

DISCIPLINARY PROCEDURES

Southwestern Oregon Community College has established standards of disciplinary action. Violation of the established standards of employee conduct may result in disciplinary action, up to and including discharge from Southwestern Oregon Community College.

This procedure applies to all Southwestern Oregon Community College employees. This procedure statement contains the general guidelines for disciplinary action; however, the College's course of action will depend on the seriousness of the infraction. The four steps in progressive disciplinary action are generally: 1) verbal warning, 2) written warning, 3) final written warning/suspension, and 4) termination.

The purpose of corrective coaching/counseling and progressive discipline is to correct and resolve employee performance problems while treating the employee as a productive member of the staff. The purpose of disciplinary action is not to punish the employee. If employee performance problems continue, the ultimate severing of the employment relationship must be handled in a legal and business-like manner.

Prior to any disciplinary action being taken, the supervisor must hear the employee's side of the story. This is essential to the supervisor's decision as to what course of action will be selected or recommended.

Prior to meeting with the employee, the supervisor shall review the following questions to ensure just cause:

- Do you have all the necessary information concerning the incident/situation?
- What rule/policy/procedure/standard was violated?
- Was the employee aware of the rule/policy/procedure/standard?
- Where and when did it happen?
- Are there witnesses?
- Are there extenuating circumstances?
- What is the employee's performance and behavior history?
- How has the rule/policy/procedure/standard been enforced for others in the past?
- Is this a new enforcement?
- What is the department policy/practice?
- How serious is the infraction on its own merits?

Any action taken must be documented, if possible. The documentation should include all of the circumstances involved and a record of your actions and its results.

At any stage of the disciplinary procedure, the employee needs to be told that they have the right to have a bargaining unit representative present for any questioning about the incident(s) or during the verbal warning, or subsequent warnings.

VERBAL WARNING

Verbal warnings should provide a clear statement of the problem to the employee, outline what the expectation for improvement is, and a clear statement of the consequences of continued problems. A verbal warning is not included in the employee's personnel file. Please see the Chief Human Resources Officer (CHRO) for guidance, if necessary.

WRITTEN WARNING

If the employee does not improve or correct the problem after the verbal warning, then the second step in formal disciplinary action is typically the written warning. The CHRO should be contacted to assist in the preparation of the written warning. The written warning should contain the following elements

- A clear statement of the problem
- A record of the verbal discussions or verbal warnings
- A statement of the action required or expectation of performance required immediately from the employee
- The consequences of continued problems
- An indication that a copy of this written warning will be placed into the employee's personnel file

In your discussion with the employee regarding this written warning, you may solicit a corrective action plan. Have the employee write the plan down and suggest they use it for future reference. The CHRO should be contacted to assist in the preparation of the written warning.

FINAL WRITTEN WARNING/SUSPENSION

If the employee does not improve or correct the problem after a written warning, the supervisor may seek further disciplinary action. The third step in progressive discipline is typically a final written warning and/or suspension without pay for an appropriate number of days. In determining the appropriate number of days for a suspension, all factors must be considered. The rule of thumb for the length of a suspension is between three and five days. The suspension is to be documented, referencing the dates that the suspension is to begin and to end. The recommendation for the suspension is prepared in writing by the supervisor and submitted to the appropriate administrative personnel and to the CHRO.

TERMINATION

If the situation is not corrected, the supervisor should request the fourth step in the progressive disciplinary process, termination. This request should also be processed through the appropriate administrative personnel who will work with the CHRO in gathering the necessary documentation. The appropriate Vice President or the President will make any final decision about termination. The CHRO will contact the College's liability insurance carrier's pre-loss legal department any time a termination is imminent.

PROGRESSIVE DISCIPLINE

Progressive discipline is a variable and flexible concept. The progression of discipline is heavily dependent upon the nature of the infraction, the gravity of the offense, the "correctability" of the particular behavior, and the impact upon the workplace. The concept is that the employer should take only the amount of discipline necessary to correct the behavior. If the behavior continues, then the disciplinary actions become increasingly severe in their impact, to the point of dismissal. The progression of discipline may also be influenced by the impact of the offense on the workplace, the degree of difficulty in conforming one's behavior to the expected standards of conduct, whether the actions are intentional or accidental, and whether or not training or additional education may be necessary. The nature of progressive discipline depends on a consideration of all of the facts and circumstances surrounding the offense, and the impact of the offense on the workplace.

However, there are exceptions to the notion that discipline must be linear in progression. An employee whose actions or behaviors are threatening or criminal in nature is subject to immediate suspension leading to dismissal. Such actions or behaviors include but are not limited to:

- Appearing at work under the influence of alcohol or illegal drugs
- Disregard for procedures which endanger life or limb, and/or threatening others with dangerous weapons
- Physical assault

WRITTEN STATEMENT RESPONSE PROCESS

Once a written warning or final written warning/suspension is added to an employee's file, the employee has 30 calendar days from the date of the warning to file a written statement to such material placed in their employee file. This response shall be submitted to the CHRO who will attach the response to the warning.

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