

WESTERN NEBRASKA COMMUNITY COLLEGE

Administrative Procedure

TITLE:	Discipline Procedure
DIVISION:	Human Resources
CATEGORY:	Personnel
REFERENCE:	BP-426 (Discipline Policy)
NUMBER:	AP-426
DATE OF APPROVAL:	October 6, 2022
APPROVAL:	John Marrin, Interim President

Purpose

As established in Board Policy 426 (Discipline Policy), Western Nebraska Community College expects all employees to be aware of and follow applicable policies and procedures to help ensure the well-being of students, faculty, staff, and visitors and to support productive and efficient College operations. The College expects all employees in the performance of their job duties to comply with all institutional requirements as well as the requirements of federal, state, and local laws; external regulatory entities; and accreditors.

This procedure sets forth the process for addressing and providing an opportunity to correct single and repeat instances of failure to comply with applicable policies and procedures and/or failure to meet specific workplace expectations for work performance, behavior, and conduct. Failure to comply with policies and procedures and unacceptable work performance, behavior, and conduct may be addressed pursuant to this procedure and/or under BP-411 (Employee Performance Review), AP-411 (Administrative Professional Support Staff Evaluation), and AP-412 (Faculty Evaluation), and all other applicable policies dependent upon the nature of the specific circumstances of each situation.

Conduct Covered by this Procedure

Any type of behavior or conduct that impedes the efficient operation of the College, reflects adversely on the College, is contrary to the College's policies or procedures, or falls below the level of acceptable conduct expected by the College in its discretion is prohibited. The College expects employees to exercise sound judgment and discretion while performing their job duties. Examples of conduct covered by this procedure that may result in discipline are provided below (this is a non-exhaustive list as it is impossible to contemplate every conceivable action or scenario that may result in discipline):

- conduct that violates the College's policies, procedures, or standards of conduct
- conduct that violates federal, state, or local laws, or applicable procedures, regulations, or guidance of external entities applicable to College operations
- misuse of fiscal resources or unlawful taking of College property

- unauthorized disclosure of confidential information
- failure to meet work performance or conduct standards
- failure to satisfactorily complete performance improvement measures

Any action taken in an individual case or situation does not establish a precedent in other circumstances.

Job Descriptions

Each position at the College has a job description that should be kept up to date with primary duties and essential functions. Job descriptions are intended to present a descriptive list of the range of duties performed by employees but are not intended to reflect all duties performed within the job. Job descriptions can change over time and employees may be asked to perform functions and tasks not listed in their job descriptions.

It is the responsibility of the employee to perform their assigned duties and meet expected work performance standards. If an employee fails to meet these standards, it is the responsibility of the supervisor to address the issue with the employee according to this procedure.

Procedure

The purpose of a discipline procedure is to provide a means of correction for job related behavior and performance problems. The discipline procedure shall consist of the following levels:

- Level I: Verbal Notice
- Level II: Written Notice, which may or may not include a Performance Improvement Plan
- Level III: Final Written Notice, which must include a Performance Improvement Plan
- Level IV: Termination of Employment (Termination of continuing contract faculty shall be done pursuant to Nebraska Revised Statute §85-1528 regarding proof of just-cause for termination.)

A disciplinary action may begin on any level based upon the severity of the offense(s). At the request of Human Resources, legal counsel may be involved at any level of discipline.

It is the College’s expectation that most situations will be resolved through an informal conversation or discussion between the supervisor and the employee. However, progressive discipline is available if informal conversations are unsuccessful or inappropriate given the nature of the situation. The process not only requires employee commitment to improve, but also a commitment by the supervisor to assist the employee in improving their behavior or performance. Such supervisor commitment may include more frequent interaction between the employee and supervisor, additional training or course work, peer tutoring, counseling sessions, or other activities which lead to improved performance and behavior. Ultimately, the employee is responsible and accountable for their performance and behavior.

Progressive discipline assists employees by being clear and precise about problems and the consequences if the same or other problems or misconduct occur. The College endeavors to apply discipline in a fair and consistent manner, after having considered all factors of the situation.

In most instances, supervisors are responsible for initiating the disciplinary process and play a critical role in administering discipline in a fair and consistent manner. The supervisor must have a full understanding of the facts and circumstances before assessing appropriate discipline. Many situations

may be resolved through verbal counseling or discussion with the employee; however, some one-time incidents may be severe enough to merit a formal written warning, final warning, or termination. The seriousness of the offense and the employee's disciplinary and performance history will be considered when determining the level of discipline to be applied. However, discipline shall not be a prerequisite for the College to exercise its right to terminate an employee. Suspension, with or without pay, may be implemented if warranted.

Employees will have an opportunity to provide relevant information for review and consideration prior to final disciplinary decisions and documentation in Levels II-IV. Such information must be submitted within seven (7) days of receiving notification of impending disciplinary action. If the incident warrants immediate suspension, with or without pay, the employee continues to have seven (7) days to provide any relevant information for review and consideration, but the disciplinary action will not be forestalled in anticipation of receipt of the information.

If disciplinary action is determined to be the necessary outcome, the supervisor will complete a Disciplinary Action Form (Appendix A) and a Performance Improvement Plan (PIP) if applicable (Appendix B), and review the documentation with the employee, who is expected to make immediate and sustained improvement. Failure to do so may lead to further disciplinary action, up to and including termination.

Employees shall have the opportunity to provide a written response to the written notice within seven (7) days of receiving the form.

A. Level I: Verbal Notice

In many situations a verbal warning or counseling is sufficient. The purpose of a verbal warning is to clarify policies, procedures, and/or expectations.

