

1. Purpose

- 1.1 To provide policy on the imposition of disciplinary sanctions, including termination, of employees of the Tooele Applied Technology College (TATC) 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), Colleges– Duties.
- 2.5. Tooele Applied Technology College Employment Grievances Policy.
- 2.6. Tooele Applied Technology 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 bring it 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 an oral or written reprimand, warning letter, temporary reduction in pay, probation, suspension with or without pay, 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:
- 3.6. **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.

- 3.7. **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.
- 3.8. **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 to be on probationary status during the first six months 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.

Termination or release from employment may be effected prior to the end of the probationary period for regular staff members or for part-time, at-will, or temporary employees 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 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. Conviction of a crime by a court of competent jurisdiction.
- 4.3.13. Violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the College.

5. Disciplinary Sanctions Generally

- 5.1. Whenever feasible, regular staff members should be given an opportunity to improve their performance before sanctions are imposed.
- 5.2. 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.
- 5.3. After remedial actions as provided in 5.1 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.
- 5.4. 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.
- 5.5. 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.

6. Involuntary Terminations

- 6.1. 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.
- 6.2. 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.
- 6.3. 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.