

Conduct and Corrective or Disciplinary Action Policy

12.01 CONDUCT AND CORRECTIVE OR DISCIPLINARY ACTIONS

(Revised by the Board of Trustees 9/17/13)

The conduct of every employee plays an important part in maintaining the well-being of, and continuing respect for, the College. Each employee is expected to act in a professional manner when dealing with his/her supervisor, staff, the public, students, and other personnel. It is also important that employees present an appearance consistent with the nature of the work they are required to do. Employees are expected to avoid all unnecessary risks to the safety and/or well-being of students, themselves, or others and to exercise good judgment in caring for property of the College.

No attempt is made here to specify all the possible reasons for corrective or disciplinary action. In general, however, corrective or disciplinary action may be taken whenever an employee conducts himself or herself in a manner that is not consistent with the best interests of the College, its students, and its staff. This corrective or disciplinary action may be initiated by the immediate supervisor with the knowledge of the appropriate College administrator, or by the appropriate Dean, Director, Business Manager, Assistant Campus Director, Office of the President Vice President, or Vice President and Campus Director with the knowledge of the immediate supervisor. The corrective or disciplinary action may be a verbal warning, written reprimand, suspension with or without pay, demotion, reassignment, or termination of employment. Corrective or disciplinary action other than a verbal warning or written reprimand may be implemented only with the written approval of the Vice President and Campus Director. For Office of the President employees, corrective or disciplinary action other than a verbal warning or written may be implemented only with the written approval of the Vice President with administrative responsibility for division in which the employee is employed.

In the event the College determines, in its discretion, that corrective or disciplinary action other than termination is warranted, the following rules shall apply:

1. The employee shall be notified in writing within a reasonable period of time that corrective or disciplinary action is being imposed.
2. If the employee disagrees with a verbal warning or written reprimand, he/she may state the reasons in writing to his/her supervisor and to the Vice President and Campus Director, or to his/her supervisor and to the Vice President with administrative responsibility for the division to which the employee is assigned for the Office of the President employees.
3. If the employee disagrees with a suspension with or without pay, demotion, or reassignment, he/she may, within twenty (20) working days of notice of the action, file a disciplinary grievance in accordance with Section XIII of this Manual.
4. All documents relating to any corrective or disciplinary action, including documentation of verbal warning, shall be placed in the employee's official personnel file with copies forwarded to the Chief Legal Counsel and Vice President for Human Resources.

12.02 PRE-TERMINATION OF EMPLOYMENT PROCEDURES

(Revised by Board of Trustees 9/17/13)

Except as provided in Sections 3.08, 13.04, and 13.05, the following procedures shall apply when dismissal of an employee is being considered other than a Vice President. An employee who has been given a Notice of Intention to Terminate may be placed on paid administrative leave until the effective date of termination or the final disposition of a pre-termination hearing, whichever is greater.

1. The employee shall be provided with notice of the College's intention to terminate his or her employment. Notice of Intention to Terminate shall be in writing and shall:

- A. State the reason(s) for the termination;
 - B. Be sent by registered or certified mail to the employee at the last address appearing in the employee's personnel file and, if notice of representation has been received, by first class mail to the employee's counsel;
 - C. Advise the employee of his or her right to request a pre-termination hearing;
 - D. Advise the employee that his or her employment will terminate without further notice unless a pre-termination hearing is requested; and
 - E. Be accompanied by a copy of these Rules of Procedure.
2. A request for a pre-termination hearing must be made in writing and delivered to the Vice President and Campus Director (or applicable Vice President for Office of the President employees) with a copy to the Chief Legal Counsel and Vice President for Human Resources not later than ten (10) days following the date the Notice of Intention to Terminate is mailed to the employee. If the employee fails to submit a timely, written request for a hearing, the Notice of Intention to Terminate shall constitute the final notice of termination effective 30 days after the date of mailing. If a hearing is requested, it shall be held upon 20 days notice unless the employee and the College agree to an earlier hearing date.
3. The Chief Legal Counsel and Vice President for Human Resources and or his or her designee shall preside over the hearing. An independent third party shall be appointed as Hearing Officer in cases where the decision to terminate is made by the Chief Legal Counsel and Vice President for Human Resources.
4. At the hearing, the following guidelines shall apply:
- A. The Hearing Officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence, and rule upon motions and objections;
 - B. The hearing and testimony shall be limited to the reason(s) set forth in the Notice of Intention to Terminate;
 - C. The Hearing Officer will determine if the employee understands the charges, and explain them if necessary;
 - D. The Hearing Officer shall accept and consider any relevant information or evidence offered by the employee or the College and shall not be bound by common-law or statutory rules of evidence or by technical or formal rules of procedure;
 - E. The Hearing Officer may exclude plainly irrelevant evidence, as well as unduly repetitive proof, rebuttal and cross examination;
 - F. Hearsay evidence shall be admissible, but shall not constitute the sole basis for termination;
 - G. The Parties may be represented by counsel;
 - H. The College shall first submit evidence in support of its intention to terminate, followed by the response of the employee, if any. Further rebuttal evidence by either party may be permitted, if the Hearing Officer believes such evidence is necessary;
 - I. The testimony of witnesses shall be under oath. The witnesses shall be sworn by the Hearing Officer or a court stenographer;
 - J. The parties and their counsel may examine and cross examine witnesses. The Hearing Officer may also question any witness;
 - K. No person other than the respective parties and their counsel shall have the right to attend the hearing. Witnesses shall be sequestered except upon agreement of the parties and the Hearing Officer; and
 - L. A stenographic record of the hearing may be taken and prepared by a qualified court stenographer at the request of the College or the employee and upon prior notice. No other audio or video recordings of the proceeding may be made.
5. The Hearing Officer shall submit his or her findings to the applicable Vice President and Campus Director or President for Office of the President employees within five (5) days following the conclusion of the hearing for consideration and final determination. Grounds for termination will not have not been established unless one or more of the reasons set forth in the Notice of Intention to Terminate has been established by a preponderance of the evidence.

6. The final decision as to whether to terminate the employee's employment is to be made by the Vice President and Campus Director or the Vice President with responsibility for the employee's division for Office of the President employees and is to be based solely on the findings resulting from the pre-termination hearing.

7. In calculating periods of time provided for in these Rules of Procedure, intervening Saturdays, Sundays and legal holidays shall be included, unless the final day of the period falls on either a Saturday, Sunday or legal holiday, and in that case the final day shall be the next day which is not a Saturday, Sunday or legal holiday.

Source URL:

<https://www.dtcc.edu/about/employment/personnel-policy-manual/conduct-and-corrective-or-disciplinary-action-policy>