

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 for serious misconduct and performance issues and 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.

Generally, the President may delegate authority under this policy to another College administrator, such as a Vice President. Any reference to the President in this policy is also a reference to the President's designee.

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.

C. Serious Misconduct

For serious misconduct, as determined by the President, an employee may be subject to termination or other disciplinary action without first receiving oral or written warnings.

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.** The President has the authority to suspend an employee with or without pay as a disciplinary action, and may delegate this authority to a Vice President or another College administrator. The President or designee may make such determination without a recommendation from a supervisor and/or Vice President. The President or designee may choose other disciplinary action, too.
- 2.** Before suspending an employee as a disciplinary action, the President or designee shall meet with the employee and give the employee an opportunity to be heard. After hearing from the employee, the President or designee shall make a determination regarding the suspension, whether it shall be paid or unpaid and the length of the suspension. The President or designee 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.

3. 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.
4. 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.
5. 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 or designee 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. An employee may not appeal a suspension with pay.

III. DISMISSAL

A. At-Will Employees

1. At-will employees may be terminated on any basis that is not discriminatory or otherwise unlawful. The President has authority to terminate at-will employees and may delegate this authority to any Vice President or other College administrator.
2. If a supervisor determines that an employee's actions warrant dismissal, the supervisor shall recommend dismissal of the employee to the appropriate Vice President.
3. If necessary, the President or designee may suspend the employee pursuant to Section II (B). Before approving the supervisor's recommendation and dismissing the employee, the President or designee shall 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 or designee decides to dismiss the

employee, the President or designee shall provide the employee with written notice of dismissal. The notice shall be included in the employee's personnel file.

- 4.** 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, sexual orientation, gender identity, age, disability, genetic information, political affiliation or status as a covered veteran in accordance with all applicable federal, state and local laws.

Adopted: November, 2019

Revised: October, 2021

Revised: April, 2024

Cross Reference: Policy 3.3.6 – Right of Appeal.