

HAYWOOD COMMUNITY COLLEGE	HUMAN RESOURCES DISCIPLINARY ACTION, SUSPENSION AND DISMISSAL	Policy 3.3.4
--------------------------------------	--	-----------------

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 for serious misconduct and performance issues and as stated elsewhere in the policy, employees shall receive two (2) warnings for minor performance or conduct issues: first, an oral warning with a follow-up letter 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 Letter

1. The employee's supervisor shall meet with the employee and review with the employee exactly what is expected of him/her and explain to the employee how s/he has not met the College's expectations.
2. The supervisor shall provide the employee an opportunity to explain his/her 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 a letter regarding the oral warning and the College's expectations. A copy of the letter, and 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, the President, Human Resources, and any intermediate

superior/supervisor shall review the contents of the letter. A copy of the written warning, and all subsequent letters, shall also be included in the employee's personnel file.

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. The President has the authority to suspend an employee with or without pay as a disciplinary action and may delegate this authority to a Vice President or other College administrator. The President or designee may make such determination without a recommendation from a supervisor and/or Vice President. The President or designee may choose other disciplinary action, too.
2. Before suspending an employee as a disciplinary action, the President or designee shall meet with the employee and give the employee an opportunity to be heard. After hearing from the employee, the President or designee shall make a determination regarding the suspension, whether it shall be paid or unpaid and the length of the suspension. The President or designee 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.
3. When an employee is suspended, s/he shall leave the College property at once and is not allowed to return until the end of the suspension unless authorized by the President.
4. Failure of the employee to report back to work when requested, or at the suspension expiration date, will be considered a voluntary resignation of his/her employment and any subsequent reinstatement or re-employment shall be on the basis of new employment.
5. If the decision to suspend an employee without pay is made by the President's designee, the employee may appeal the decision to the President; however, the suspension without pay will not be tolled pending the appeal. Any appeal must be received in writing by the President within five (5) business days. The President's decision is final and may not be appealed to the Board of Trustees.

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 his/her investigation as to whether or not the employee engaged in conduct that would warrant dismissal or other disciplinary action. At the end of the ninety (90) day period, the President shall dismiss the employee, reinstate the employee or implement another disciplinary action. For good cause, the President may extend the ninety (90) day suspension period. An employee may not appeal a suspension with pay.

III. DISMISSAL

A. At Will Employees

1. At-will employees may be terminated on any basis that is not discriminatory or otherwise unlawful. The President has authority to terminate at-will employees and may delegate this authority to any Vice President or other College administrator.
2. If a supervisor determines that an employee's actions warrant dismissal, the supervisor shall recommend the dismissal of the employee to the appropriate Vice President.
3. If necessary, the President or designee may suspend the employee pursuant to Section II (B). Before approving the supervisor's recommendation and dismissing the employee, the President or designee shall meet with the employee and provide the employee with an opportunity to be heard. If, after the meeting, the President or designee decide to dismiss the employee, the President or designee shall provide the employee with written notice of dismissal. The notice shall be included in the employee's personnel file.
4. If the President's designee made the decision to dismiss an employee, the employee may appeal the decision to the President. Any request for appeal must be submitted in writing and received in the President's office within five business (5) days. The President may choose to meet with the employee or render a decision based on the written record. An employee may appeal the President's decision to impose or uphold dismissal 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 based on Impermissible Grounds (as defined in Policy 3.3.5) in violation of state or federal law.

B. Contract Employees

1. The President has authority to dismiss a contract employee pursuant to the provisions of this section. The President may delegate this authority to a Vice President or another College administrator.

2. If a supervisor determines that an employee's actions warrant dismissal, the supervisor shall recommend termination to the appropriate Vice President who shall, after meeting and consulting with the supervisor and Human Resources, provide the recommendation to the President. If necessary, the President or Vice President shall suspend the employee pursuant to Section II (B). As necessary, the President or designee may further investigate the matter.
3. At the conclusion of any investigation and after review of the recommendation, the President or designee 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 or designee 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. If a Vice President made the decision to dismiss an employee, the employee may appeal the decision to the President. Any request for appeal must be submitted in writing and received by the President's office within five business (5) days. The President may choose to meet with the employee or render a decision based on the written record. An employee may appeal the President's decision to impose or uphold dismissal 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 dismissal is impermissible based on a violation of state or federal law.
4. For serious misconduct and performance issues, the President may skip any of the procedures in subsection 1 and immediately meet with the employee and provide a written notice of charges.

Adopted: 04-03-2017

Revised: 03-05-2024

Cross Reference: Policy 3.3.6 – Right of Appeal.