

POLICY: 6Hx28:3E-08



Responsible Executive:

Vice President, Organizational Development and Human Resources

Policy Contacts: Director, HR Policy and Compliance Programs

Specific Authority: 1001.64, F.S.

Law Implemented: 1001.64, F.S.

Effective Date: 05-28-2014

Date of Last Policy Review:

06-27-2019

Disciplinary Action

Policy Statement:

- I. Valencia College is committed to providing all employees a fair, clear, and useful tool for addressing performance problems to include a process for rectifying instances of unacceptable performance and/or personal conduct. Supervisors are expected to address concerns consistently and at the onset of any employee performance or conduct deficiencies through coaching, counseling, additional training or supervision; unless the severity of circumstances dictates a level of disciplinary action. Employees are expected to be aware of, and abide by, existing College policies and procedures. If there are performance and/or conduct deficiencies, it is the employee's responsibility to address and improve these concerns on which a corrective or disciplinary action is based.
- II. Disciplinary actions are usually corrective and progressive in nature; however, serious misconduct, work performance problems, or violation of laws and/or college policies, procedures, and practices may warrant disciplinary action, including dismissal, outside of the corrective and progressive approach. To ensure equitable processing of corrective actions and in accordance with specific position regulations, supervisors must consult with the Office of Employee Relations/Human Resources prior to the implementation of disciplinary action.

Related Documents/Policies:

Policy 6Hx28:1-10 - Policy Against Improper Activities; Whistleblower Protection
Sex Offender Procedures

Policy History:

Adopted 1-19-83; Amended 11-18-92; Amended 5-28-2014; Formerly 6Hx28:07-30

Procedures:

- I. All disciplinary actions by appropriate College personnel are determined on a case-by-case basis. In determining the proper level of disciplinary action, the supervisor may repeat, modify, or omit a level of disciplinary action based upon the facts and severity of the specific case to include prior disciplinary action for similar circumstances. Behaviors may be considered so serious that dismissal may be the first course of action, regardless of an employee's length of service, prior conduct, or performance record. The proper steps for disciplinary action should be handled consistently within and across each individual unit/department and for each problem.
- II. In serious situations, an investigation may be necessary in order to obtain sufficient facts related to a potential employee disciplinary matter. The supervisor of the respective area may request an inquiry or investigation through the Office of Employee Relations/Human Resources to assist in understanding the totality of circumstances in order to make an informed decision. (Valencia Policy 6Hx28:2-03 addresses investigations specific to discrimination, harassment, and sexual harassment complaints; Valencia Policy 6Hx28:1-10 addresses investigations specific to improper activities and whistleblower protection). As a condition of employment, employees may be required to participate in job-related hearings, inquiries, or investigations. To ensure that open and forthright dialog occurs, attorneys are not permitted to accompany individuals during interviews, nor are interview sessions audio or video recorded. Those interviewed are always entitled to submit a written statement if they so choose. Complainants, respondents and witnesses who participate in this process are bound by confidentiality, and any breach of this confidentiality may be sanctioned by disciplinary action.
- III. All counseling discussions and related facts should be documented. These are not considered disciplinary in nature and demonstrate an attempt by the supervisor to correct the deficient performance and/or behavior. Should the performance and/or behavior continue to be inconsistent with Valencia's philosophies and expectations, supervisors are expected to address and document these issues through a progressive disciplinary action process and should use the counseling discussion documentation as supporting documentation for any disciplinary actions taken. Notice of disciplinary action or pending action should normally be made within ten (10) working days of the supervisor's

knowledge of the reported incident unless an authorized inquiry or investigation is ongoing. In the case of incidents subject to authorized investigations, notice of disciplinary action or pending action should normally be made within ten (10) working days of the completion of the investigation.

- IV. At a minimum, the disciplinary action documentation should describe the occurrence giving rise to the disciplinary action to include the specific policy and how it was violated, refer to the type of conduct and/or behavior that is unacceptable, refer to the type of conduct or behavior expected in future similar situations, and the consequences if improvement is not achieved or if repetition of unacceptable performance, behavior or work habit occurs. Disciplinary action may include but is not limited to the following:
- A. Written Reprimand – This protocol occurs when prior coaching or counseling attempts by the supervisor have been unsuccessful and the employee’s performance and/or behavior continues to be below expectations. The written reprimand formally documents the discussion between the supervisor and employee and may include a performance improvement plan (PIP). Under most circumstances, written reprimands occur before more progressive disciplinary actions are undertaken by supervisors. Supervisors must consult with a representative of the Office of Employee Relations/Human Resources to discuss the circumstances and any relevant documentation.
 - B. Suspension – This protocol documents discussion(s) between a supervisor and employee who continues to not meet behavioral or performance expectations after receiving a written reprimand. Suspensions shall be without pay and leave balances may not be used. Suspensions shall be for a period of no less than the balance of the employee’s shift on the day the action is taken and shall normally not exceed up to ten (10) consecutive working days/shifts. Multiple day suspensions must be taken consecutively. Before an employee is suspended, the supervisor must consult with a representative of the Office of Employee Relations/Human Resources to discuss the circumstances and evaluate any relevant documentation.
 - C. Demotion – This protocol occurs if there is a serious violation of policies or there are repeated offenses and other disciplinary actions have been unsuccessful and there is an available vacant position for demotion. Before an employee is demoted, the supervisor must consult with a representative of the Office of Employee Relations/Human Resources to discuss the circumstances and evaluate any relevant documentation.
 - D. Return to Annual Contract - This protocol may occur, in the case of instructional staff on continuing contracts, if there is a serious violation of policies or there are repeated offenses and other disciplinary actions have been unsuccessful.
 - E. Termination – This protocol occurs when there is a serious violation of policies and/or there are repeated offenses that other disciplinary actions have failed to rectify. Before an employee is terminated, the supervisor must consult with a

representative of the Office of Employee Relations/Human Resources to discuss the circumstances and evaluate any relevant documentation.