Prior to issuing a verbal warning, supervisors are responsible for conducting a fair and objective assessment of the situation. As a general matter at this step in the process, the supervisor should review and obtain available information; identify the specific policy, procedure, or expectation that was violated; review how the employee was made aware of the policy, procedure, or expectation that was violated; and have a conversation with the employee about the situation to hear their explanation and determine if there are any extenuating or mitigating circumstances. The impact of the incident or violation should also be taken into consideration.

After the supervisor has taken the above steps and determines that the situation warrants a verbal warning, the supervisor should meet with the employee and deliver the verbal warning. The supervisor should then document for their records that the conversation occurred and the outcome of the conversation. A copy of the documentation shall be maintained in the employee's personnel file in Human Resources.

The Human Resources department is available for consultation, if necessary.

B. Level II: Written Notice

If the conduct addressed by a verbal warning is repeated or if new violations or problems occur, the employee may be issued a written warning. However, it is also possible that a single incident may warrant a written warning based on the seriousness or severity of the situation.

In each instance, the first step in the written warning process is for the supervisor to contact and discuss the situation with Human Resources. Human Resources is available to consult, provide guidance and assist with an assessment, if necessary. If a determination is made that a formal written warning is appropriate, the supervisor shall work with Human Resources to prepare a written warning, which generally includes a description of the unacceptable conduct; the policy, procedure, or expectation violated; and an outline of future expectations, which may or may not include a performance improvement plan.

All written warnings need to be authorized by Human Resources before they are issued to an employee. A copy of the written warning shall be maintained in the employee's personnel file in Human Resources.

A Level II Written Notice may be utilized without having first given a Level I Verbal Notice.

C. Level III: Final Written Warning

If the conduct addressed in the written warning is repeated or if new violations or problems occur, discipline may progress to a final written warning. However, a single incident may be so severe as to merit an immediate final written warning.

Supervisors shall contact Human Resources if they believe a situation may warrant a final written warning. A similar assessment process as set forth in the written warning section above will be followed.

If a determination is made that a final written warning is appropriate, the supervisor shall work with Human Resources to prepare the document, which generally includes a description of the unacceptable conduct; the policy, procedure, or expectation violated; and an outline of future expectations. Action taken at this level must include a performance improvement plan.

All written warnings need to be authorized by Human Resources before they are issued to an employee. A copy of the written warning shall be maintained in the employee's personnel file in Human Resources.

A Level III Final Written Notice may be utilized without having first given a Level I Verbal Notice or Level II Written Notice.

The President will be informed of **all** action taken at Level III.

D. Level IV: Termination of Employment

Employment may be terminated based on progressive discipline or based on the severity of a single incident. Termination of continuing contract faculty shall be done pursuant to Nebraska Revised Statute §85-1528 regarding proof of just-cause for termination.

Misconduct that involves a violation of the law, is or creates a significant risk to College operations, endangers the safety or wellbeing of oneself or others, or constitutes an act of dishonesty is grounds for immediate termination of employment. Examples of misconduct that may warrant termination include, but are not limited to, violence or threats of violence in the workplace; serious neglect of job duties; insubordination; dishonesty; falsification of records; breach of confidentiality; criminal activity; or violations of College policies and procedures or federal, state, local, or regulatory laws, rules, or regulations applicable to the College.

The facts and circumstances of each situation will determine what action, up to and including termination of employment, is appropriate. Decisions to terminate employment shall be made in consultation with Human Resources, with Presidential approval, and will generally follow the assessment process described above.

A copy of Level IV documentation shall be maintained in the employee's personnel file in Human Resources.

Documentation

Corrective and Disciplinary Action Forms and Performance Improvement Plans (PIPs) shall be maintained in the employee's personnel file in Human Resources, along with any relevant information provided by the employee. Employees may request copies of specific documents maintained in their personnel file and may document any meetings or activities relative to a discipline action.

Revising this Procedure

This administrative procedure supersedes any prior WNCC policy, procedure, guideline, or handbook on this subject matter.

WNCC reserves the right to revise this procedure, as necessary, or as new laws require attention.

Attachment

Appendix A: Corrective and Disciplinary Action Form

Appendix B: Performance Improvement Plan

APPENDIX A



Western Nebraska
Community College

Disciplinary Action Form

TO: (Employee Name, Employee Title)

FROM: (Supervisor Name, Supervisor Title)

DATE:

RE:

DOCUMENTATION OF THE ISSUE(S) TO BE ADDRESSED

- a. Describe the work performance or behavior issue that is being addressed. Attach additional documentation as applicable.
- b. Have there been prior discussions or disciplinary actions with the employee regarding this issue? If so, attach the documentation.
- c. Describe the impact of the issue on students, co-workers, and the operations of the College.
- d. What are the expectations of the employee moving forward?

Failure to make immediate and sustained improvement as discussed above, or other incidents of unsatisfactory performance, may lead to further disciplinary action, up to and including termination. The employee shall have the opportunity to provide a written response within seven (7) days of signing the form. This response will be included with the form. A copy of this completed form is retained in the employee's personnel file and the employee may retain a copy.

I understand that my signature does not necessarily indicate that I agree with the above, but only that it has been discussed with me.

Employee printed name

Employee signature

Date

APPENDIX B



Performance Improvement Plan

TO: Employee Name

Date of Performance Plan:

FROM: Supervisor or Designee Name

Issue(s) to be addressed	Expectation/Improvement Needed	Action(s) to support improvement	Timeline/Deadline	Updates
<i>Employee has missed the deadline for the monthly report for 3 consecutive months.</i>	<i>Employee will submit monthly report no later than the 15th of every month.</i>	<i>Employee will complete the BizLibrary Time Management Course.</i>	<i>Complete course no later than May 7, 2022</i>	<i>Course was completed on May 1, 2022.</i>

Employee Signature: _____

Date: _____