

SOUTHWESTERN COMMUNITY COLLEGE	HUMAN RESOURCES/INFORMATION TECHNOLOGY DISCIPLINARY ACTION, SUSPENSION AND DISMISSAL	Policy 4.03.03
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Although most employees serve in an at-will capacity, disciplinary action is intended to be progressive in nature. However, the type of disciplinary action is entirely 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.

Except as stated above or, for purposes of sexual or other unlawful harassment (see Policy 4.03.05), employees who violate the Employee Code of Conduct (Policy 4.03.02) should receive at least two (2) warnings: first, an oral warning with a follow-up letter from the supervisor to the employee documenting the deficiencies in performance or conduct which were discussed and the improvement(s) required; second, a written warning/reprimand 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.

This policy shall also apply to any employee the College has employed through an employment contract. If the employment contract contains specific procedures that conflict with this policy, the contract shall be the controlling document.

The College's decision to not issue an appointment to a faculty member for a new academic term is not considered a dismissal under this policy.

I. WARNINGS

A. Oral Warnings

1. The employee's supervisor shall meet with the employee and review with the employee exactly what is expected of him/her and why.
2. The supervisor shall explain to the employee how he/she has not met the requirements and why his/her performance and/or conduct is unacceptable or requires improvement.
3. The supervisor shall provide the employee an opportunity to explain his/her actions.
4. The supervisor shall make recommendations for corrections and remind the employee that the services of the Employee Assistance Program (EAP) are available if necessary.
5. The supervisor shall establish a reasonable period of time for the employee to correct the problem(s).
6. The supervisor shall review with his/her immediate supervisor the contents of the follow-up letter to be delivered to the employee. A copy of the letter, and all subsequent letters, shall be included in the employee's personnel file pursuant to Policy 4.02.14 – Personnel Files.

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B. Written Warning

After giving an oral warning and allowing for a reasonable period of time to correct the problem(s) and/or behavior(s) as outlined in the supervisor's follow-up letter to the employee, if the employee has not corrected the problem(s) and/or behavior(s), the supervisor shall meet with the employee for the purpose of delivering a written warning. The written warning shall further document the continued problem(s) and/or behavior(s) and shall state that if the employee does not immediately correct the problem(s) and/or behavior(s), the employee may be subject to additional disciplinary action which could include dismissal. Before issuing to the employee the written warning, the President, Human Resources, and 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.

If the employee does not agree with the supervisor, within three (3) business days of receipt of the written warning, the employee may appeal the determination to the next level supervisor. That supervisor shall meet with the employee and make a determination and shall provide the employee with a follow-up letter. If the employee is not satisfied with the determination, he/she shall continue this process of appeals, subject to a three (3) business day time limit, until the President has made his/her decision.

II. SUSPENSION

Suspensions may be used in two ways: an independent discipline action or in conjunction with an investigation and dismissal proceedings.

A. Independent Discipline Action

1. If a supervisor determines that an employee's actions warrant suspension, the supervisor shall prepare and provide a written report, with a summary supporting that determination, to the appropriate Vice President and Human Resources. The Vice President shall review the report and provide his/her written recommendation to the President.
2. The President shall determine whether or not to suspend an employee with or without pay; however, an employee may not be suspended without pay for more than ten (10) business days except for purposes of an investigation as outlined in Section B. The President may make such determination without a recommendation from a supervisor and/or Vice President.
3. The President shall meet with the employee and give the employee an opportunity to be heard. After hearing from the employee, the President shall make a determination regarding the suspension, whether it shall be paid or

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unpaid and the length of the suspension. The President or the employee's supervisor shall inform the employee of the President's determination. The President shall prepare a follow-up written statement providing the circumstances and facts which led the decision to suspend the employee. A copy of the letter shall be included in the employee's personnel file.

In cases where the employee's continued presence on campus is not in the College's best interest or a health/safety issue, the President shall immediately suspend the employee with pay. Prior to changing any paid suspension to unpaid suspension, the President shall meet with the employee and provide the employee with an opportunity to be heard.

4. When an employee is suspended, he/she shall leave the College property at once and shall not return until the end of the suspension unless authorized by the President.
5. Failure of the employee to report back to work when requested, or at the suspension expiration date, will be considered a voluntary resignation of his/her employment and any subsequent reinstatement or re-employment shall be on the basis of new employment.

B. Investigation and Dismissal

The President may suspend an employee, with pay, for up to ninety (90) days while conducting his/her investigation as to whether or not the employee should be dismissed. At the end of the ninety (90) day period, the President shall dismiss the employee, reinstate the employee or implement another disciplinary action.

III. DISMISSAL AND APPEAL

If a supervisor determines that an employee's violation(s) of the Employee Code of Conduct warrants dismissal, the supervisor shall prepare and provide a written report, with a summary supporting that determination, to the appropriate Vice President who shall, after meeting and consulting with the supervisor and Human Resources, provide the written report to the President. If necessary, the President shall suspend the employee pursuant to Section II (B). The President or designee shall review any investigation into the employee's conduct and the President shall either dismiss the matter or meet with the employee and provide the employee with an opportunity to respond to the investigation. If, after the meeting, the President decides to dismiss the employee, the President shall provide the employee with written notice that the employee is being dismissed and the reasons for the dismissal. The notice shall be included in the employee's personnel file and a copy shall be sent to the Chair of the Board of Trustees.

The procedures set forth above shall not prevent the President from taking independent and appropriate disciplinary action against an employee or from

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initiating an investigation into employee misconduct, inadequate performance, or other violation of the Employee Code of Conduct without the recommendation of a direct supervisor.

An employee may appeal the decision to dismiss the employee in accordance with policy 4.03.04. Such appeals will be held solely to determine whether the decision to dismiss the employee was arbitrary, capricious, discriminatory or otherwise a violation of the law or this Policy.

Cross Reference: 4.02.14 – Personnel Files
 4.03.02 – Employee Code of Conduct
 4.03.04 – Right of Appeal
 4.03.05 – Sex Discrimination and Harassment – Title IX

Adopted: October 2009

Revised: October 22, 2013
 April 22, 2014
 March 23, 2021