

Davis Technical College

Disciplinary Sanctions of Personnel Policy

Effective Date: 18 May 2023

Revised Board Approval: 18 May 2023

Board Approval: 30 January 2003

Revised Board Approval: 26 January 2006

Revised President's Council Approval: 12 February 2013

Revised Board Approval: 28 February 2013

Revised President's Council Approval: 21 August 2020

Revised Board Approval: 24 September 2020

1. Purpose

To provide policy on the imposition of disciplinary sanctions, including termination, of employees of the Davis Technical College (College), and the procedures by which such sanctions are initiated and processed.

2. References

2.1. Board of Regents Policy and Procedure [R841](#), Minimum Requirements for Disciplinary Sanctions of Staff Personnel Policy

2.2. Board of Regents Policy and Procedure [R831](#), Minimum Requirements for Non-Faculty Staff Employment Grievances Policy

2.3. Board of Regents Policy and Procedure [R845](#), Guidelines for Payment in Lieu of Notice Policy

2.4. Utah Code Section 53B-2a-106(3), College Campuses– Duties

2.5. Davis Technical College Employment Grievances Policy

2.6. Davis Technical College Reduction In Force Policy

3. Definitions

3.1. **Discipline** - employment related action (including imposition of sanctions) undertaken to correct or modify unacceptable job performance or behavior to acceptable standards.

3.2. **Notice** - actual personal delivery to the individual of a written statement, except that if the individual cannot be personally located at the usual place of institutional employment during assigned working hours, notice may be given by mailing the statement to the employee via certified mail at his or her last known address. If notice is mailed, it is deemed effective for all purposes at the time of mailing.

3.3. **Human Resource Office** - that office or individual at the College charged with the administration and record maintenance of personnel matters or such other person as may be specially designated by the College President to act in regard to the policy.

3.4. **Sanctions** - disciplinary measures authorized to be imposed upon employees including, but not limited to, a written warning, Employee Plan for Improvement (EPI), reduction in pay, probation, suspension without pay, demotion or dismissal from employment.

3.5. **Staff Member** - a Classified, Professional/Administrative or Faculty employee who receives compensation for work or services from funds controlled by the College, regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked. There are two categories of Staff Member subject to this policy:

3.5.1. Regular Staff Member - a salaried staff member whose employment is defined by the College as being of a continuous nature, initially funded for a non-temporary period, who has successfully completed the probationary period. This includes Classified, Professional/Administrative, and Faculty personnel. Normally, a regular staff member is one assigned to work 75% or more in a position expected to last more than 12 months. Regular staff members are not considered to have tenure or academic rank of any kind.

3.5.2. Part-time, At-Will, Temporary, or Probationary Staff Member - a staff member assigned to work less than full-time, or in a position considered hourly, temporary or expected to be of short duration, as defined by the College; or a newly hired employee in a regular position but still in the probationary status. Normally, a part-time staff member is one assigned to work less than 75%; a temporary position is one not expected to be available after 12 months.

3.6. Termination - includes dismissal, reduction in force, and end of temporary employment.

4. Procedures

4.1. General Policy

4.1.1. The College strives to provide continuous employment through effective planning and proper selection of staff members. Under College policy, disciplinary actions and terminations are expected to be handled in a manner to achieve the least adverse effect upon the staff member and the College.

4.1.2. When continued employment may be harmful to the College, a part-time, temporary, or probationary staff member may be suspended or terminated pending resolution of the matter. A regular staff member may be suspended with pay pending notice of and an opportunity to respond to the charges at a pre-termination hearing. After the pre-termination hearing the regular staff member may be suspended without pay or terminated pending final resolution of the matter.

4.2. Part-time, At-Will, Temporary or Probationary Staff Member

4.2.1. Staff members in regular positions are considered as being on probationary status during an initial three year period of employment. It is expected that such staff members will make every effort to become competent and qualified in their jobs during the probationary period. The probationary status may be extended for a time not to exceed an additional one year for good cause as determined by the staff member's supervisor after consultation with the Human Resource Office.

4.2.2. Termination or release from employment may be affected prior to the end of the probationary period or for other part-time, at-will, temporary or probationary staff members, at any time, without prior notice, with or without "cause" for any lawful reason deemed adequate by the College administration including but not limited to, unsatisfactory performance, unacceptable behavior, or lack of motivation.

