Allegany College of Maryland

EMPLOYEE DISCIPLINARY ACTION POLICY

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Revised Date (if applicable) 2023
Approved by Board of Trustees 04/17/2023
Implementation Date 04/17/2023
Type of Policy: Operational

INTRODUCTION AND PURPOSE

The College attempts to provide employees who violate policies or exhibit unsatisfactory job performance an opportunity to improve to comply with the College requirements by utilizing a system of progressive discipline. However, there may be some instances where a higher level of discipline, or even termination of employment, may result based on the severity and circumstances of a situation.

POLICY

Any type of behavior or conduct that impedes the efficient operation of the College, reflects adversely on the College, is contrary to the College's policies or procedures, or falls below the level of acceptable conduct expected by the College in its discretion, is prohibited. The College expects employees to exercise sound judgment and discretion while performing their job duties.

I. PROGRESSIVE DISCIPLINE PROCESS

It is the College's belief that a majority of issues are able to be adequately addressed at the informal stage by a supervisor having a conversation and discussing the concerns with an employee. However, in the event an informal conversation is unsuccessful in resolving the concerns or if an informal conversation is inappropriate, progressive discipline consistent with this policy should follow.

Progressive discipline assists employees by being clear and precise about problems and the consequences if the same or other problems or misconduct occur. The College applies discipline in a fair and consistent manner.

In most instances, supervisors are responsible for initiating the progressive discipline process and play a critical role in administering discipline in a fair and consistent manner. The supervisor must have a full understanding of the facts and circumstances before assessing appropriate discipline. The supervisor should discuss each disciplinary situation in advance with the Human Resources Department to determine the appropriate level of disciplinary action. The seriousness of the offense and the employee's disciplinary and performance history will be considered when determining the level of discipline to be applied.

The College expects that a majority of situations will be resolved through an informal conversation or discussion between the supervisor and the employee. However, progressive discipline is available if informal conversations are unsuccessful or inappropriate given the nature of the situation.

In some instances, employees may be referred to Human Resources by appropriate college officials for possible disciplinary action discovered through the course of an investigation, such as investigations conducted by the Dean of Student and Legal Affairs and/or General Counsel.

A. Coaching and Verbal Warning

The purpose of a verbal warning is to clarify policies, procedures and expectations. The impact of the incident or violation should also be taken into consideration as should ensuring that prior similar occurrences were treated similarly.

Prior to issuing a verbal warning, supervisors are responsible for conducting a fair and objective assessment of the situation. The assessment may be as simple as confirming an unexcused late arrival or early departure through a time clock or confirming an employee made an unauthorized purchase. As a general matter at this step in the process, the supervisor should review and obtain available information; identify the specific policy, rule or expectation that was violated; review how the employee was made aware of the policy, rule or expectation that was violated; and have a conversation with the employee about the situation to hear their explanation and determine if any extenuating or mitigating circumstances exist.

After the supervisor has taken the above steps and confirmed with the Human Resources Department that the situation warrants a verbal warning, the supervisor should meet with the employee and deliver the verbal warning. The supervisor should then document for their records that the conversation occurred, what was said, and, if appropriate, send a follow-up email to the employee summarizing the meeting and the situation, keeping in mind the significance of the impact of the occurrence.

B. Written Warning

If the conduct addressed by a verbal warning is repeated or if new violations or problems occur, the employee may be issued a written warning. However, it is also possible that a single incident may warrant a written warning based on the seriousness or severity of the situation.

In each instance, the first step in the written warning process if for the supervisor to contact and discuss the situation with the Human Resources Department.

Prior to issuing a written warning, the Human Resources Department will typically assist with conducting an investigation and assessment of the situation, which generally includes obtaining and reviewing all relevant information; identifying the specific policy, rule or expectation that was violated; reviewing how the employee was made aware of the policy, rule or expectation that was violated; talking with possible witnesses; and having a meeting with the employee about the situation to hear their explanation and determine if any extenuating or mitigating circumstances exist prior to making a disciplinary decision. Some situations may warrant a more complex investigation to be undertaken, which shall be conducted in coordination with the Human Resources Department (and other institutional office(s), as needed).

Supervisors may not conduct their own investigation or issue a written warning without first consulting with the Human Resources Department.

If a determination is made that a formal written warning is appropriate, the supervisor shall work with the Human Resources Department to prepare a written warning, which generally includes a description of the unacceptable conduct, the policy, rule or expectation violated, an outline of future expectations, consequences if not met, and a timeline for follow-up.

All written warnings need to be approved by the Human Resources Department before they are issued to an employee. A copy of the written warning shall be maintained by the Human Resources Department.

C. Final Written Warning

If the conduct addressed by the written warning is repeated or additional problems occur, discipline may progress to a final written warning, which may include unpaid suspension. The document should note that the written warning is the final warning, and should detail the consequences of not correcting the behavior or improvement of job performance. Depending on the severity of the misconduct, the first written warning can also be the final written warning.

D. Suspension

Suspension is the temporary removal of an employee from Allegany College of Maryland service. A suspended employee shall not receive pay, nor shall they be permitted to use or to accrue any privileges or benefits during the suspension period. This is an optional step and not used in all situations.

Suspensions may be used when it is necessary to remove an employee from the work environment. Examples include, but are not limited to, suspension for an investigation, acts of violence or threats, misconduct, negligence, inefficiency, insubordination, repeated unauthorized absences, or other offenses where verbal and written warnings are not appropriate or effective.

The supervisor shall recommend, after consultation with Human Resources, to the appropriate area Dean and/or Vice-President 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 Dean and/or Vice-President will review such a recommendation and if they approve, shall forward the recommendation to the President for action.

E. Dismissal

Employment may be terminated if progressive discipline has been exhausted and problems persist or based on the severity of a single incident.

Misconduct that involves dishonesty, a violation of the law, significant risks to College operations or those that endanger the safety or wellbeing of oneself or others is grounds for immediate termination of employment. However, the facts and circumstances of each situation will determine what action, up to and including termination of employment, is appropriate. Decisions to terminate employment shall be made in consultation with Human Resources and will generally follow the assessment/investigation process described above.

Examples of misconduct that may warrant dismissal include, but are not limited to: violations of College policy or procedures, violence or threats of violence in the workplace, serious neglect of job duties, insubordination, dishonesty, falsification of records, breach of confidentiality, criminal activity, violations of laws, rules or regulations applicable to the College.

Situations may arise where an employee's conduct and performance falls under both the Employee Disciplinary Action Policy and Employee Performance Management Policy. In these situations, the totality of the circumstances will be assessed when determining appropriate action.

The supervisor shall make a written recommendation, after consultation with Human Resources, to the appropriate area Dean and/or Vice-President that an employee be dismissed. A dismissal recommendation shall be in writing, shall state the reason(s) for such recommendation, and shall bear the endorsement of the appropriate area Dean and/or Vice-President.

This recommendation for dismissal will be sent to the President. If the President decides upon dismissal, the President will notify the employee in writing of the effective date of dismissal and their right to appeal. If the President decides that dismissal is not warranted, the President will implement an alternative action they deem most appropriate for the best interest of the College.

II. APPEALS FOR SUSPENSION OR DISMISSAL

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

III. ADMINISTRATION

The Human Resources Office is responsible for implementation, administration, and oversight of this policy.

IV. CHANGES

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.