

## **V: 01:14      Discipline and Corrective Action**

### **I.      PURPOSE**

The purpose of this policy is to provide a structured process for documenting, addressing and, where possible, correcting poor job performance and/or unacceptable workplace conduct.

### **II.     SCOPE**

This policy applies to all full-time, part-time regular and temporary non-faculty employees, including those employed through a grant to the College unless provisions of the grant specify otherwise, and all faculty and adjunct instructors.

Temporary staff employed through an external placement agency and student workers employed through federal/state work-study programs or other awards of financial aid are also subject to this and all College policies.

Nothing in this policy creates or alters the employment relationship with the College as set forth in [TBR Policy 5:01:00:00, General Personnel Policy](#), [College Policy V:01:01, General Personnel Policy](#) or [College Policy II:01:00, Academic Tenure](#). Where any provision of this policy conflicts with any provision(s) in those policies, the aforementioned policies will control.

Allegations of discrimination, harassment and sexual misconduct will be investigated pursuant to [College Policy VIII:04:00, Discrimination and Harassment](#), or [VIII:05:00, Sexual Misconduct](#), whichever applies.

### **III.    GENERAL POLICY**

It is the duty and responsibility of every employee, both faculty and staff, to know and abide by all College and Tennessee Board of Regents (TBR) policies, procedures and rules, as well as to know and understand his/her job responsibilities and the expectations for successfully fulfilling those obligations.

When poor job performance or unacceptable workplace conduct occurs, the College will take appropriate steps to correct it.

Discipline/corrective action may begin at any level of intervention that is reasonably determined to correct the problem, depending on the nature and severity of the conduct or performance at issue, and steps may be skipped or combined. In determining which level of sanction is appropriate, the College may consider factors including, but not limited to, the nature, severity, or frequency of the offense, its impact on others or the institution, the offending employee's length of service, prior work/discipline record at the College and/or the College's past precedent in resolving similar issues.

When appropriate, and in the combined sole discretion of the employee's supervisory chain of command and the Office of Human Resources, the College will attempt to identify corrective measures to assist employees in improving job performance or workplace conduct and afford employees a reasonable statement of expectations and amount of time in which to make necessary improvements. Ultimately,

however, it is an employee's responsibility to achieve and maintain acceptable job performance and workplace conduct at all times.

Except for the informal discussion, all levels of discipline/corrective action require consultation with the Office of Human Resources before any formal action is enforced. No supervisor has the authority to impose a disciplinary sanction or terminate the employment of an employee on his/her own authority. All recommendations for termination must be approved by the President through the Office of Human Resources.

When a recommendation to terminate faculty with tenure or faculty serving under a tenure-track appointment occurs, [TBR Policy 5:02:03:70, Academic Tenure for Community Colleges](#), and [College Policy II:01:00, Academic Tenure](#), shall apply, and the Office of Human Resources should be consulted before any action is taken.

#### **IV. DISCIPLINARY SANCTIONS/CORRECTIVE ACTION**

- A. General Disciplinary Sanctions – The College will generally observe a system of progressive disciplinary sanctions. Exceptions may occur, when warranted, due to the nature and severity of the relevant disciplinary offense, as outlined in Section III of this policy. Sanctions may include:

- Informal Discussion
- Verbal Warning
- Written Warning
- Separation Warning
- Termination of Employment

In addition, other measures, including but not limited to suspension without pay, demotion, transfer or revocation of certain privileges, may be imposed in conjunction with a disciplinary sanction when deemed appropriate.

- B. Employee Disciplinary History – Records of discipline/corrective action shall be maintained in an employee's personnel file in the Office of Human Resources. An employee's prior record of discipline/corrective action may be considered in determining the appropriate response to a new performance failing or disciplinary violation. Generally, the following guidelines shall be observed:
1. New disciplinary offenses or performance failings that occur within three (3) years following the conclusion of a prior disciplinary action or performance improvement plan (PIP) will be subject to the next highest level of disciplinary/corrective action.
  2. New disciplinary offenses or performance failings that occur more than three (3) years but less than five (5) years following the conclusion of a prior disciplinary action or PIP may be subject to the next highest level of disciplinary/corrective action.
  3. New disciplinary offenses or performance failings that occur more than five (5) years following the conclusion of a prior disciplinary action or PIP will usually not be considered when determining the appropriate level of intervention for any performance or conduct issue.
  4. Disciplinary/corrective action taken as a result of a violation of the College's discrimination, harassment or sexual misconduct policies shall be considered as a prior disciplinary offense in

relation to any subsequent new disciplinary offense or performance failing for the remainder of the employee's employment at the College.

