

NUMBER: 311

SUBJECT: DISCIPLINARY PROCEDURES

APPROVAL DATE OF LAST REVISION: JANUARY 24, 2011

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### **311.1 – POLICY**

Bridgerland Technical College (BTECH) strives to provide a continuity of employment through effective planning and proper selection of employees. It is recognized that benefits eligible employees have a limited right to an expectation of continued employment except when their conduct warrants disciplinary action or in situations where budget constraints or other legislative/regulatory decisions adversely affect the College's ability to retain a position.

Non-benefits eligible employees are also subject to the appropriate disciplinary procedures and policies outlined below; however, nothing in these procedures should be construed to imply or convey any rights to an expectation of continued employment. Non-benefits eligible employees are hired on an as-needed basis to meet the part-time and temporary employment needs of BTECH. They serve in an at-will capacity and may be subject to dismissal at any time. (Please see Policy 300.301.)

The objective for disciplinary action is to correct violations, improve performance, avoid recurrence, and protect the interests of BTECH. Normally, employees are given an opportunity to improve their performance before sanctions are imposed. **However, some circumstances may warrant immediate sanctions, including dismissal.**

Employees being formally disciplined by imposition of sanctions need to be aware of their rights to use available avenues of review and redress, including discussing the issues with appropriate administrative authority and following BTECH's grievance policy and/or equal opportunity complaint procedures.

The imposition of sanctions, including dismissal of an employee for cause, may result for any of the following job-related reasons under circumstances that demonstrate the inability or unwillingness of the employee to meet his or her responsibilities to BTECH. **It is impossible to provide an exhaustive list that identifies every type of conduct or performance problem that may result in some form of discipline.** However, in an effort to provide employees some guidance, the following list provides examples of conduct that may result in the application of disciplinary sanctions: gross negligence; gross incompetence; violation of policies; excessive or unauthorized absence; misuse of institutional property or funds; misuse of institutional Internet access; disorderly conduct; fraud; falsification on an employment application; unsuitability to job requirements; being under the influence of alcohol or drugs while working; insubordination; unjustified interference with the work of others; violation of applicable statutory requirements or regulations relating to employment practices, including, but not limited to, regulations prohibiting discrimination or harassment because of race, color, religion, sex, national origin, age, disability, veteran's status, sexual orientation, or other legally impermissible behavior; conviction of a crime by a court of competent jurisdiction; and violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the institution.

When significant allegations are identified, an employee may be suspended with pay pending notice of and an opportunity to respond to the charges at a meeting. After an investigation has taken place and the employee has been given an opportunity to discuss the results, appropriate action will be taken by Bridgerland Technical College.

BTECH's philosophy of discipline is one of constructive action, administered fairly and consistently. **Normally, disciplinary action will be progressive; however, sanctions may be initiated at any step in the process at BTECH's discretion, depending on the performance problem, the type of conduct, or the nature of the offense involved.**

Throughout the entire disciplinary process, all parties involved must maintain confidentiality to ensure the rights of the employee and the institution.

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### 311.2 – PROCEDURES

#### 311.2.1 – Guidelines for “Hourly,” “Non-benefits Eligible” Employees, and/or “Benefits Eligible” Employees During Their Introductory Period

311.2.1.1 – Dismissal from employment may be effected prior to the end of an employee's introductory period for benefits eligible employees or at any time for part-time, temporary staff, hourly, or non-benefits eligible employees with or without cause and without giving the employee a written statement of cause for dismissal, for any lawful reason deemed adequate by BTECH, *including but not limited to, unsatisfactory performance, unacceptable behavior, violations of BTECH policy, or reductions in force.*

311.2.1.2 – Supervisors should maintain written documentation regarding the dismissal of part-time and temporary employees and staff employees in their introductory period. This documentation should include a statement of the problems encountered, attempts to correct them, and the reason for dismissal. A copy of this documentation should be forwarded to the Vice President for Finance for review and inclusion in the appropriate primary personnel file.

311.2.1.3 – Part-time, temporary, hourly, non-benefits eligible employees and benefits eligible employees in their introductory period do not have access to BTECH's formal grievance process (Policy 300.325). However, these employees have the right to respond, explain, correct, or deny in writing any facts in question and send their reply to the appropriate administrative authority for review and inclusion in their file.

311.2.1.4 – *The progressive disciplinary procedures outlined in the following section need not be followed for part-time, temporary, hourly, non-benefits eligible employees and benefits eligible employees in their introductory periods of employment.*

#### 311.2.2 – Disciplinary Procedures for Benefits Eligible Employees

Bridgerland Technical College believes the disciplinary procedures set forth below are generally appropriate concerning employee conduct and performance. Provisions of these procedures are not, however, absolute rules. These guidelines outline general practices that supervisors should consider when counseling and disciplining staff employees. *Normally, progressive discipline will involve the following steps, but exceptions or deviations may occur whenever BTECH deems that circumstances warrant that one or more steps in the process should be skipped. Accordingly, some circumstances may warrant immediate dismissal. Before imposing sanctions, administrators should consult with the President.*

##### 311.2.2.1 – Progressive Steps

If an employee fails to perform his or her work in accordance with the requirements of the position and the expectations of BTECH, the supervisor should talk to the employee to find out the facts of the situation prior to any disciplinary or discharge action. *Depending on the situation, there are exceptions which may occur in the progressive disciplinary procedures outlined here.*

