

**TITLE: PERSONNEL - DISCIPLINE POLICY**

The Board of Trustees believes that maintaining appropriate procedures and standards for addressing staff misconduct and other inappropriate behavior is a critical ingredient in furthering an effective educational environment and in providing quality educational services necessary for the attainment of successful educational outcomes for students. This policy is intended to provide standards and procedures by which administrative personnel shall make determinations as to whether discipline is warranted and, if so, in arriving at an appropriate disciplinary response.

Although discipline is corrective, other significant purposes of discipline are to promote accountability of staff to maintain proper conduct, to provide notice to staff of behavioral expectations, and to inform staff of the consequences of any future disciplinary infractions, offenses or other misconduct.

For purposes of this policy, the term “staff” shall refer to all employees of the college regardless of status and classification.

Discharge, demotion, or other discipline under this policy shall be made only for a reason(s) that is not arbitrary or capricious. This standard signifies that a disciplinary decision must be supported by results of a disciplinary investigation and that any resulting disciplinary action must have a rational relationship to the conduct which forms the basis for a disciplinary decision.

Before imposing any disciplinary measure under this policy, the appropriate Dean, as designated by the President, shall investigate whether a staff member has engaged in an offense, infraction, or other misconduct which could result in a disciplinary consequence. The investigation should include discussions with any witnesses to the event(s) upon which possible discipline is premised, including witnesses or other sources suggested by the staff member being investigated. The staff member who is the subject of the disciplinary allegation shall be provided with an opportunity to respond to those allegations as part of the investigation process.

The following procedures shall be used for disciplinary actions taken against a staff member, up to and including a recommendation for discharge:

1. Oral or written notice will be given by the administration to the staff member of the incident, complaint, or charge that forms the basis for the investigation and potential disciplinary action.
2. The staff member will be given written notice of the time, date, and location of a meeting to provide the staff member with an opportunity to respond to the disciplinary incident, complaint, or charge. This opportunity to respond shall include the right of the staff member to dispute the factual basis of the incident, complaint, or charge, as well as the nature of any contemplated disciplinary action in the event that the disciplinary incident, complaint, or charge is factually substantiated.
3. A staff member represented by an exclusive bargaining agent under the Public Employment Relations Act (PERA) shall, upon request, be entitled to union representation at any investigative meeting which the staff member reasonably believes could ultimately result in

**TITLE: PERSONNEL - DISCIPLINE POLICY (continued)**

- disciplinary action. Alternatively, a staff member shall, upon his/her request, be entitled to have another member of their bargaining unit accompany him/her to any investigative meeting which the staff member under investigation is required to attend when that staff member reasonably believes that the investigation may ultimately result in his/her discipline. The obtaining of a representative shall not unreasonably delay an investigative meeting.
4. The President, or designee, is authorized to place a staff member on administrative leave, with pay, pending the completion of a disciplinary investigation of the alleged or suspected offense, infraction, or misconduct, and/or pending Board of Trustees action or disciplinary action recommendation. Placement on administrative leave under this provision is not regarded as, in itself, a disciplinary measure or penalty.
  5. If criminal charges are filed against a staff member before or during the pendency of a disciplinary investigation, a staff member may be placed on unpaid leave during the pendency of the investigation after notice and an opportunity to be heard. The College need not delay the institution of disciplinary action against a staff member during the pendency of any criminal charges.
  6. If an investigation of a staff member's conduct supports a determination that the individual has engaged in an offense, infraction, misconduct, or other behavior warranting disciplinary action, the administrative decision as to the level of discipline shall be guided by the following standards:
    - a. The seriousness of the offense, infraction, or misconduct;
    - b. The staff member's prior disciplinary and employment record;
    - c. How staff engaging in similar or like offenses, infractions, or misconduct have been disciplined in past comparable circumstances involving similarly situated teachers; and
    - d. The existence of aggravating or mitigating factors.
  7. Disciplinary measures include but are not limited to: oral warning (memorialized in writing), written warning, written reprimand, paid or unpaid suspension, and discharge. Nothing in this policy or the identification of these levels of discipline requires that the above disciplinary measures be applied progressively or sequentially. The Board reserves the right to apply the disciplinary sanction it determines to be appropriate to a specific set of circumstances.
  8. When disciplinary action is taken against a staff member, it shall be confirmed in writing. The document confirming the discipline will be provided to the staff member and placed in the staff member's file.
  9. The President, or designee, is delegated the authority under this policy to impose all discipline with the exception of:
    - a. The discharge of either a probationary or continuing contract instructor;

TITLE:           **PERSONNEL - DISCIPLINE POLICY**

- b. The non-renewal of a probationary instructor;
- c. The discharge or demotion of any other employee;
- d. The non-renewal of any other employee.

Each of the above disciplinary actions may only be imposed by this Board of Trustees upon written recommendation of the President and upon adherence to any applicable procedures set forth in PERA, policy, and respective collective bargaining agreements.

Legal reference: MCL 380.11a (K-12), MCL 380.601a (ISD), MCL 423.215, MCL 38.71, *et seq.*

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