

JAMES A. RHODES STATE COLLEGE
HUMAN RESOURCES POLICY STATEMENT

This policy and/or procedure provides operating principles for Human Resources issues at James A. Rhodes State College. It supersedes any prior policy covering the specific subject. This policy and/or procedure may be suspended, modified or cancelled as determined by the College. This policy and/or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.

This policy and/or procedure is provided on-line for the convenience of access for College employees. It is created in Word and is in read-only format. The file can be opened, reviewed and/or printed for reference. The original policy will be the governing copy and is on file in Human Resources.

(Specific Policy Follows on Next Page)

DISCIPLINARY ACTION AND DUE PROCESS

Policy 5.5
BOT 4-19-94
BOT 5-15-07
BOT 4-17-12

Applies to: Administrators, Faculty and Staff

A. Policy Guidelines

The purpose of this policy is to make all individuals employed by the College aware of the disciplinary measures that will be taken in response to employee misconduct and to ensure predictability and uniformity in the discipline process. The College uses a progressive disciplinary system that includes general predictability of the discipline and discretionary authority to vary the penalty in light of the surrounding circumstances.

B. Disciplinable Offenses

The non-exclusive list of activities for which an employee may be disciplined includes:

- Incompetency
- Inefficiency
- Dishonesty
- Substance abuse
- Insubordination
- Neglect of duty
- Malfeasance – wrongful conduct
- Nonfeasance – omission of what should be done
- Finding by the Ethics Commission that an employee violated state ethics law
- Felony conviction
- Violation of College policies
- Sexual misconduct
- Sexual harassment
- Workplace harassment
- Racial, ethnic, or religious harassment

Beyond the grounds for discipline listed above, certain “major offenses,” the definition of which may vary depending on the nature of the employee’s job duties and description, may warrant the immediate discharge of the offender without regard to their length of service or prior record. Examples of major offenses include but are not limited to:

- Theft
- Sabotage
- Sale or use of a controlled substance
- Falsification of employment application

- Falsification of documents
- Unauthorized departure from work
- Unjustifiable poor attendance
- Chronic tardiness
- Sleeping on the job
- Altercation while on the job
- Endangering safety of others
- Sexual harassment
- Workplace harassment
- Unlawful discrimination

C. Counseling

Counseling an employee regarding job performance does not constitute discipline but should still be documented in writing by a supervisor, the Director of Human Resources, or other appropriate College personnel in the event evidence of counseling is necessary for imposing discipline.

D. Progressive Discipline

The College believes in progressive discipline. In general, progressive discipline rises through the following levels:

1. Verbal reprimand reduced to writing
2. Written reprimand
3. Probation
4. Suspension
5. Last Chance Agreement
6. Termination

Any of the levels may be omitted, added to, imposed singularly or in combination with any of the above-listed levels of discipline at the discretion of the College.

E. Imposing Discipline

Unless stated otherwise in this policy, the following procedures should be used for imposing discipline.

Coordination with Human Resources. Supervisors or other appropriate College personnel responsible for performing supervisory functions must contact the Director of Human Resources to coordinate the appropriate procedural steps to be taken prior to imposing discipline on employees for performance or other issues, including but not limited to those offenses listed in Section B above.

Initiation. Information and/or complaint(s) regarding performance and/or other issues that may result in discipline must be provided to the Director of Human Resources. In cases where the issues may involve a violation of criminal law in addition to a violation of this policy, the Director of Human Resources or appropriate designee should provide the information to campus security officials or other appropriate law enforcement agency. This policy should by no means be construed by employees as limiting their own obligation, authority, or ability to report violations of criminal law to campus security officials or other appropriate law enforcement agency. The Director of Human Resources, or other designated College personnel, will review the information and/or complaint(s) received and may conduct a preliminary investigation. Only where the information and/or complaint(s) are undisputed will a preliminary investigation be unnecessary.

Investigation. If the preliminary investigation is conducted, it will normally be completed within ten (10) working days after the Director of Human Resources receives the information and/or complaint(s) noted in the Initiation paragraph above.

During the preliminary investigation, the employee alleged to have violated this policy may be sent a letter or other written or oral communication describing the alleged violation(s), requesting the employee to make an appointment with the Director of Human Resources or other designated College personnel to discuss the alleged violation(s), and specifying a date by which the appointment must be made. Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. Failure to comply with such a request to make and keep such an appointment may result in the imposition of discipline.

Upon completion of the preliminary investigation, the Director of Human Resources in consultation with the employee's supervisor and/or other appropriate College personnel will determine whether or not discipline should be imposed and what level or levels of discipline should be imposed. If the preliminary investigation was unnecessary, the Director of Human Resources in consultation with the employee's supervisor and/or other appropriate College personnel will still determine whether or not discipline should be imposed and what level or levels of discipline should be imposed.

Level of Discipline Imposed.

(A) Discipline of a Verbal Reprimand reduced to writing or a Written Reprimand.