- (a) Oral warning. Initial disciplinary action should be in the form of an oral discussion and warning. This meeting should be held in private and should provide an opportunity for problem solving that result in clear problem identification, correction strategies, and employee commitment to improve. This meeting should be documented with a contemporaneous written record/note that is kept by the supervisor conducting the oral discussion and/or warning.
- (b) Written warning. A written reprimand may be issued to an employee who does not correct a performance

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deficiency in response to an oral warning when a serious violation of BTECH policy has been committed. The purpose of a written reprimand is to make certain that the employee is fully aware of the performance deficiency or misconduct he or she has committed, what is expected, and a reasonable time frame in which to accomplish the improvement. The employee should sign the reprimand signifying it has been received. Should the employee decline to sign, it should be so noted. The employee will receive a copy of the warning and the original should be sent to the Accounting Department to be filed. Supervisors are encouraged to consult with an appropriate administrative authority (any Vice President) in the process of issuing a written reprimand.

- (c) Final written warning with probation. A final written reprimand incorporating a probationary period of three (3) weeks to six (6) months may be issued to an employee who fails to respond positively to previous sanctions including oral and written warnings. The purpose of the final written warning is to make certain the employee understands the seriousness of the misconduct and that further misconduct will most likely result in dismissal.

The letter should clearly define the problem and work expectations, set up a schedule of progress meetings between the employee and supervisor, state what is satisfactory completion of probation, and state that satisfactory performance will result in retention. The letter should also state that failure to perform satisfactorily during this probationary period may result in dismissal. The employee should sign the reprimand and keep a copy. The signed original should be sent to the Accounting Department for inclusion in the employee's personnel file. Supervisors must consult with an appropriate administrative authority (the President or any Vice President) before placing staff employees on probation.

- (d) Suspension. A staff employee may be suspended with pay when continued employment may be harmful to BTECH or impede the outcome of a thorough and fair investigation of the facts regarding an alleged offense. A staff employee may be suspended without pay in cases involving gross misconduct or chronic behavioral problems for which there seems to be no other appropriate response.

#### **311.2.2.2 – Other Sanctions**

Other sanctions may be imposed when deemed appropriate to induce the change required. Before imposing sanctions, administrators should consult with the appropriate administrative authority (the President or any Vice President).

#### **311.2.2.3 – Final Sanction**

The final sanction in the disciplinary process will be taken when BTECH is satisfied that the staff employee has been given an opportunity to meet the appropriate behavior or performance standard and has failed to do so, *or* when the particular circumstances warrant immediate dismissal in the best interests of BTECH. Before imposing sanctions, administrators should consult with the appropriate administrative authority (the President or any Vice President). (See Section 300.399, Termination of Benefits Eligible Employees, of the Policy Manual.)

#### **311.2.2.4 – Written Documentation**

Dismissed staff members will receive from their supervisors a written statement summarizing the problem(s) encountered, attempts to correct them, and the basic reason(s) for dismissal. A copy will be given to the affected employee (or his or her designated representative) and the original should be given to the Accounting Department to be placed in the employee's primary file. A staff employee may resign rather than face disciplinary action. By doing so, however, the employee loses the right to file a grievance. Employees cannot be compelled to resign; resignation must be entirely voluntary. Resignations should be made in writing and cannot be rescinded without mutual agreement of the employee and BTECH.

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### 311.2.3 – Alternatives for Employees Involved in Disciplinary Procedures

If a BTECH employee questions actions encountered during the disciplinary process, or if he or she feels proceedings are unwarranted or unjust, the employee may discuss appropriate disciplinary processes with their supervisor, department head, the Vice Presidents, and the Campus President

Staff employees may also request a hearing under the guidelines of Section 300.325, Employee Grievance, of the Policy Manual.

### 311.3 – DEFINITIONS

#### 311.3.1 – Discipline

Employment-related action (including imposition of sanctions) undertaken to correct or modify unacceptable job performance or behavior to acceptable standards.

#### 311.3.2 – Notice

Actual personal delivery of a written statement to an individual. If the individual cannot be personally located at the usual place of employment during assigned working hours, notice may be given by mailing the statement to the employee at his or her last known address. If notice is mailed, it is deemed effective for all purposes when deposited in an appropriate mailbox or mail slot.

#### 311.3.3 – Probationary Period

A period of three (3) weeks to six (6) months wherein an employee is expected to address and improve performance or any other aspect of employment as addressed by his or her supervisor. ***Specific employment actions including suspension and/or dismissal can occur at any time during the probationary period if the probationary conditions are not being met by the employee.***

#### 311.3.4 – Sanctions

Disciplinary measures authorized to be imposed upon employees including an oral or written reprimand, temporary reduction in pay (not to exceed 10 percent of the gross amount payable for any payroll period), probation, suspension with or without pay, or dismissal from employment.

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**311.4 – RESPONSIBILITY**

**311.4.1 – Supervisors, Department Heads, Vice Presidents, and Campus President**

Supervisors, department heads, Vice Presidents, and the Campus President are responsible for maintaining discipline and enforcing consistent and fair performance standards following the guidelines outlined in this policy. Supervisors must consult with the appropriate administrative authority, and department heads must consult with any Vice President or the President prior to any formal disciplinary actions.

**311.4.2 – Accounting Department**

The Accounting Department is responsible for retaining documentation in an employee's primary personnel file.

**311.4.3 – Employees**

Employees are responsible for working closely with supervisors to address and improve performance according to the procedures outlined in this policy.