

Davis Technical College

Disciplinary Action Policy and Procedure

Effective 29 May 2025

1. Purpose

Employees may be given disciplinary action, up to and including termination when it is determined to be in the best interest of Davis Technical College ("College"). The purpose of this policy and procedure is:

- 1.1. To provide authorization, and a process for such action; and
- 1.2. To inform employees of performance standards that are expected.
- 1.3. This policy in no way changes the at-will status of employees nor does it grant any rights to College employees.

2. References

- 2.1. Utah System of Higher Education [R841](#), Minimum Requirements for Disciplinary Sanctions of Staff Personnel Policy
- 2.2. Utah System of Higher Education Policy and Procedure [R831](#), Minimum Requirements for Non-Faculty Staff Employment Grievances Policy
- 2.3. Utah System of Higher Education Policy and Procedure [R845](#), Guidelines for Payment in Lieu of Notice Policy
- 2.4. Utah Code Section 53B-2a-106(3), College Campuses– Duties
- 2.5. Davis Technical College Employment Grievances Policy
- 2.6. Davis Technical 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 acceptable standards. The term "corrective action" or "sanctions" may also be used within this policy and should be considered synonymous to "discipline". Discipline may include, but not be limited to, verbal warnings, written warnings (including an Employee Plan for Improvement (hereafter "EPI")), reduction in pay, probation, suspension without pay, demotion, or dismissal from employment.
- 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 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. **Employee** - a person 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 full time versus part time status of the employee. Faculty employees do not have tenure or academic rank of any kind.
- 3.5. **Termination** - includes dismissal, reduction in force, and end of employment.

4. Procedures

4.1. General Policy- While the College may elect to administer discipline, it is in no way obligated to do so. Using discipline is at the sole discretion of the College. The use of discipline does not affect an employee's at-will status. When feasible, employees may be given an opportunity to improve their performance before sanctions are imposed. A supervisor may initiate corrective action at any time outside of the annual employee evaluation process. During the annual employee evaluation, if an employee receives a written rating of "Below Job Requirements" then corrective action should be considered, including an EPI. Management should counsel with the Human Resources office.

4.2. College supervisors and management should consult with the Human Resources Office prior to administering any formal discipline.

4.3. Discipline may not be used for any reasons prohibited by law. See Equal Opportunity and Nondiscrimination policy.

4.4. Discipline- College management may discipline any employee for any of the following reasons:

- 4.4.1.** Noncompliance with College rules, department or other applicable policies, including but not limited to safety policies, professional standards, standards of conduct and workplace policies;
- 4.4.2.** Work performance that is inefficient or incompetent;
- 4.4.3.** Excessive absence or unauthorized absence without leave;
- 4.4.4.** Dishonesty, fraud, or falsification on employment application;
- 4.4.5.** Use of alcohol or illegal drugs, or being under the influence thereof while working;
- 4.4.6.** Misuse of College property and funds; including dishonesty, fraud, or falsification of College records (including timeclock fraud);
- 4.4.7.** Misconduct, disorderly conduct, abusive conduct, or any incident involving intimidation, physical harm, threats, or threatening behavior;
- 4.4.8.** Failure to advance the good of the public service, including conduct on or off duty which demeans or harms the effectiveness or ability of the College to fulfill its mission;
- 4.4.9.** Conduct, on or off duty, which creates a conflict of interest with the employee's public responsibilities or impacts that employee's ability to perform job assignments;
- 4.4.10.** Insubordination, undermining, or failure to follow instructions of a supervisor;
- 4.4.11.** Violation of applicable statutory requirements or College regulations relating to employment practices, including, but not limited to, regulations prohibiting discrimination or harassment because of any legally protected characteristic or other legally impermissible behavior;
- 4.4.12.** Failure to maintain skills and/or adequate performance levels;
- 4.4.13.** Employee no longer meets the requirements of the position;
- 4.4.14.** Professional misconduct or the violation of professional or ethical standards for the profession or discipline in which the employee works;
- 4.4.15.** Conviction of a crime that prohibits employment under Criminal Background Checks policy;
- 4.4.16.** Violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the College;
- 4.4.17.** Any other reason deemed by management as warranting discipline.

