

NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-7322.1

FOR POLICY NUMBER: BP – 7322

PROGRESSIVE DISCIPLINE FOR FACULTY EMPLOYEES

1. PROCEDURE SUMMARY STATEMENT

To establish protocol for addressing and correcting faculty workplace performance and behavior concerns.

2. DEFINITIONS

- 2.1 Faculty Employees – full and part-time college instructional or faculty employees, other than staff employees.
- 2.2 Faculty New-Hire Probationary Period – the first two (2) years of employment for all college employees. Any employee may be terminated without cause during this initial two (2)-year period of employment.
- 2.3 Next Level Supervisor – the supervisor of a faculty employee's immediate supervisor.

3. PROCEDURE

3.1 General

- 3.1.1 Progressive discipline procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable faculty employee behavior and/or performance issues.
- 3.1.2 The College reserves the right to combine or skip the progressive discipline steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, or training; the faculty employee's work record; whether the faculty employee is within his or her new hire probationary period; and the impact the conduct and performance issues have on the institution.
- 3.1.3 Nothing in this procedure provides any contractual rights regarding faculty employee discipline or counseling, nor should anything in this procedure be read or construed as modifying or altering the employment-at-will relationship between the College and its faculty employees.
- 3.1.4 Progressive discipline may or may not be used for faculty employees within his or her new hire probationary period at the discretion of the faculty employee's

immediate supervisor in consultation with his or her respective Vice President and the Associate Vice President of Human Resources.

3.1.4.1 The use of progressive discipline does not alter, in any way, the terms of the new hire probationary period.

3.1.5 Employment Probation may be initiated as a result of a Step two (2) or Step three (3) in accordance with Employment Probation Policy (BP-7325).

3.1.6 At any point during a progressive discipline process, a faculty employee may be allowed to have a representative attend disciplinary meetings with college management.

3.2 Step 1: Documented Verbal Warning

3.2.6 Step one (1) creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct, or attendance issue. The immediate supervisor should discuss with the faculty employee the nature of the problem or the violation of college procedures. The immediate supervisor is expected to clearly describe expectations and steps the faculty employee must take to improve his or her performance or resolve the problem.

3.2.7 Within five (5) business days, the immediate supervisor will prepare written documentation of the verbal counseling. The faculty employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action. A documented verbal warning will be placed in the faculty employee's electronic personnel file within the Human Resources Office.

3.3 Step 2: Written Warning

3.3.1 The Step two (2) written warning involves more formal documentation of the performance, conduct or attendance issues and consequences.

3.3.2 During Step two (2), the immediate supervisor and a human resources representative will meet with the faculty employee to review any additional incidents or information about the performance, conduct, or attendance issues as well as any prior relevant corrective action plans. The next-level supervisor may be included in the disciplinary meeting at the discretion of the faculty employee.

3.3.2.1 During the Step two (2) meeting, consequences for the faculty employee's continued failure to meet performance or conduct expectations will be outlined.

3.3.3 A formal performance improvement plan (PIP) requiring the faculty employee's immediate and sustained corrective action will be issued within five (5) business days of a Step two (2) meeting. The written warning will include a statement indicating that the faculty employee may be subject to additional discipline, up to

and including termination, if immediate and sustained corrective action is not taken.

3.3.4 Employment Probation may be initiated as a result of Step two (2).

3.4 Step 3: Probation, Suspension, or Final Warning

3.4.1 Some performance, conduct, or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the faculty employee from the workplace. When immediate action is necessary to ensure the safety of the faculty employee or others, the immediate supervisor, upon approval of the respective Vice President or the Associate Vice President of Human Resources, may suspend the faculty employee pending the results of an investigation.

3.4.2 Suspensions that are recommended as part of the normal sequence of the progressive discipline procedures are subject to approval from a next-level supervisor and the Associate Vice President of Human Resources.

3.4.3 Suspensions will include a written document notifying the faculty employee of the status, which the faculty employee will have the opportunity to formally acknowledge with his or her signature.

3.4.4 A faculty employee returning to work from a suspension will automatically be placed on employment probation as provided in BP-7325 and AP-7325.0.

3.4.5 Depending on the seriousness of the infraction, the faculty employee may be suspended without pay in full day increments consistent with federal, state, and local wage and hour employment laws. Human Resources will provide guidance to ensure that the discipline is administered without jeopardizing the Fair Labor Standards Act (FLSA) exemption status.

3.4.5.1 In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of a salaried/exempt faculty employee is reserved for serious workplace safety or conduct issues.

3.4.5.2 Pay will be restored to the faculty employee if an investigation of the incident or infraction absolves the faculty employee of wrongdoing.

3.4.6 Employment Probation may be initiated as a result of a Step three (3).

3.5 Step 4: Recommendation for Termination of Employment

3.5.1 The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, the College will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning, or suspending the faculty employee from the workplace before proceeding to a recommendation to terminate employment. However, the College reserves the right to combine and skip steps depending on the

circumstances of each situation and the nature of the offense. Furthermore, faculty employees may be terminated without prior notice or disciplinary action.

- 3.5.2 The immediate supervisor and/or administrative officer shall make a recommendation for termination for review by the Associate Vice President of Human Resources. The President shall make the final determination for employment termination.

3.6 Performance and Conduct Issues Not Subject to Progressive Discipline

- 3.6.1 Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities.
- 3.6.2 Similarly, theft, substance abuse, intoxication, fighting, and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.
- 3.6.3 A verbal notice is a one-on-one discussion between the faculty employee and the immediate supervisor identifying the faculty employee's unsatisfactory behavior.
- 3.6.4 A verbal notice that is summarized and documented by the faculty employee's immediate supervisor, must be acknowledged by the faculty employee's signature prior to the documentation being placed in his or her electronic personnel file.

3.7 Documentation

- 3.7.1 The faculty employee will be provided copies of all progressive discipline documentation, including all PIPs. The faculty employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents.
- 3.7.2 A copy of the written notice shall be placed in the faculty employee's electronic personnel file by submitting the original document to the Human Resources Office.
- 3.7.2.1 The faculty employee shall have the opportunity to provide a written response in accordance with time period set forth in the faculty contract.
- 3.7.2.2 Any such response shall be provided to the Human Resources Office with a copy to the immediate supervisor. The response will be included in the faculty employee's electronic personnel file.
- 3.7.2.3 Any grievances may be filed in accordance to BP-7710 and 7710.0 Employee Grievance.

3.7.3 All progressive discipline documentation shall remain active in the faculty employee's electronic personnel file for a period of twenty-four (24) months from the date of issuance.

3.7.3.1 Inactive documentation will not be used as record against the faculty employee.

4. APPLICABILITY

N/A

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REVISION DATE(S): 06/08/1995 (item #7225); 03/13/1997 (item #7957); 06/10/1999 (item #8527); 03/09/2006 (item #9853); 09/01/2014; 12/02/2020

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SCHEDULE FOR REVIEW: 2025

DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Human Resources

SPONSORING DIVISION/DEPARTMENT: Human Resources

RELATED PROCEDURES/ REFERENCE: AP-7322.0; AP-7325.0; AP-7710.0

PROCEDURE KEY WORDS: progressive discipline; job performance; suspension; faculty employees