If the determined discipline is a verbal reprimand reduced to writing or a written reprimand, the employee's supervisor will prepare the proposed reprimand and forward it to the Director of Human Resources. The Director of Human Resources may consult with an appropriate Executive Staff member to confirm that the determined discipline of a verbal reprimand reduced to writing or a written reprimand is appropriate. If, after consultation with the appropriate Executive Staff member the Director of Human Resources determines that discipline of a verbal reprimand reduced to writing or a written reprimand remains as the determined level of discipline, the employee's supervisor or appropriate designee will meet with the employee to review the contents of the reprimand and obtain a signed acknowledgment of receipt of the reprimand from the employee. The Director of Human Resources may also be included at the meeting with the employee. The employee may submit a signed written response explaining the reasons for disagreeing with the contents of the reprimand or agreeing with the contents of the reprimand. The signed reprimand and response are to be sent to the Director of Human Resources and placed in the employee's personnel file.

If, however, after consultation with the appropriate Executive Staff member the Director of Human Resources determines that instead of discipline of a verbal reprimand reduced to writing or a written reprimand, the discipline should be greater, the pre-disciplinary conference procedure should be followed.

(B) Discipline - Other

If the determined discipline is at a progressive discipline level higher than a verbal reprimand reduced to writing or a written reprimand, the employee's supervisor will prepare a memorandum describing the circumstances leading to the determined discipline and send a copy of the memorandum to the Director of Human Resources. The Director of Human Resources may consult with the appropriate Executive Staff member regarding whether the determined discipline is appropriate. If, after consultation with the appropriate Executive Staff member the Director of Human Resources determines that a verbal reprimand reduced to writing or a written reprimand is appropriate instead, the employee's supervisor or appropriate designee will prepare the reprimand and send it to the Director of Human Resources. The employee's supervisor will then meet with the employee to review the contents of the reprimand. The Director of Human Resources may also be included at the meeting with the employee. The employee may submit a signed written response explaining the reasons for disagreeing with the contents of the reprimand. The signed reprimand and response are to be sent to the Director of Human Resources and placed in the employee's personnel file.

If, after consultation with the appropriate Vice President or Executive Staff member, the Director of Human Resources determines that discipline at a progressive discipline level higher than a verbal reprimand reduced to writing or a written reprimand remains appropriate, the Director of Human Resources will schedule a pre-disciplinary conference.

If a pre-disciplinary conference is held, it must occur within twenty-one (21) working days after the completion of the preliminary investigation.

Pre-disciplinary Conference. The pre-disciplinary conference will be coordinated by the Office of Human Resources.

(A) Notice

Prior to the pre-disciplinary conference, the Office of Human Resources will send electronic or written notice to the employee that is the subject of discipline describing the alleged violation(s), a description of the particular evidence supporting the alleged violation(s), the level or levels of discipline involved, and specifying the date and time of the pre-disciplinary conference.

(B) Pre-disciplinary Conference Format

The pre-disciplinary conference will be led by a pre-disciplinary conference administrator, which will be the Director of Human Resources or an appropriate designee. At the pre-disciplinary conference, the employee that is the subject of discipline will again be informed of his/her alleged violation(s), a description of the particular evidence supporting the alleged violation(s), and the level or levels of discipline involved. The employee will be given an opportunity to present any information that the employee believes the College should have prior to making a decision regarding discipline. The pre-disciplinary conference is not a formal hearing with the same procedural requirements as might exist in a criminal or civil court of law, but instead is an opportunity for the employee to be heard. The employee may have another individual present during the pre-disciplinary conference to provide support. That individual will not be permitted to otherwise participate in the pre-disciplinary conference. Unexcused failure to report for the pre-disciplinary conference will be considered a waiver of the employee's right to the conference.

(C) Procedure following the Pre-disciplinary Conference

Following the pre-disciplinary conference, a summary report or record of the pre-disciplinary conference will be created. The report/record shall be shared with the Director of Human Resources, and the appropriate Executive Staff member. After review of the report/record, the Director of Human Resources and appropriate Executive Staff member will recommend whether discipline is appropriate and at what level. That recommendation will be forwarded to the College's President. The College's President will make the final determination as to the appropriate level of discipline in cases where a pre-disciplinary conference is conducted.

Within fourteen (14) working days after completion of the pre-disciplinary conference, the employee will be notified electronically or in writing by the Office of Human Resources of the President's determination. The notice will include the discipline imposed, the effective date of the discipline, and the evidentiary support for imposing discipline. The employee may also be asked to provide acknowledgment of the receipt and understanding of the contents of the notice. The notice will also be placed in the employee's personnel file.

This policy is not intended to limit, prevent, or otherwise circumscribe the College's authority to place records or documentation in an employee's personnel file.

F. Health or Safety Risks

The above policy/procedure is not required to be specifically followed if the President after consultation with the Director of Human Resources and/or the Director of Public Safety and Security, reasonably believes that the process described will pose a health or safety risk to the College.

G. Suspension or Dismissal for Arrest or Conviction of R.C. 3345.23(D) Offenses

Without limiting the grounds for discipline or the procedures the College can use to impose discipline, if the College receives notification that a faculty, staff member, or employee of the College is arrested or convicted of an offense listed in R.C. 3345.23(D), as may be amended from time to time, the College may also use the procedures set forth in R.C. 3345.22, et seq., as may be amended from time to time, to effect an immediate suspension or automatic dismissal of the faculty, staff member, or employee.

H. Paid Administrative Leave

When deemed necessary, an employee may be placed on paid administrative leave during which time an investigation of the alleged violations of this policy may be undertaken. The College reserves the right to require the employee to remain at a designated site, such as the employee's home, during the regular working hours on days which the employee is placed on paid administrative leave, so that the employee may be contacted by the College.