4.5. Disciplinary Sanctions- May include, but are not limited to:

- 4.5.1.** Verbal warning;
- 4.5.2.** Written warning (including an EPI);
- 4.5.3.** Suspension, with or without pay;
- 4.5.4.** Demotion; or
- 4.5.5.** Termination of employment.

4.5.6. Disciplinary actions do not preclude management from taking additional corrective action including engaging in an Employee Plan for Improvement (EPI).

4.6. Disciplinary Action Procedure- Depending on the nature and seriousness of the employee's actions, disciplinary sanctions may begin at any step.

4.6.1. Verbal Warning- The immediate supervisor should meet with the employee and inform them of the specific behavior that is unacceptable. The supervisor should set the time by which the situation must be rectified. A written record of this conversation should be forwarded to the Human Resources office.

4.6.2. Written Notice- Follow the same procedure as the Verbal Warning, but the employee signs the written record indicating that they have read the document and understand that it will be placed in their personnel file. The employee may wish to add their comments on the notice or choose to submit their comments within five days from the date the written notice is received.

4.6.2.1. Employee Plan for Improvement (EPI)-The College may determine to use an EPI which serves as a written discipline. An EPI is not a required step in the disciplinary process however it is process available for supervisors to communicate specific performance and/or behavioral expectations and allow the employee to make corrections. The supervisor may inform the employee that the performance is unsatisfactory by providing the employee with a dated written notice clearly stating the problem or problems pertaining to such employee and advising the employee that continued employment is in question up to an including possible termination. On receipt of such written notice, the employee shall take immediate remedial action to remove or correct all such job performance deficiencies and shall accept and put into practice those suggestions, instructions or procedures outlined. The employee has the obligation to outline in writing a plan for improvement.

4.6.2.2. If the objectives of the EPI are not satisfactorily met:

4.6.2.2.1. The employee is not eligible to participate in any salary or wage increase based on pay progression, merit, or discretionary increases until the EPI has been satisfactorily completed.

4.6.3. Suspension- If the behavior continues after the written notice, the immediate supervisor may impose a suspension, with or without pay, for a period of one day to two weeks. A written notice will be generated outlining the suspension. The notice of suspension should specify that the consequences of failing to remedy the behavior will be termination of employment. The employee may sign the notice as an acknowledgment of receipt.

4.6.4. Termination- An employee who fails to correct their behavior or demonstrates a tendency to repeatedly violate acceptable standards of conduct at work may be terminated by the supervisor, following consultation with the Human Resources Office. An employee may be terminated for a single occurrence of behavior or violation of College policy without having been previously warned.

4.6.5. Discretionary Factors- While discretionary factors can be a valuable tool in the corrective action process, they may or may not be used at the discretion of College management. When deciding the specific type and severity of disciplinary sanctions, the following may be considered:

4.6.5.1. Consistent application of rules and standards;

4.6.5.2. Prior knowledge of rules and standards;

4.6.5.3. The severity of the infraction;

4.6.5.4. The repeated nature of the violations;

4.6.5.5. Previous verbal and written warnings or disclosures;

4.6.5.6. The employee's past work record;

4.6.5.7. The effect on College operations; or

4.6.5.8. The potential of the violation for causing damage to persons or property.

4.7. Grievance to Disciplinary Proceedings- No rights are afforded to employees whose employment is at-will. However, because the disciplinary action process is focused on improvement and not punishment, the College may offer an informal meeting to hear the employee's perspective. A request for an informal meeting must be received within ten working days from the date of the disciplinary action. See Grievance policy for more information.

4.8. Involuntary Terminations

4.8.1. Employees being terminated are not entitled to advance notice of termination. See Employment At-will Policy.

4.8.2. Employees terminated due to a reduction in workforce are entitled to notice or payment in lieu of notice pursuant to the College Reduction in Force Policy.

5. Approvals and Notes

Board Approval: 29 May 2025

Expanded President's Council Approval: 12 May 2025

Board Approval: 30 January 2003

Revised Board Approval: 26 January 2006

Revised President's Council Approval: 12 February 2013

Revised Board Approval: 28 February 2013

Revised President's Council Approval: 21 August 2020

Revised Board Approval: 24 September 2020

Revised President's Council Approval: 15 April 2024