

Section: GENERAL INFORMATION
Subject: Discipline and Discharge
Number: HR 3235

I. Institutional Regulations

- A. Discipline and/or discharge of employees may be imposed due to poor work performance or employee misconduct. Employee misconduct may include, but is not limited to, violation of law, College policy or procedure, or commonly accepted standards of behavior or safety.
- B. When determining the type of discipline to be imposed, considerations may include, but shall not be limited to, the seriousness and/or frequency of the work performance or conduct problem(s) and the record and service of the employee.
- C. Discipline is intended to be remedial in nature and shall serve to communicate and document the existence of a problem and the expected remediation.
- D. Discipline shall be treated as a confidential personnel matter and information related to the action shall be shared only on a need-to-know basis.
- E. The College works to promote progressive discipline; however, discharge may be imposed at any time during an employee's employment agreement, continuing contract or employment with the College.

II. Procedure

- A. Nondisciplinary Actions - Some work performance or conduct problems may not immediately warrant disciplinary action. In these situations, the supervisor may provide informal counseling; or issue a written clarification of performance or conduct standards; or conduct an unscheduled performance evaluation; or refer the employee to the employee assistance program. If these measures do not correct the problem, discipline may result.
- B. Discipline Investigation
 - 1. Before disciplinary action is taken, the supervisor shall investigate the matter, verifying any alleged performance or conduct problem that has not been directly observed, and shall provide the employee with an opportunity to respond.
 - 2. Third Party Presence
 - a. An employee shall have the right to request the presence of a third party as a witness at any investigatory interview the employee reasonably believes may result in disciplinary action. The supervisor is not required to inform the employee of this right.
 - b. If an employee requests the presence of a third party, the supervisor may grant the employee's request or cancel the meeting. If the employee requests an attorney as his/her witness, the supervisor shall contact Human Resources before responding to the employee's request.
 - c. If an employee's request for a witness is granted, the investigatory meeting shall be delayed or rescheduled so that the witness can be present, as long as the delay or rescheduling request is not unreasonable.
 - 3. Administrative Leave During Investigation - An employee may be placed on Administrative Leave while an investigation is being conducted. If placed on Administrative Leave pending the completion of an investigation, the leave shall be with pay. When on Administrative Leave with Pay, the employee shall provide a phone number where s/he may be reached during regular work hours.

C. Disciplinary Actions

1. Oral Reprimand - When an oral reprimand is given, the supervisor shall advise the employee that the discussion constitutes an oral reprimand. An oral reprimand shall not be documented in the employee's personnel file but the supervisor shall keep a supervisory notation of the discussion in the event further disciplinary action is necessitated.
2. Written Reprimand - A written reprimand shall be documented on a Notice to Remedy form (P-33) or in a memo and given to the employee. A copy shall be placed in the employee's personnel file.
3. Suspension
 - a. If, following an investigation, the supervisor believes a suspension is warranted, the matter shall be referred to Human Resources for review prior to taking the disciplinary action. If approved, the supervisor shall give a written notice of the suspension to the employee, listing the reason(s) for the suspension, the effective date, the duration and the return to work date. A copy of the written notice shall be placed in the employee's personnel file.
 - b. A suspension may be with or without pay. If suspended without pay, an exempt employee may be suspended only in full day increments.
 - c. If suspended, an employee may request an opportunity to be heard by the President. The President may authorize a designee to hear the matter, except for requests from employees with continuing contracts. These requests shall be heard by the President.
 - 1) An employee must make the request to be heard in writing and submit it to the Executive Assistant to the President within 5 working days of receipt of the notice of suspension.
 - 2) The meeting must be held within 20 working days of the employee's request unless the parties mutually agree to extend the date.

D. Discharge

1. Regular Employees. If the severity of the alleged offense is such that discharge may result, the supervisor shall involve the appropriate Vice President or other direct report to the President and the Executive Director, Human Resources during the investigation. If discharge is recommended by the supervisor and administrators, the recommendation shall be reviewed and approved by the Executive Director, Human Resources prior to taking the disciplinary action.
 - a. Employees With Continuing Contracts - If a recommendation for discharge is approved by Human Resources, Iowa Code, Chapter 279 termination procedures shall be followed, even if the employee with the continuing contract is not covered by Chapter 279.
 - b. Employees Without Continuing Contracts
 - 1) If a recommendation for discharge is approved by Human Resources, the supervisor shall give the employee written notice of the discharge. The letter of discharge shall include the reason(s) for the discharge and the effective date.
 - 2) After receiving a letter of discharge, an employee may request an opportunity to be heard by the President. An employee must make the request in writing and submit it to the Office of the President within 5 working days of receipt of the notice of discharge. The President may authorize a designee to hear the matter.
 - 3) The meeting with the President or designee shall be held within 20 working days of receipt of the request unless the parties mutually agree to extend the date. A written response shall be issued to the employee within 5 working days of the meeting.

- 4) If an opportunity to be heard is not requested, or if the discharge is upheld by the President or designee following the opportunity to be heard, the supervisor shall initiate a Separation of Employment Form and submit it, along with a copy of the letter of discharge to Human Resources.
2. Temporary, Adjunct, and Student Employees. If discharge is recommended by the supervisor, the recommendation shall be reviewed and approved by the Executive Director, Human Resources prior to taking the disciplinary action.

APPROVED:



Executive Director, Human Resources

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