

## **DISCIPLINARY ACTION ADDRESSING SUSPENSION AND DISMISSAL- BP 2.9**

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### **DISCIPLINARY ACTION ADDRESSING SUSPENSION AND DISMISSAL**

Employee disciplinary action or corrective action for unsatisfactory job performance, misconduct or non-adherence to College procedures and other established standards shall generally be imposed on a progressive and consultative basis through the supervising manager and immediate supervisor.

The College shall reserve the right to identify particular offenses, failures or wrongful conduct considered as prohibited employee conduct subject to immediate disciplinary action up to and including dismissal regardless of prior performance.

The President shall ensure that employees receive an appropriate orientation that covers their rights and responsibilities and the disciplinary actions that might result from unsatisfactory job performance, misconduct or non-adherence to College procedures.

Disciplinary actions up to and including suspension or dismissal may be taken by action of the President in response to the prohibited conduct or as a consequence of any other employee offense or failure deemed unacceptable and detrimental to the College.

By way of example and not limitation, employees must not engage in any of the following actions:

1. Falsification of personnel or other College records or documents or obtaining employment on the basis of false or misleading statements;
2. Refusal or inability to perform assigned duties, including the duties and responsibilities imposed on an employee by the NCGS, deliberately neglecting assigned duties or poor, careless or inefficient performance of duties;
3. Repeated discourtesy to or difficulty in dealing with students, fellow employees or the public;
4. Theft from the College, fellow employee, student or member of the public;
5. Acceptance or solicitation of any gift, favor or service that might reasonably tend to influence an employee or others in the discharge of duties;

6. Violation of safety practices, negligence or intentional conduct which results or could result in damage to College property or serious injury to self or others;
7. Failure to report to work, being absent from work without timely notification of the supervising manager, repeatedly being late to work or in reporting back to work following breaks or unauthorized leaving of College premises during working hours;
8. Disclosure of confidential information;
9. Willful or unnecessary waste, damage, abuse or misuse of equipment, materials, supplies or other College property or that of others, or removing equipment, materials, supplies or other property from College premises without authorization;
10. Possession of weapons, ammunition, firearms, fireworks or other explosives on College premises;
11. Insubordination to the supervising manager(s), immediate supervisor(s) or other leadership personnel;
12. Using vulgar, profane or abusive language toward others;
13. Provocation or instigation of a fight or fighting on or off College premises, while engaged in College duties or participating in any College-sponsored activity or event;
14. Falsification of hours worked or omission of information requested on College documents or records;
15. Gambling on College premises;
16. Poor personal hygiene or creating or contributing to unsanitary conditions;
17. Allowance directly or indirectly of anyone other than College employees and other authorized persons to drive or ride in College-owned vehicles or using a College-owned vehicle or equipment without authorization;
18. Commission of a felony or a crime involving moral turpitude;
19. Use College property, resources or labor for personal gain;
20. Failure to adhere to the proper chain of command with regard to reporting concerns, seeking information or addressing issues;
21. Failure to adhere to Board Policies or any other rules and regulations applicable to the employees of the College, including those established and set forth by the President, including:
  - Acceptable Use of Technology Resources
  - Conflict of Interest
  - Drug and Alcohol Use
  - Equal Opportunity and Non-Discrimination
  - Intellectual Property
  - Sexual and Other Unlawful Harassment

#### Special Rules Relating to Leave Under this Policy

Any employee suspected of violating this Policy may be placed on administrative leave with pay in the discretion of the President. An employee may be suspended without pay prior to any required pre-disciplinary conference by the President in emergency or extraordinary situations (for example, in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons). In the event of an employee's suspension without pay, the employee shall be required to leave the College premises at once.

In the event of an employee's suspension without pay is for disciplinary reasons, benefits generally will not accrue or be recoverable during the suspension period. Where the suspension terminates with full reinstatement of the employee, the employee will be restored to all pay and benefits applicable to his or her job, to resume as of the date of reinstatement. If, following a contractual employee's disciplinary conference, a determination is made that the suspension of the employee without pay was improper, the employee will be reinstated to his or her position, and all pay and benefits applicable to his or her job (including back pay, leave time, or other benefits) that would have accrued had the employee not been suspended without pay will be restored.

#### Right to Appeal

Employees shall have the right to appeal disciplinary action. The President is authorized to implement reasonable procedures necessary to preserve employees' appeal rights.

[Return to Table of Contents](#)