



College of The Albemarle Policy

Policy Number: 3.3.4

Pages: 1 of 4

Title: Discipline Action, Suspension, and Dismissal

Related Policy and Procedures: Policy 3.3.6 Right of Appeal

Division of Responsibility: Human Resources

All disciplinary action is intended to be progressive in nature. However, the type of disciplinary action will be based on the factual situation as well as the nature, severity, and type of offense. If warranted by the facts and situation, even for first time offenses, administrators/supervisors may recommend dismissal.

Except as stated elsewhere in the policy, employees shall receive two (2) warnings for minor performance or conduct issues: first, an oral warning with follow-up documentation from the supervisor to the employee documenting the deficiencies in performance or conduct which were discussed and the improvement(s) required; second, a written warning/reprimand which will serve notice upon the employee that a continuation of the deficiencies in performance or conduct may result in disciplinary action, which may include dismissal.

I. WARNINGS

A. Oral Warnings with Follow-up Documentation

1. The employee's supervisor shall meet with the employee and review with the employee exactly what is expected of them and explain to the employee how they have not met the College's expectations.
2. The supervisor shall provide the employee an opportunity to explain their actions.
3. The supervisor shall make recommendations for corrections and establish a reasonable period of time for the employee to correct the issues.
4. The supervisor shall provide the employee written documentation regarding the oral warning and the College's expectations. A copy of all forms of written documentation including all subsequent letters, shall be included in the employee's personnel file.

B. Written Warnings

After giving an oral warning and allowing for a reasonable period of time to correct the issues outlined in the supervisor's follow-up letter to the employee, if the employee has not corrected the issues, the supervisor shall meet with the employee for the purpose of delivering a written warning. The written warning shall further document the continued issues and shall state that if the employee does not immediately correct the issues, the employee may be subject to additional disciplinary action which could include dismissal. Before issuing to the employee the written warning, Human Resources and any intermediate superior/supervisor shall review the contents of the letter. A copy of the



College of The Albemarle Policy

Policy Number: 3.3.4

Pages: 2 of 4

written warning, and all written documentation including subsequent letters shall also be included in the employee's personnel file.

C. **Serious Misconduct**

For serious misconduct, as determined by the president, an employee may be subject to termination or other disciplinary action without first receiving oral or written warnings.

II. **SUSPENSION**

Suspensions may be used in two ways: as an independent discipline action or in conjunction with an investigation and dismissal proceedings.

A. **Independent Discipline Action**

1. If a supervisor determines an employee's actions warrant suspension, the supervisor shall prepare and provide a written report, with a summary supporting that determination, to the appropriate vice president and Human Resources. The vice president shall review the report and provide his/her written recommendation to the president.
2. The president shall determine whether to suspend an employee with or without pay. The president may make such determination without a recommendation from a supervisor and/or vice president. The president may choose other disciplinary action, too.
3. The president shall meet with the employee and give the employee an opportunity to be heard. After hearing from the employee, the president shall make a determination regarding the suspension, whether it shall be paid or unpaid, and the length of the suspension. The president or the employee's supervisor shall inform the employee of the president's determination. The president shall prepare a follow-up written statement providing the circumstances and facts which led to the suspension. A copy of the letter shall be included in the employee's personnel file. In cases where the employee's continued presence on campus is not in the College's best interest or a health or safety issue, the president may immediately suspend the employee with pay. Prior to changing any paid suspension to unpaid suspension, the president shall meet with the employee and provide the employee with an opportunity to be heard.
4. When an employee is suspended, they shall leave the College property at once and not be allowed to return until the end of the suspension unless authorized by the president.
5. Failure of the employee to report back to work when requested or at the suspension expiration date will be considered a voluntary resignation of employment and any subsequent reinstatement or re-employment shall be on the basis of new employment.



College of The Albemarle Policy

Policy Number: 3.3.4

Pages: 3 of 4

6. An employee does not have the right to appeal the president's decision to impose suspension without pay.

B. Suspension to Allow for an Investigation

The president, or designee, may suspend an employee with pay for up to ninety (90) days while conducting an investigation as to whether the employee engaged in conduct that would warrant dismissal or other disciplinary action. At the end of the ninety (90) day period, the president, or designee, shall dismiss the employee, reinstate the employee or implement another disciplinary action. For good cause, the president, or designee, may extend the ninety (90) day suspension period.

III. DISMISSAL

A. At Will Employees

1. If a supervisor determines an employee's actions warrant dismissal, the supervisor shall prepare and provide a written report, with a summary supporting that determination, to the appropriate vice president who shall, after meeting and consulting with the supervisor and Human Resources, provide the written report to the president. The president may decide to terminate an employee without a recommendation from the immediate supervisor or appropriate vice president.
2. If necessary, the president may suspend the employee pursuant to Section II(B). After reviewing the written report, the president shall either dismiss the matter or meet with the employee and provide the employee with an opportunity to be heard. If, after the meeting, the president decides to dismiss the employee, the president shall provide the employee with written notice of dismissal. The notice shall be included in the employee's personnel file.
3. An employee may appeal the president's dismissal decision to the Board of Trustees pursuant to Policy 3.3.6; however, the dismissal shall not be tolled pending the appeal. The employee's only basis for appeal is if the president's actions were impermissible based on a violation of state or federal law or if the actions were based on the employee's race, religion, color, national origin, sex, sexual orientation, gender identity, age, disability, genetic information, political affiliation, or status as a covered veteran in accordance with all applicable federal, state, and local laws.

B. Contract Employees

1. If a supervisor determines an employee's actions warrant dismissal, the supervisor shall prepare and provide a written report, with a summary supporting that determination, to the appropriate vice president who shall, after meeting and consulting with the supervisor and Human Resources, provide the written report



College of The Albemarle Policy

Policy Number: 3.3.4

Pages: 4 of 4

to the president. If necessary, the president shall suspend the employee pursuant to Section II (B). The president, or designee, may further investigate the alleged conduct.

2. At the conclusion of the investigation and after review of the written report, the president shall either dismiss the matter or meet with the employee and present him/her with a written notice of charges and provide the employee with an opportunity to respond. If, after the written notice of charges meeting, the president decides to dismiss the employee, the president shall provide the employee with written notice that the employee is being dismissed and the reasons for the dismissal. The notice shall be included in the employee's personnel file.
3. An employee may appeal the president's decision to impose dismissal to the Board of Trustees pursuant to Policy 3.3.6 Right of Appeal; however, the dismissal shall not be tolled pending the appeal.
4. For serious misconduct, the president may skip any of the procedures in subsection 1 and immediately meet with the employee and provide a written notice of charges.

C. Eligibility for Rehire

1. If any employee is dismissed from their College employment, they may be ineligible for rehiring. Human Resources will verify eligibility for rehire before activating an employment application.

June 13, 2023

June 13, 2023

N/A

Date Approved by Board of Trustees

Date of Last Review

Date of Last Revision