

<b>Disciplinary Action Policy</b>	<b>BOT Approval:</b> New policy drafted 11/2021. Wording updates approved by Board February 15, 2022.
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**PURPOSE:**

The College attempts to provide employees who violate policies or exhibit inappropriate conduct an opportunity to comply with College requirements by means of progressive disciplinary actions.

**POLICY:**

Garrett College commits itself to the highest standards of ethical treatment of its students and employees, and holds employees to the highest standards for ethical conduct. It is the policy of the Board of Trustees to encourage high standards of service; confront unacceptable employee behavior; act swiftly, fairly, and equitably; and provide constructive counseling. Employees whose behavior, actions or inactions are continuously or grossly unacceptable will be subject to disciplinary action for cause, up to and including suspension or dismissal. Continuously in this regard refers to a situation in which an employee continues to violate College policies or procedures or continues to neglect his or her employment obligations despite successive, documented warnings.

**PROCEDURES:**

**Disciplinary Action:**

The following are the four types of disciplinary action possible for violations of policy or unacceptable conduct. The list is not intended to imply that all four types must occur in order for any offense recorded or observed. Disciplinary action taken by supervisors should be timely and progressive; however, in certain cases it may be impractical to give warnings, such as when the employee’s behavior is of so grave a nature that a first occasion violation is cause for a recommendation for the employee's dismissal.

Disciplinary action may always be taken against an employee, when warranted, regardless of whether the employee may have a satisfactory performance rating or regardless of the lack of previous disciplinary actions against the employee.

1. Oral Warning

A verbal reprimand to the employee that continuation or repetition of specified conduct or violation of an established College policy or regulation may be cause for other disciplinary action. An oral warning should indicate a future date of reassessment in order to ascertain if a correction in the violation/conduct has been made.

Note: To document an oral warning the supervisor should send a confidential email to the employee within 48 hours. The email should briefly state the nature and date of the warning, and the agreed-upon follow-up plans. Ideally the email would be cordial, emphasizing a collaborative approach to dealing with the problem.

2. Written Warning

A written warning to the employee for continued violation of an established College policy or regulation or continuation of conduct termed unacceptable for valid and justifiable reasons. The supervisor should utilize the Employee Counseling form found on the Human Resources intranet page. The Employee Counseling form should indicate a future date of reassessment in order to ascertain if a correction in the violation has been made. The form should be signed by both the employee and the supervisor. The supervisor is to inform the employee that a copy of this written warning will be placed in the employee's personnel file.

3. Suspension

a. *Definition*

Suspension is the temporary removal of an employee from Garrett College service. A suspended employee may or may not receive pay, nor shall they be permitted to use or to accrue any leave during the suspension period.

b. *Employee Subject to Suspension*

A supervisor may recommend to the appropriate Dean that an employee be suspended without pay. This recommendation by the employee's immediate supervisor must be in writing and indicate the reasons for such a decision. The appropriate Dean will review such a recommendation and if they approve, shall forward their recommendation to the Director of Human Resources for action. Employees may be subject to suspension for reasons of investigation, misconduct, negligence, inefficiency, insubordination, repeated unauthorized absences, or other offenses when alternative personnel actions (such as dismissal) would not be appropriate.

4. Dismissal

a. *Employees Subject to Dismissal*

Any employee may be dismissed for cause when alternative personnel actions would not be sufficient.

b. *Cause for Dismissal includes any violation of policy as described in the Human Resources Manual or any other college policy.*

**Suspension and Dismissal Process:**

The process by which suspension and dismissal decisions are made is confidential to the employee, the supervisor, the respective dean, the Director of Human Resources, and any other individual directly involved. Reasons for these decisions are not made public unless required under extraordinary circumstances.

The employee's supervisor begins the process by presenting the appropriate dean with a letter stating the case for suspension or dismissal. The dean then reviews the letter with the Director

of Human Resources. If both agree that there is just cause for disciplinary action, a meeting is arranged with the employee, the employee's supervisor, the dean, and the Director of Human Resources. At the meeting the dean states the reason for the decision and presents the letter to the employee, and the Director of Human Resources explains the next steps in the process. Any suspension preceding dismissal is typically a suspension with pay, except in cases of gross misconduct.

A hearing will be conducted by a college trained hearing officer that is outside the chain of command of the employee being dismissed. It is the responsibility of the Director of Human Resources to choose the hearing officer from members of the Senior Leadership Group. The Director of Human Resources will give the dismissal letter and any other documentation to the hearing officer at the time the hearing is scheduled.

The hearing will be no later than ten (10) working days from the date of the initial meeting in which the employee was notified of the dismissal. The employee can respond in writing to the dismissal letter at least 24 hours before the scheduled hearing. All correspondence must be done via the employee's college email, unless otherwise specified. The employee may bring witnesses that he/she wishes to the hearing; however, the employee must notify the Director of Human Resources of the witnesses that will be present at the hearing. Witnesses are to be limited to individuals directly involved in the matter that initiated dismissal. Notification should be by email or phone call within 24 hours of the scheduled hearing. In most cases, the employee's direct supervisor and Dean will attend the hearing along with the Director of Human Resources and a person to record notes of the hearing. The hearing will be recorded and the recording will be made available to the employee within five (5) working days of the hearing date.

At the conclusion of the hearing, the employee will be informed by the hearing officer that he/she will review the materials and make a determination as to the employee's dismissal. The hearing officer will make the final decision on the matter within five (5) working days of the hearing date and will notify the employee in writing. If the employee was suspended with pay, they will remain on suspension with pay until the date of the hearing officer's letter. The hearing officer's letter will be sent to the employee via their official college email, unless otherwise specified.

Within five (5) working days of the notice of dismissal being sent, the employee may submit an appeal in writing to the Office of the President. The President will review the appeal and the determination from the hearing officer and make the final decision on the matter within five (5) working days of receiving the appeal. The President will notify the employee in writing, sent to the employee via their official college email, unless otherwise specified. If the employee was suspended with pay, they will remain on suspension with pay until the date of the President's final determination letter.

For direct reports to the President and Deans, the same process will be followed with the President involved in the hearing process. Appeals would then be sent to the Board of Trustees for review.

If an appeal is not submitted within five (5) working days of the notice being sent, the notice of dismissal from employment shall be considered final.