5. A prior history of conduct violations or poor job performance occurring at any point in an employee's term of employment at the College may be properly considered in any future employment decision, including decisions affecting promotion and/or transfer for an employee. Such history may also form all or a part of the basis to exclude an employee from re-employment after separation from the College.

## **V. STANDARDS OF CONDUCT**

### **A. Attendance**

1. Regular attendance, which means consistently being present at the worksite by the prescribed start time, is an essential function of every employee's job.
2. An employee should report absences and tardiness according to the procedures established by his/her supervisor or department.
3. Approved leave, including use of regular annual or sick leave, is subject to the applicable leave policy of the College.
4. Approved leaves of absence, including approved leave under the Family and Medical Leave Act, may involve differing processes, approvals, and/or reporting, when an absence is related to either continuous or intermittent leave. Employees and supervisors should consult with the Office of Human Resources to determine the appropriate procedures for reporting absences in each particular circumstance.

### **B. General Performance Concerns and Misconduct**

1. Unacceptable job performance and/or conduct that may result in a disciplinary sanction in conjunction with, or in lieu of, a PIP may include, but are not limited to:
  - a. Insubordination;
  - b. Failure to consistently or satisfactorily perform job duties or meet minimum job performance expectations;
  - c. Violation of any College or TBR policy;
  - d. Failure to achieve a satisfactory rating on an introductory or annual performance evaluation;
  - e. Achieving a less than satisfactory rating on two (2) or more successive annual performance evaluations;
  - f. Failure to satisfy the terms and conditions of a performance improvement plan (PIP);
  - g. Failure to report for duty for more than three (3) consecutive business days without giving notice to the appropriate College authority;
  - h. Failure to report for duty within two (2) business days after the expiration of any authorized leave of absence, absent unusual circumstances;
  - i. Flagrant violation of safety rules;
  - j. Illegal possession of prohibited weapons on College property;
  - k. Improper use of College time;
  - l. Unauthorized or inappropriate use of College computer, email or telephone systems or other College equipment;

- m. Unauthorized use or release of confidential information acquired through work assignments, including information protected by the Family Educational Rights and Privacy Act (FERPA);
- n. Failure to provide necessary official transcript(s) and/or proof of required licensure within the stated timeframe;
- o. Misrepresentation of qualifications or credentials, or other omission of facts, on the employment application.

C. Acts of Gross Misconduct

1. In accordance with [TBR Policy 5:01:00:00, General Personnel Policy](#), and [College Policy V:01:01, General Personnel Policy](#), immediate disciplinary action, up to and including termination, shall be taken in cases of gross misconduct. Gross misconduct may include, but is not necessarily limited to:

- a. Any act or omission which may seriously disrupt or disturb the normal operation of the College;
- b. Any work-related conduct which would subject the employee to criminal conviction;
- c. Theft or dishonesty;
- d. Gross insubordination;
- e. Destruction of College property;
- f. Falsification of records;
- g. Acts of moral turpitude;
- h. Reporting for duty under the influence of intoxicants;
- i. The illegal use, manufacture, possession, distribution, or dispensing of controlled substances or alcohol;
- j. Disorderly conduct;
- k. Provoking a fight;
- l. And/or such other similar acts involving intolerable behavior by the employee.

TBR Source: 5:01:00:00, June 25, 1976; March 4, 1977; June 26, 1981; September 18, 1981; September 30, 1983; September 16, 1988; March 17, 1989; September 21, 1990; December 7, 1990; March 19, 1993; September 20, 1996; December 6, 1996; June 20, 1997; June 29, 2001; March 15, 2002; December 5, 2003; September 24, 2004; March 30, 2007; September 26, 2008; June 19, 2009 to take effect July 1, 2009; June 24, 2010; Revised September 20, 2013; Revised at Board Meeting June 20, 2019. 5:02:03:70, TBR Meeting April 2, 2004; Revised Sept 4, 2018. Revised TBR Board September 19 & 20, 2019.

VSCC Source: V:01:01: November 4, 1988, November 3, 1998, President; January 8, 2009, President's Cabinet; January 7, 2019, President's Cabinet; September 9, 2019; II:01:00: July 5, 1989, President; December 15, 1993; President; July 21, 1999, President; June 1, 2004, President; October 20, 2008, President's Cabinet (received TBR Approval, 10/28/08); VIII:04:00: President's Cabinet, 09/25/2014; President's Cabinet, 04/03/2017; VIII:05:00: President's Cabinet, 09/25/2014; President's Cabinet, 04/03/2017; November 11, 2019, President's Cabinet