


# PROCEDURE

<b>Subject</b>	<b>Disciplinary Action</b>	<b>Number:</b> 2.53.01
<b>Source</b>	Human Resources	<b>Reference (Rule#)</b> 6HX14-2.53
<b>President's Approval/Date:</b>	 5/15/2023	

## I. PURPOSE

The purpose of this procedure is to provide administrative standards for providing disciplinary actions to administrators and professional support and career employees, in accordance with applicable federal, state, and local regulations and College rules and procedures.

## II. GENERAL

Employee disciplinary actions should be corrective, and where appropriate, progressive in nature and designed to encourage the employee to conform to established standards of performance or conduct, except in those instances where the actions of the employee are not conducive to correction.

Human Resources will provide guidance to managers to maintain consistency and compliance with applicable laws and College rules and procedures. Consultation with Human Resources is encouraged when employees exhibit misconduct or unsatisfactory performance. All disciplinary action takes into consideration contractual status regulations.

A thorough and objective investigation of facts and circumstances surrounding an incident giving rise to discipline will be conducted prior to the imposition of discipline.

Prior to the imposition of discipline, an employee will be advised of the specifics of the alleged offense and given an opportunity to explain his or her actions.

Discipline is to be imposed within a reasonable time after the event giving rise to such disciplinary action, or management's knowledge thereof.

### **III. DEFINITIONS**

- A. Disciplinary action – an action taken by supervisory personnel regarding employee performance, which falls below acceptable standards, does not follow college rules or procedures, interferes with the work of others, disrupts the normal operations of the college, or jeopardizes the safety or well-being of others. The actions may be in the form of a reprimand, suspension or a dismissal, subject to contractual status.
- B. Verbal Warning – This is generally the first step in the disciplinary process following counseling of the employee. A verbal warning, reduced to writing, restates the nature of the problem discussed including further consequences should the undesired behavior continue.
- C. Written Reprimand – This is generally preceded by a verbal warning. A written notice to the employee of a particular violation including further consequences should the undesirable behavior continue. This is used for severe behaviors or continued/repeated behaviors previously addressed.
- D. Suspension – an action taken by Director, Human Resources or designee in conjunction with supervisory personnel. Suspension may be with or without pay depending upon the circumstances.
- E. Dismissal – a termination of an individual’s employment.

### **IV. PROCEDURE**

Managerial responsibilities are to coach, train and ensure that employees are aware of their job duties and responsibilities. When work performance issues arise, the supervisor is encouraged to address and coach for improvement. If coaching attempts are unsuccessful or if the severity of the issue dictates coaching is not an appropriate option, disciplinary action up to and including termination may be required.

Process:

Prior to Official Discipline

Verbal Discussion (Counseling Session) – A private discussion with the employee; the supervisor identifies:

- the nature of the problem
- corrective action
- time frames to accomplish
- subsequent action if not corrected

The supervisor documents and retains a copy.

There are generally three types of disciplinary action available when employees fail to meet expected levels of performance or conduct. All steps and the particular order of steps may not be followed depending on the nature of the employee's performance or conduct.

1. **Written Confirmation of a Verbal Warning** - If performance or behavior has not satisfactorily improved as a result of verbal discussion (counseling), then a written confirmation of a verbal warning restating a formal conversation articulating the nature of the problem and further consequences is required. This is generally the first step of formal discipline. Verbal warnings should always be done calmly, objectively, and privately. A verbal warning should be documented by a written confirmation of the verbal warning via a memo in the employee's personnel file. An employee might receive more than one verbal warning before progressing to the next step. However, for a serious problem, this step may be skipped.

Prior to proceeding with a warning, the supervisor shall consult with the appropriate director, department chair, provost/dean and or area Vice President, in consultation with the Director, Human Resources or designee to ensure legal requirements and consistent practices are followed. The supervisor should refer to the Record of Disciplinary Action Checklist (attached) for appropriate content and/or verbiage to be used in the written warning. The signed written warning will be forwarded to Human Resources for filing in the employee's personnel record.

2. **Written Reprimand** - A written reprimand is used for severe behaviors or continued/repeated behaviors that have been previously addressed. Consultation with Human Resources is necessary as articulated in process # 1 above. Following an investigation, the supervisor shall meet with the employee to discuss the infractions and provide an opportunity for the employee to respond. Following said meeting, the written reprimand will indicate the inappropriate behavior or deficiencies and that in the event of the employee's failure to correct the behavior or deficiency, or if any other inappropriate behaviors or deficiencies occur, the result will be further disciplinary action, e.g., suspension, dismissal, or nonrenewal of contract (refer to Disciplinary Action Checklist attached). The supervisor should meet with the employee, and the employee should be given and allowed to review a formal written reprimand, which the employee will be asked to sign. If the employee refuses to sign, the supervisor shall note this on the reprimand.