- V. The supervisor is responsible for maintaining a signed copy of all disciplinary documents and related written notifications in the appropriate department file, providing a copy to the affected employee, and forwarding originals to the Office of Employee Relations/Human Resources, who will ensure placement in the employee's personnel file.
- VI. Types of offenses may include, but are not limited to, the following:
- A. Violation of any college policy(ies), procedure(s), standard(s), etc.
 - B. Conflict of interest; improper activities (see policy 6Hx28:1-10)
 - C. Conduct on or off campus which adversely affects the operation of the College or the image of the College in the community
 - D. Insufficiency of productivity, quality work, or neglect of duty – Isolated incidents or continued pattern of inefficiency, missed deadlines, disorganization, lack of initiative, reduced productivity, inability or unwillingness to follow procedures/processes or any other performance deficiency that is not meeting acceptable standards.
 - E. Excessive or habitual tardiness, absenteeism, and unauthorized or unexcused absences – An unreasonable or unacceptable number or frequency of absences (which may include a pattern which coincides on the day preceding or following the employee's regular days off, absence on the same day of each week or each month, or failure of an employee to obtain prior approval for an absence from work) or habitual failure to report to work at the established time after a lunch or break period of an employee that results in a negative impact on the workplace. (Absences or tardiness authorized by law, regulation, policy, or procedure cannot be taken into consideration.)
 - F. Failure to obtain or loss of minimum job qualifications/certifications; or failure to report loss.
 - G. Leaving assigned work area or workplace without authorization – Unauthorized absence from the workplace or assignment during the established work schedule or leaving the workplace for a lunch or break period without proper relief where coverage is required during specific periods of time.
 - H. Safety violations – Failure to wear safety equipment, performing unsafe acts, or failure to abide by or follow established safety procedures or practices.
 - I. Horseplaying – Actions or non-work related activities that result in property damage or injury to self or others

- J. Insubordination (blatant disregard of supervisor directions) or failure to follow supervisor directions or other employee in a position of authority at the College – Unwillingness to carry out a directive from a manager or supervisor as a verbal refusal, a nonverbal refusal or an unreasonable delay in completing the work; and/or disrespectful behavior towards a manager or supervisor including cursing at a supervisor, verbally or physically intimidating a manager or supervisor, or speaking loudly or argumentatively to or about a supervisor.
- K. Disruptive or Aggressive Behavior – Behavior towards others that is considered disruptive or aggressive towards others or in the workplace. This may include, and not limited to, the following:
1. gossip or language that may be considered or perceived as threatening, profane, vulgar, or abusive towards others.
 2. Violence committed against any member or guest of the College community;
 3. Forcible interference with the freedom of movement of any member or guest of the College;
 4. Obstruction of the normal processes, activities, and functions of the college community;
 5. Assault or battery upon College security officers in violation of Section 240.381, Florida Statutes;
 6. Disruptive activities as defined and prohibited in accordance with the criminal provisions of Section 877.13, Florida Statutes.
- L. Inability or failure to work cooperatively with others.
- M. Revealing Privileged Information – Revealing information considered privileged or confidential based on law, policy, or procedure to unauthorized individuals.
- N. Sleeping on Valencia compensated time – Observed inability of an employee to remain awake during the scheduled work period and/or in the performance of duties; typically with intent to sleep or dozing off.
- O. Fraud, misrepresentation, or dishonesty – Willful and deliberate misrepresentation or omission of any verbal and/or written documented facts with the intent to mislead or defraud, including fabricating information or knowingly furnishing false information to the College or to College officials acting in the performance of their duties.

- P. Unauthorized entry to, possession of, receipt of, abuse, defacement, or unauthorized removal of college property or property of others while on College premises.
- Q. Failure to report lost or stolen college property (i.e. supplies, technology devices, keys, equipment, etc.)
- R. Misuse or inappropriate use of Valencia work time – Isolated incident or continued pattern of non-productiveness or inactivity which diverts the employee from performing his/her assigned duties or interferes with the business needs and operations of the College, unless it is work-related as authorized by a manager or supervisor.
- S. Violation of the law, pleading guilty or no contest or being found guilty of a felony or job-related misdemeanor, or failure to notify supervisor of an arrest or that an information has been filed against the employee by a prosecuting official.
- T. Employees who are officially designated as Sexual Offenders/Sexual Predators shall be given the opportunity to resign, or in the alternative, shall be separated from the College in accordance with applicable policies and procedures.

Procedure

History:

Adopted 1-19-83; Amended 5-28-2014; Amended 6-27-2019; Formerly 6Hx28:07-30

Date of Last Procedure Review: 06-27-2019