

DISCIPLINARY ACTION

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

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. Depending on the severity of the offense, a supervisor may recommend suspension or dismissal without first issuing an oral warning or written reprimand. However, this listing of disciplinary actions is intended to provide for the supervisor and the faculty or staff member a consistent system of progressive disciplinary action if the need for such action is justified.

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. The supervisor is to inform the employee that a written copy of this oral warning will be placed in the employee's personnel file.

Note: The supervisor is to make a written record of this meeting specifying the date of the meeting and the specific conduct or violation. A copy of this record is to be given to the Human Resources Office for placement in the employee's personnel file.

2. Written reprimand

A written reprimand 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 written reprimand should indicate a future date of reassessment in order to ascertain if a correction in the violation has been made. The written reprimand should be hand-delivered to the employee or sent by registered mail to assure receipt. Also, a supervisor may require an employee to sign a copy of the written reprimand to indicate receipt of the reprimand. The supervisor is to inform the employee that a copy of this written reprimand will be placed in the employee's personnel file.

Note: A copy of this written reprimand, specifying the date and the specific conduct or violation is to be given to the Human Resources Office for placement in the employee's personnel file.

3. Suspension

a. Definition

Suspension is the temporary removal of an employee from Allegany College of Maryland service. A suspended employee shall not receive pay, nor shall he/she be permitted to use or to accrue any privileges or benefits during the suspension period.

b. Employee Subject to Suspension

A supervisor may recommend to the appropriate area Vice-President or 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 area Vice-President or Dean will review such a recommendation and if he/she approves, shall forward the recommendation to the President for action. Employees may be subject to suspension for reasons of investigation, misconduct, negligence, inefficiency, insubordination, disloyalty, repeated unauthorized absences, or other offenses when alternative personnel actions (such as dismissal) would not be appropriate.

c. Procedure

The immediate supervisor may recommend for the suspension of an employee for purposes of investigation at any time. Such suspension notice shall be in writing to the employee and shall contain the effective date of suspension and the reasons for such action.

d. Appeal from Suspension

A continuing status employee who has received notification of suspension may appeal the decision within five calendar days of receipt of the notification, otherwise the employee waives all rights of appeal to the suspension. Such an appeal must be made in writing to the President and shall state specific reasons why the suspension should be reversed. The President shall submit the appeal along with all other materials pertinent to the suspension to the Grievance Review Panel. All policies and procedures for the appeal are to be as stated in Policy 03.07.011, "Grievance Policy and Procedures."

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

Any one of the following shall be deemed sufficient cause for dismissal, although dismissal may be for causes other than those enumerated:

- i. that the employee is incompetent or inefficient in the performance of his/her duties;
- ii. that the employee has been wantonly careless or negligent in the performance of duty;

- iii. that the employee has engaged in immoral or unethical conduct or action and/or has violated one or more of the regulations of the College of Maryland Code of Ethics;
- iv. that the employee has been offensive or brutal in his/her treatment of students, fellow employees, or other persons;
- v. that the employee has some permanent or chronic physical or mental ailment or defect that incapacitates him/her for the proper performance of his/her duties;
- vi. that the employee has violated an official regulation order of the Board of Trustees or failed to obey reasonable directions given by his/her supervisor(s) when such violations, or failure to obey amount to insubordination or serious breach of discipline which may reasonably be expected to result in loss or injury to the College or the public;
- vii. that the employee has taken for personal use a fee, gift, or other valuable in the course of his/her work for the College or in connection with it when such is given him/her by any person in the hope or expectation of receiving preferential treatment;
- viii. that the employee has reported to work under the influence of an alcoholic or controlled dangerous substance, or has imbibed after reporting to work or while on duty;
- ix. that the employee, through negligence or willful conduct, has caused damage to public property or waste of public supplies;
- x. that the employee has been absent and/or tardy without good cause and/or is guilty of a high rate of absenteeism and/or tardiness which lowers the efficiency of the work area;
- xi. that the employee has been guilty of using, threatening to use, or attempting to use unethical pressure on any members of the Board of Trustees or any employee of the College in securing promotion, transfer, leave of absence, increased pay, or other favors;
- xii. that the employee has been guilty of dishonesty, such as stealing of College property or falsification of records; and/or
- xiii. that the employee has committed any other act which seriously impairs or restricts his/her ability to perform his/her job duties.

c. Dismissal Procedures

An employee's immediate supervisor may make a written recommendation to the appropriate area Vice-President or Dean (with a copy to the Director of Human Resources) that an

employee be dismissed when such action is deemed to be necessary by virtue of one or more of the causes for dismissal as set forth in paragraph B, immediately preceding. A dismissal recommendation shall be in writing, shall state the reason(s) for such recommendation, and shall bear the endorsement of the appropriate area Vice-President or Dean.

This recommendation for dismissal would then be sent to the President. If the President decides upon dismissal, he will notify the employee of the effective date of dismissal and his/her right to appeal. If the President decides that dismissal is not warranted, in the particular case, he may implement whatever alternative action he/she deems most appropriate for the best interest of the College.

d. Notification of Dismissal

An employee who is to be dismissed shall be so notified in writing by the President. Such written notification shall state the reason(s) for the dismissal and shall be effective immediately.

e. Appeal from Dismissal

A continuing status employee who has received notification of dismissal may appeal the decision within five calendar days of receipt of the notification of dismissal action, otherwise dismissal shall become final. Such appeal must be made in writing to the President and shall state specific reasons why the dismissal action should be reversed. The President shall submit the appeal along with all other materials pertinent to the dismissal action to the Grievance Review Panel. All policies and procedures for the appeal are to be as stated in Policy 03.07.011, "Grievance Policy and Procedures."