



## CHAPTER 2 HUMAN RESOURCES

### 2.8.1 PROGRESSIVE DISCIPLINARY POLICY

#### Progressive Disciplinary Policy

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**Brunswick Community College (BCC or the College) maintains the right to enforce rules of conduct among its employees and expects each employee to perform his/her work and to conduct him/herself in a manner that brings credit to the College. Therefore, appropriate disciplinary action will be taken for misconduct or violations of established policy, procedures, or rules. The basis for any disciplinary action taken in accordance with this policy falls into one of two categories:**

- **Discipline imposed on the basis of job performance**
- **Discipline imposed on the basis of personal conduct**

**Employees may be dismissed, suspended, warned, and/or placed on probationary status.**

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#### Procedures

Action by the College will begin with a restorative approach and may include a progressive series of disciplinary actions that include warnings, suspension, or termination. However, the President may at any time move out of a progressive approach if deemed appropriate to the severity of the misconduct.

The nature of severity of the offense will determine the first or next step to be taken. The supervisor must first consult with the appropriate Vice President and the Director of Human Resources.

Option 1-Oral Warning. For less severe infractions, the initial disciplinary action may be an oral warning by the employee's supervisor. The responsible supervisor speaks to the employee to: a) review expected job performance or conduct; b) explain specifically how the employee has not met College expectations; c) provide an opportunity for the employee to explain his/her actions; and together, d) establish a course of action that will correct the job performance or conduct under question. The discussion between the employee and supervisor will be serious and professional in manner to ensure that the employee clearly understands the established standards and expectations with regard to his/her misconduct. The supervisor will maintain a record of the date and content of the oral warning and forward a copy to the appropriate Vice President.

Option 2-Written Warning. A written warning may be issued by the supervisor if the misconduct is more severe or frequent in nature or if an oral warning has already been issued and the employee misconduct has not been corrected. The written warning will outline the misconduct, state expectations for improvement, and indicate the consequences that will occur if there is no improvement in conduct. Written warnings will be forwarded to the Office of Human Resources for placement in the employee's official personnel file.

Option 3-Suspension. Suspension either with pay or without pay may follow an oral warning, a written warning, or may be the first disciplinary action taken if warranted by the circumstances. Prior to

suspending an employee, supervisors must obtain approval from the appropriate Vice President and the Director of Human Resources and supply thorough supporting documentation to the President who makes the final decision to suspend. The duration of the suspension will depend upon the facts of each case, including but not limited to, type and severity of the misconduct, previous work performance of the employee, and prior disciplinary actions. The suspension may last through the end of the current year. The suspended employee will be notified of the suspension by a letter that outlines the misconduct, states expectations, and indicates the consequences that will occur. A copy of the letter will be forwarded to the Office of Human Resources for placement in the employee's official personnel file.

In cases of alleged serious misconduct, an employee may be placed on an investigative suspension. In such cases, the employee will be removed from the workplace while the Director of Human Resources in conjunction with the appropriate Vice President investigates the matter. Investigative suspension is leave with pay. The Director of Human Resources and the appropriate Vice President must approve an investigative suspension. The employee under investigation will be notified by letter of the suspension with pay, the alleged serious misconduct, and the college's intent to investigate.

Option 4 – Disciplinary Probation. Placement onto Disciplinary Probationary may be issued by the President when severe misconduct has occurred and/or job performance is poor. Disciplinary Probation may be issued when previous oral and/or written warnings and job coaching efforts have failed to result in improvements in performance. Disciplinary Probation may also be issued with initial notice of poor performance or egregious actions. Employees can be placed on Probation for any length of time as determined by the President. The notice of Probationary status is forwarded to the Office of Human Resources for placement in the employee's official personnel file. The supervisor will monitor the employee across the designated evaluation period. Employment during the Probationary period is "at will" and employment may be terminated at any time should the employee fail to make satisfactory progress on improving performance.

#### Option 5 – Unsatisfactory Progress in New Hire/New Position Probationary Status

All faculty, part-time and full-time staff will serve a 30-60-90 day probationary period of employment upon hire or the assumption of a new position at the College. At any time during this period, probationary employees may have their employment terminated without a hearing if they, in the opinion of their superior, are not performing the assigned tasks satisfactorily, provided that such dismissal of full-time employees is approved by the College President.

