

630: Disciplinary Policy and Procedure

In accordance with Alabama's Students First Act, Bishop State Community College (the College) has a proactive and supportive approach to employee discipline and follows a progressive discipline plan. All College employees shall be required to carry out their duties in a professional, ethical, and collegial manner that enhances the institution's purpose. To create an educational environment where teaching and learning are optimized, and each employee maximizes his/her effectiveness, the disciplinary policy, procedure below will be applied to all employees.

Outlined are various forms of conduct that are prohibited. Violations of the conduct code may result in reprimand, suspension, and/or dismissal.

As specified in the applicable Board of Trustees Policy, the activities outlined below are prohibited:

- a. Harassment (Board of Trustees Policy 601.04)
- b. Possession of firearms, dangerous chemicals, or other dangerous weapons on College property or at College functions (Board of Trustees Policy 511.01)
- c. Absence from work without approved leave (Board of Trustees Policy 618.01)
- d. Disclosure of confidential information (Board of Trustees Policy 616.01)

In addition to the behaviors outlined above, the forms of conduct listed below are prohibited:

- a. Smoking, e-cigarettes, or the use of tobacco related products in any enclosed, indoor area of any building or other educational facility owned or operated by the institution.
- b. Theft
- c. Excessive tardiness
- d. Sleeping on the job
- e. Abuse of College equipment or facilities
- f. Unauthorized use of College equipment, facilities, or other resources
- g. Violation of published safety regulations
- h. Unauthorized solicitations on work premises
- i. Abusive or threatening communications
- j. Physical or verbal abuse of persons within the College community
- k. Possession or use of alcohol or unlawful controlled substances on College property
- l. Fraud, dishonesty, or intentional falsification of student records, employment applications, or records kept in performance of job duties

The *Students First Act* specifies that an employee's employment may be terminated for failure to perform his/her duties in a satisfactory manner, neglect of duty, incompetence, insubordination, immorality, justifiable decrease in jobs in the institution, or other reasonable and just causes provided such termination shall not be made for political or personal reasons.

Bishop State Community College's progressive discipline procedures provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. The College reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, or training, the employee's work record and the impact the conduct and performance issues have on the College, its employees, or students.

Though these procedures will usually initiate with the employee's immediate supervisor, anyone higher in the employee's reporting structure may initiate action pursuant to these procedures. Nothing herein provides any contractual rights regarding employee discipline or counseling, nor should anything herein be read or construed as modifying or altering the employment-at-will relationship between the College and its employees, as it exists as such.

Disciplinary Steps

Step 1: Coaching

Step 2: Written Reprimand

Step 3: Suspension Request

Step 4: Termination of employment

Step One: Coaching and Verbal Warning

This step creates an opportunity for the immediate supervisor to meet with an employee and bring attention to the existing performance, conduct, or attendance issue. The supervisor should discuss the nature of the problem or the violation of College or System policies and procedures with the employee. The supervisor is expected to clearly describe expectations, steps the employee must take to improve performance or resolve the problem, and the consequences of failing to improve.

The supervisor will prepare written documentation of the meeting on the Bishop State Community College Employee Corrective Action Form. This form is available on the College website under Human Resources in the HR Forms section. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action. The form should be sent to the Office of Human

Resources for placement in the employee's personnel file.

Step Two: Written Warning / Reprimand

The written warning/reprimand involves more formal documentation of the performance, conduct, or attendance issues and consequences. Depending on the circumstances, a written warning may be the initial step in the disciplinary process. However, this step usually follows several coaching attempts, repeat conduct, or failure to improve by the employee.

Regarding the written warning, the immediate supervisor and, if warranted, another administrator in the applicable reporting structure will meet with the employee to review any additional incidents or information about the performance, conduct, or attendance issues and any relevant corrective action plans. Said supervisor(s) will outline the consequences in a letter format. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action. The form should be sent to the Office of Human Resources for placement in the employee's personnel file.

Step Three: Suspension

There may be performance, conduct, or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. Under the *Students First Act*, Ala. Code § 16-24C-6 (1975), an employee may be suspended, with or without pay, upon the recommendation and approval of the President. Only suspensions of tenured or non-- probationary employees that exceed twenty (20) workdays without pay are subject to the same notice, hearing, and review requirements as terminations under the *Students First Act*. Those requirements do not apply to non-tenured or probationary employees suspended in excess of twenty (20) workdays without pay.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with applicable law. Paid leave may not be substituted or used in lieu of the unpaid suspension. According to the Fair Labor Standards Act (FLSA), unpaid suspension of salaried/exempt employees is reserved for severe workplace safety or conduct issues. The Office of Human Resources will guide so that the discipline is administered without jeopardizing the FLSA exemption status.

Step Four: Recommendation for termination of employment

The most serious step in the progressive discipline procedure is a recommendation to terminate employment. Generally, the College will try to exercise the progressive nature of this policy before proceeding with 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.

Recommendations for termination of employees should be initiated by the supervisor and sent to the Director of Human Resources. The provisions of the *Students First Act*, Ala. Code§ 16-24C-6 (1975), if applicable, shall be followed in acting upon the recommendation.

Employee Corrective Action forms are expected to be signed by the recipient which shall acknowledge the receipt of the document. Employee Corrective Action forms are filed regardless of employee signature.