4.3. Regular Staff Member - The imposition of sanctions, including the dismissal of a regular staff member for cause, may result for any of, but not limited to, the following job-related reasons under circumstances that demonstrate the inability or unwillingness of the employee to meet his or her responsibilities to the College:

4.3.1. Negligence

4.3.2. Incompetence

4.3.3. Excessive absence or unauthorized absence without leave

4.3.4. Misuse of College property and funds

4.3.5. Disorderly conduct

4.3.6. Fraud or falsification on employment application

4.3.7. Unsuitability to job requirements

4.3.8. Use of alcohol or illegal drugs, or being under the influence thereof while working

4.3.9. Insubordination

4.3.10. Unjustified interference with the work of others

4.3.11. Violation of applicable statutory requirements or College regulations relating to employment practices, including but not limited to regulations prohibiting discrimination or harassment because of race, color, national origin, religion, sex, age, disability, or other legally impermissible behavior.

4.3.12. Professional misconduct. The violation of professional or ethical standards for the profession or discipline in which the employee works.

4.3.13. Conviction of a crime by a court of competent jurisdiction.

4.3.14. Violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the College.

4.4. Disciplinary Sanctions Generally

4.4.1. Whenever feasible, regular staff members should be given an opportunity to improve their performance before sanctions are imposed. The employee evaluation process is available to communicate when performance expectations are not met, as described in the Employee Evaluation Plan Policy. When an employee receives a written rating of “not acceptable” on their performance evaluation, an “Employee Plan for Improvement” (EPI) should be developed, as outlined in this policy.

4.4.1.1. Any written notice to an employee of unsatisfactory performance shall be considered an evaluation.

4.4.1.2. Employee Plan for Improvement (EPI) - An EPI may serve as a written reprimand and warning, however, is not a required step in the disciplinary process.

4.4.1.3. An “Employee Plan for Improvement” (EPI) is a process available for supervisors to communicate specific performance and/or behavioral expectations and allow the employee to make corrections. The Supervisor will inform the employee that the performance is unsatisfactory by providing the employee with a dated written notice (personal delivery or certified mail to the last known address as shown in the employment records of the College) clearly stating the problem or problems pertaining to such employee and advising the employee that continued employment is in question. An outline of procedures and available assistance to correct such job performance deficiencies will be included in the written notice. On receipt of such written notice, the employee shall take immediate remedial action to remove or correct all such job performance deficiencies and shall accept and put into practice those suggestions, instructions or procedures outlined. The employee has the obligation to outline in writing a plan for improvement.

4.4.1.4. The objectives of the EPI should be satisfactorily met prior to the time of the fiscal year end evaluation. If the objectives of the EPI are not satisfactorily met:

4.4.1.4.1. The employee is not eligible to participate in any salary or wage increase based on pay progression, merit, or discretionary increases until the EPI has been satisfactorily completed. At the time that the EPI has been completed, a Personnel Action Notice (PAN) indicating eligibility for pay progression, merit, and discretionary increases shall be submitted by the employee’s supervisor. Salary adjustments shall become effective at the beginning of the next payroll period following approval. See also Salary and Wage Administration policy section 2.1.5.1.

4.4.2. Sanctions may include, but are not limited to, oral or written reprimand, warning letter, temporary reduction in pay, probation, suspension with or without pay, or termination.

4.4.3. After remedial actions as provided in 4.4.1 above, and before a sanction of suspension or termination is imposed on a regular staff member, the staff member’s supervisor shall meet with the staff member, explain the perceived deficiencies and charges, explain the proposed sanctions, and provide opportunity for the staff member to respond to the charges. After deliberation and consideration of the staff member's response and explanations, the supervisor may make the decision to impose the sanction. The supervisor shall inform the staff member of the decision in writing, including an explanation of how the staff member can exercise his or her rights to appeal the decision. The sanction can be imposed immediately. If the sanction is termination or suspension without pay, it is understood that a successful appeal by the staff member may result in reinstatement of employment and payment of back wages.

4.4.4. Regular staff members being formally disciplined by imposition of sanctions must be advised of their right to use the available avenues of review and redress, including College grievance and equal opportunity procedures.

4.5. Involuntary Terminations

4.5.1. Regular staff members terminated for cause, and part-time, at-will, temporary or probationary staff members being terminated for any lawful reason are not entitled to advance notice of termination.

4.5.2. Regular staff members terminated due to a reduction in work force are entitled to notice or payment in lieu of notice pursuant to the College Reduction In Force Policy.

4.5.3. Involuntarily terminated regular staff members shall receive from their supervisors a written statement summarizing the problems encountered, any attempts to correct them, and the cause assigned for their termination.