

# DAVIDSON-DAVIE COMMUNITY COLLEGE

Human Resources

## DISCIPLINARY ACTION, SUSPENSION AND DISMISSAL

### POLICY 3.3.4

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 a written warning or dismissal.

Except as stated elsewhere in the policy, employees shall receive two (2) warnings for minor performance or conduct issues: 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.

#### **I. WARNINGS**

##### **A. Oral Warnings with Follow-Up Letter**

1. The employee's supervisor shall meet with the employee and review with the employee exactly what is expected of him/her and explain to the employee how s/he has not met the College's expectations.
2. The supervisor shall provide the employee an opportunity to explain his/her actions.
3. The supervisor shall make recommendations for corrections and establish a reasonable period of time for the employee to correct the issues.
4. The supervisor shall provide the employee a letter regarding the oral warning and the College's expectations. A copy of the letter, and all subsequent letters, shall be included in the employee's personnel file.

##### **B. Written Warnings**

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

employee the written warning, the Director of 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.

## **II. SUSPENSION**

Suspensions may be used in two ways: as 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 Resource Services. 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. The President may make such determination without a recommendation from a supervisor and/or Vice President. The President may choose other disciplinary action, too.
- 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 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 to the suspension. 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 or safety issue, the President may 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, s/he shall leave the College property at once and is not allowed to 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.

6. An employee may appeal the President's decision to impose suspension without pay for more than ten (10) days to the Board of Trustees pursuant to Policy 3.3.6; however, the suspension without pay will not be tolled pending the appeal. An employee may receive back pay for the suspension if not upheld by the board.

**B. Suspension to Allow for an Investigation**

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 engaged in conduct that would warrant dismissal or other disciplinary action. At the end of the ninety (90) day period, the President shall dismiss the employee, reinstate the employee or implement another disciplinary action. For good cause, the President may extend the ninety (90) day suspension period.

**III. DISMISSAL**

**A. At-Will Employees**

1. If a supervisor determines that an employee's actions warrant 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 Resource Services, provide the written report to the President. The President may decide to terminate an employee without a recommendation from the immediate supervisor or appropriate Vice President.
2. If necessary, the President may suspend the employee pursuant to Section II (B). After reviewing the written report, the President shall either dismiss the matter or meet with the employee and provide the employee with an opportunity to be heard. If, after the meeting, the President decides to dismiss the employee, the President shall provide the employee with written notice of dismissal. The notice shall be included in the employee's personnel file.
3. An employee may appeal the President's decision to impose suspension without pay for more than ten (10) days and/or dismissal to the Board of Trustees pursuant to Policy 3.3.6; however, the suspension or dismissal shall not be tolled pending the appeal. The employee's only basis for appeal is if the President's actions were impermissible based on a violation of state or federal law or if the actions were based on the employee's race, religion, color, national origin, sex, gender, age, disability, genetic

information, political affiliation or status as a covered veteran in accordance with all applicable federal, state and local laws.

**B. Contract Employees**

- 1.** If a supervisor determines that an employee's actions warrant 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 may further investigate the alleged conduct.
- 2.** At the conclusion of his/her investigation and after review of the written report, the President shall either dismiss the matter or meet with the employee and present him/her with a written notice of charges and provide the employee with an opportunity to respond. If, after the written notice of charges 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.
- 3.** An employee may appeal the President's decision to impose suspension without pay for more than ten (10) days and/or dismissal to the Board of Trustees pursuant to Policy 3.4.6; however, the suspension or dismissal shall not be tolled pending the appeal.
- 4.** For serious misconduct, the President may skip any of the procedures in subsection 1 and immediately meet with the employee and provide a written notice of charges.

Adopted: November, 2019

Cross Reference: Policy 3.3.6 – Right of Appeal.