In some cases, a suspension may be warranted - If performance problems have not been resolved as a result of repeated disciplinary action or if other severe conditions warrant this action may be imposed prior to disposition of the matter. Consultation with Human Resources is necessary as articulated in process # 1 above. The Director, Human Resources shall be involved in any meeting with an employee recommended for suspension. Suspension may be with or without pay dependent upon circumstances. Suspensions with

pay are predominantly used when further investigation is warranted prior to a disposition and having an employee onsite may pose a greater risk to the organization.

3. Dismissal - If behavior or performance issues persist or a development plan has not resulted in satisfactory performance, or in the event of a serious infraction, then dismissal is warranted. Following discussion/approval by the area Vice President, the supervisor or area administrator in conjunction with the Director, Human Resources or designee, will give notice to the employee at a dismissal meeting. All dismissal plans must be approved by the Area Vice President and Director, Human Resources prior to dismissal. If an employee is to be dismissed, the IT department is notified by Human Resources to disable all accounts and access to offices/buildings may be disabled. All documentation will be filed in the employee's personnel record, maintained by the Human Resources office. At any time during the process the supervisor may consult with the Director, Human Resources, or the College Equity Officer for guidance.

## **V. EMPLOYEE RESPONSIBILITY**

All employees are expected to conduct themselves in a professional manner that promotes a safe, healthful, inclusive and productive work environment. Employees are expected to exhibit a high degree of personal integrity, civility, and professionalism at all times while on the job. This expectation applies to all interactions with coworkers, supervisors, subordinates, customers, vendors contractors, students, and/or visitors. Interactions may be verbal, nonverbal, physical, written, through imagery, electronic or digital means.

## **VI. VIOLATIONS**

The Violations listed below may result in disciplinary action. The list is not inclusive but merely serves to illustrate types of violations. Disciplinary action for major violations of College policies, rules and/or procedures may not follow a progressive disciplinary process.

Disrespectful, unprofessional, and/or uncivil behavior is unacceptable and may result in corrective action. Such behavior includes but is not limited to behaviors that a reasonable person would find embarrassing, offensive, or humiliating, such as:

- Use of profanity or otherwise offensive language or jokes
- Obscene or indecent gestures
- Shouting, yelling or other aggressive behavior
- Degrading, demeaning, humiliating or insulting comments
- Discriminatory remarks
- Racist, sexist or other slurs or symbols
- Name-calling

- Horseplay
- Harassment
- Retaliatory actions
- Personal attacks
- Acts of insubordination

Other types of violations may include:

- Theft from the college, students, or co-workers
- Unauthorized access or use of systems or property belonging to the college or another employee
- Falsifying work documents, including but not limited to employment application information, time and attendance records, or other work-related documents or records
- Untruthfulness
- Willful negligence or refusal to perform assigned duties
- Failure to follow reasonable instructions
- Incompetence
- Illegal gambling on college property
- Possession or drinking alcoholic beverages on college property or at college sponsored events (unless such beverages are sanctioned by the college President)
- Abuse or misuse of prescribed medication which poses a safety risk; possession or consumption of illegal drugs while on duty; consumption of alcoholic beverages while on duty, except at approved College functions, and/or reporting to work or being under the influence of alcoholic beverages or drugs at work
- Misuse or abuse of college rules or procedures
- Absence from work without authority
- Excessive tardiness or absences
- Possession or use of unauthorized firearms or other weapons while on the campus, attending a college event or otherwise performing duties for the college
- Abandonment of position – considered to be not reporting for duty or being away without approved leave for more than three days, without a legitimately acceptable reason

Further, acts that constitute a violation of the College’s Rule 6HX14-1.33 Violence or Threats in the Workplace; 6HX14-2.44 Harassment and Discrimination; or Prohibited Harassment could lead to action up to and including termination.

**STATE COLLEGE OF FLORIDA**  
**Supervisor Discipline Action Checklist**

- Anecdotal Timeline – I gathered and documented the information pertaining to the infraction(s). I investigated and documented (dates, times, what happened, witnesses when warranted, nature of the misconduct, rule or policy violated).
- I consulted with my appropriate Director, Department Chair, Provost/Dean and/or Area VP in consultation with Director, Human Resources.
- I met with the employee to discuss the alleged infraction(s) and provided he/she with an opportunity to respond.
- I drafted the appropriate disciplinary memo (e.g., warning, reprimand, recommendation for suspension or termination) and sent it to Director, Human Resources for review. Memo should contain the following:
  - Dates
  - Times
  - Nature of misconduct
  - Rule(s)/Procedure(s) Violated
  - Type of discipline promulgated.
  - Expectations for moving forward.
  - Consequences for repeated behaviors.
  - Cc: appropriate supervisor(s) and personnel file
  - Place for employee to acknowledge receipt of the memorandum.
- Following Human Resources review, I presented the memo to the employee.
- I sent a signed copy of the documentation to Human Resources for the employee file.