided with notice of the concerns related to him or her (including a description of the nature of the proposed disciplinary action, its recommended effective date, and the reason(s) for the proposed action) and an opportunity to respond to those charges. Any response by the employee to the charges will be considered by the President or designee that will be participating in the conference prior to making a decision regarding any disciplinary action against the employee.

Probationary and temporary employees may be dismissed for any lawful reason without the need for documentation, prior written warnings, or a pre-disciplinary conference.

III. APPEALS

Appeals may only be made regarding demotion or dismissal and are governed by Policy 3.3.6 - Right of Appeal.

IV. ADMINISTRATIVE LEAVE WITH PAY

The President may suspend an employee by placing them on administrative leave with pay for up to thirty (30) days while conducting an investigation as to whether the employee engaged in conduct that would warrant dismissal or other disciplinary action. At the end of the thirty-day period, the President shall dismiss the employee, reinstate the employee, or implement another disciplinary action. For good cause, the President may extend the thirty-day suspension period.

REFERENCES

Statutory References	None
Regulatory References	None
Relevant Guidance	None
Policy Manual Cross-References	Referenced by: ● Policy 1.2.1 - Confidential Information ● Policy 3.1.2 - Employment ● Policy 3.3.6 - Right of Appeal ● Policy 3.3.8 - Operational & Employee Grievances ● Procedure 3.2.21.1 - Special Approved Leave Procedures Referencing: ● Policy 3.3.6 - Right of Appeal

POLICY HISTORY

January 1, 2025	Adopted.
September 5, 2026	Minor revisions to terminology (“Nondisciplinary Suspension” to “Administrative Leave with Pay”) and adjustments made to remove ambiguity from five-day window for addressing performance or conduct concerns.