Notice of Intent to Recommend Termination. A recommendation for termination to the President will occur when an employee has engaged in serious misconduct or when an employee has not corrected his/her misconduct after previous warnings. Prior to notifying an employee of the intent to recommend his/her termination to the President for action, supervisors must obtain approval from the appropriate Vice President and the Director of Human Resources and supply thorough supporting documentation.

The President may dismiss or suspend any employee of the College at any time for cause, which shall include but not be limited to the following reasons:

1. Failure to perform competently the duties of the position.
2. Neglect of duty.
3. Conviction of a crime involving moral turpitude or conviction of a felony.
4. Failure to maintain satisfactory and harmonious working relationships with the public and/or other employees.
5. Failure to obtain or maintain a current license or certification required by regulations of an appointing agency or law as a condition for performing the job.
6. Chronic absenteeism, absence without approved leave, and/or improper use of sick leave.

7. Failure to demonstrate progress in professional self-improvement within the stipulated time, as directed by supervisor and mandated by job duties.
8. Falsification of official records, expense claims, and/or misuse of state/county/institutional funds.
9. Possession of unauthorized firearms or lethal weapons on the job or on College property.
10. Failure to comply with rules, regulations, and policies of the NC State Board of Community Colleges, the Board of Trustees, College, or lawful directives of the President.
11. Use, manufacture, distribute, and/or possess controlled substances during work hours or appearing at any time on the property of Brunswick Community College under the influence of controlled substances in violation of NC General Statutes.
12. Insubordination or refusal to accept a reasonable and proper assignment from an authorized supervisor or failing to report for duty at the assigned time and place.
13. Participating in or conspiring with others in activities to impair, impede, or disrupt the legal mission, process, or functions of the College.
14. Failure to comply with any condition of probation while an employee is in probationary status.

Employee Appeal Process. If an employee has been notified of the intent to recommend his/her termination, the employee may within five (5) working days after receiving the written letter of recommendation for termination, request a conference with the President to appeal the pending termination. The President, with other college staff pertinent to the discussion, will explore the reasons for the proposed termination. The employee will be given full opportunity to present reasons why the termination should not be carried out by the President. Neither party shall be represented or accompanied by legal counsel. Within five (5) work days after the conference, the President will give the employee an unelaborated written statement of termination or of his/her intent to over-turn the recommendation for termination.

If an employee has been given a written statement of termination by the President, the employee may, within five (5) working days after receiving the President's written statement, request a hearing before the Brunswick Community College Board of Trustees. The request for a hearing will be in writing, addressed to the Board Chairperson, and delivered to the President's Office. The request must outline why the employee believes the dismissal violated the employee's rights as protected by the First Amendment of the United States Constitution, Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and/or the Americans with Disabilities Act of 1990, or that the dismissal was a violation of college policy. No other grounds for appeal exist.

Upon receipt of the letter, the Board Chairperson has fifteen (15) calendar days to call a special meeting of the BCC Board of Trustees. During the proceedings, which will be conducted by the Board Chair, the College will be represented by the college attorney and/or other college counsel, and the employee may be represented by an attorney or other advisor of his/her choice. The proceedings shall be closed to all except the dismissed employee, his/her advisor or attorney, college representative(s), the college attorney and/or other college counsel, the Director of Human Resources, and the Trustees. At the hearing, the dismissed employee bears the burden of proving that the dismissal violated the employee's rights as protected by the First Amendment of the United States Constitution, Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and/or the Americans with Disabilities Act of 1990, or that the dismissal was a violation of college policy. The hearing will begin with the employee's presentation of his/her case, and the President and/or his/her designee may then present a rebuttal. The fact-finding portion of the hearing shall be recorded. Deliberations of the Trustees following the fact-finding portion of the hearing shall not be recorded and will be conducted in closed session. The President will not be present during deliberations of the Board of Trustees. The college attorney and/or other college counsel will be present and aide with the deliberations.

Within seven (7) working days after the hearing, the Chair of the Board of Trustees will provide a written statement to the employee and President as to the Board's intent to uphold or overturn the dismissal.

*Approved by the Brunswick Community College Board of Trustees*  
August 19, 2021

Note: Once approved, this policy replaces previous policy 2.8.1 Discipline and Abrogation of Annual Contract