

# CONCORD UNIVERSITY BOARD OF GOVERNORS

## **Policy No. 49**

### **Policy on Disciplinary Action**

**Effective Date: 05/10/2012**

#### **Section 1. GENERAL**

1.1. Scope: This policy establishes a policy and procedures related to a progressive disciplinary process for all Concord University faculty and classified staff.

1.2. Authority: WV Code 18B

1.3. Effective Date: May 10, 2012

1.4. Approved by: Concord University Board of Governors and the West Virginia HEPC

#### **Section 2. PURPOSE**

2.1 To establish a progressive disciplinary process to ensure that discipline is fair and consistent and that employees are placed on notice regarding problems with performance and allowed an opportunity to make improvements.

#### **Section 3. DEFINITION**

3.1 Disciplinary action consists of progressive steps taken when an employee does not meet the established performance standards and/or commits an offense contrary to the policies of the University. This action should be reasonable, timely, and related to the severity of the offense. Discipline must be reviewed with the Director of Human Resources prior to action.

#### **Section 4. RESPONSIBILITY**

4.1 The immediate supervisor and/or the head of the department is responsible for: 4.1.1 documenting the reasons for disciplinary action; 4.1.2 notifying the employee of unsatisfactory performance, preferably in person; 4.1.3 initiating disciplinary action; 4.1.4 meeting with the employee to discuss and establish goals and standards to be achieved; and 4.1.5 documenting an employee's compliance or non-compliance with the established goals and standards.

4.2 In cases of discipline, the supervisor is to recommend the appropriate action with the advice and assistance of the Office of Human Resources.

4.3 The final decision to suspend or terminate any employee for disciplinary reasons rests with the President or his/her designee.

#### **Section 5. TYPES OF ACTIONS**

5.1 Except in situations of immediate suspension or dismissal, the following disciplinary procedures should be undertaken sequentially:

5.1.1 Oral Counseling 5.1.1.1 Oral counseling should be initiated for any offenses not addressed in Section 5.2. 5.1.1.2 Documentation memorializing the situation should be kept in the employee's Human Resource personnel file. 5.1.1.3 Oral counseling records that are relevant and timely may be used in recommending suspension and/or termination.

5.1.2 Written Counseling 5.1.2.1 If oral counseling does not correct the situation, a supervisor shall give the employee written counseling. 5.1.2.2 When written counseling is issued, and the employee cannot or will not sign, a signature of a witness to the incident is to be obtained. 5.1.2.3 Documentation shall be forwarded to the Office of Human Resources to be included in the employee's personnel file. 5.1.2.4 A written counseling letter shall remain permanently in the employee's file, but shall remain active for one (1) year after its issuance.

5.1.3 Suspension 5.1.3.1 A suspension of one (1) to fifteen (15) days may be initiated under the following conditions: Recurrence of habitual infractions for which the employee has received oral and written counseling; or An offense addressed in Section 5.2.

5.1.4 Discharge/Dismissal 5.1.4.1 An employee may be dismissed under the following conditions: Non-improvement in work performance after proper training and/or discipline by use of oral or written counseling; Gross violations for which the employee has recently been suspended; and/or An offense addressed in Section 5.2.

5.2 Some infractions may warrant immediate suspension or dismissal, such as: (a) Theft of or malicious damage to University property; (b) Gross insubordination, including willful and flagrant disregard of a legitimate order; (c) Improper use or possession of illegal narcotics, consumption or possession of alcoholic beverages, except as allowed at sanctioned University events, or appearing at work under the influence of alcohol or narcotics; (d) Use or possession of firearms, explosives, or any blade over three and a half (3 ½) inches on University property without University authorization; (e) Conviction of a crime that could seriously affect the employee's work performance or the University; (f) Deliberate falsification of employment application or other University records or any violation of the West Virginia Governmental Ethics Act or the Rules of the West Virginia Ethics Commission; (g) Regular, intentional, unauthorized obstruction or disruption of teaching, research, or administration; (h) Assault, battery, or physical abuse of persons on University property or at any University authorized function or event; (i) Setting unauthorized fires; (j) Absence for three consecutive work days without notification or reasonable cause for failure to notify; (k) Stealing from fellow employees or others on University property; (l) Sexual harassment as defined in Board Policy No. 37 or sexual assault; and/or (m) Nothing in this list is intended to nullify the procedural rule of the West Virginia HEPC at Title 133, Series 9, Section 12 regarding dismissal of faculty.

## Section 6. SUSPENSION CONFERENCE

6.1 An employee who has been suspended for disciplinary reasons may request

a suspension conference. The purpose of this conference is to provide an opportunity for the suspended employee to present any additional information relating to the incident or action under review as follows:

6.1.1 A request must be made to the Office of Human Resources for a suspension conference within twenty-four (24) hours from the time the employee was notified in writing of the suspension.

6.1.2 The conference will be conducted by the Director of Human Resources within the next three working days. The employee may bring a representative to assist him/her during the conference.

6.1.3 Information obtained during the conference will be presented to the President (or designee) for final written decision to uphold, modify, or repeal the recommended suspension.

## **Section 7. PRE-TERMINATION CONFERENCE**

7.1 An employee who has been recommended for termination for disciplinary reasons may request a pre-termination conference. The purpose of this conference is to provide an opportunity for the employee to present any additional information relating to the incident or action under review as follows:

7.1.1 A written request must be made to the Office of Human Resources for a pre-termination conference within twenty-four (24) hours from the time the employee was notified in writing of the recommendation.

7.1.2 The conference will be conducted by the Director of Human Resources within the next three working days. The employee may bring a representative to assist him/her during the conference.

7.1.3 All information obtained during the conference will be presented to the President (or designee) for a final written decision to uphold, modify, or repeal the recommendation.

## **Section 8. GRIEVANCES**

8.1 Grievance procedures at Concord University are governed by West Virginia State Code 6C-2-1 and the Procedural Rules at 156 CSR 1. A complete copy of this portion of the State Code and the Procedural Rules may be obtained from the Human Resource Office.