

**BURRELL COLLEGE
OF OSTEOPATHIC MEDICINE
POLICY MANUAL**

SECTION: Faculty & Staff

Policy B7551

TOPIC: Due Process and Progressive Discipline

Approval Date: 6/22/16
Ratified: 11/29/16
Revision: 01/05/2023,
11/3/2023

Approved: Signature on File

Page 1 of 3

POLICY

The College shall ensure that all employees are afforded due process during times of disciplinary review and/or action based upon all local, state, and federal employment laws. The College supports the use of progressive discipline to address issues such as poor work performance or misconduct.

RESPONSIBLE OFFICIAL(S):

Office of Human Resources

PROCEDURE(S):

1. Burrell College of Osteopathic Medicine's progressive discipline procedures have been designed consistent with the College's organizational values, human resource (HR) best practices and employment laws.
2. Outlined below are the steps of the College's progressive discipline policy and procedure. The College reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's work record, and the impact the conduct and performance issues have on the organization.
 - a. **Step 1: Counseling and verbal warning**

Step 1 creates an opportunity for the immediate supervisor to schedule a meeting with an employee to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve performance or resolve the problem. The supervisor will prepare written documentation of the Step 1 meeting. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.
 - b. **Step 2: Written warning**

Although the College hopes that the employee will promptly correct any performance, conduct or attendance issues that were identified in Step 1, the College recognizes that this may not always occur. The Step 2 written warning involves more formal documentation of the performance, conduct or attendance issues and consequences. During Step 2, the immediate supervisor and a division manager or director will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations. A performance

improvement plan (PIP) will be noted in the appropriate section of the written documentation. The PIP will last for a predetermined amount of time not to exceed 90 days, within this time period the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specific by the supervisor and the organization, failure to meet the requirements, could result in further documentation up to and including termination.

c. **Step 3: Suspension and/or final written warning**

There may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation. Suspensions that are recommended as part of the normal progression of this progressive discipline policy and procedure are subject to approval from a next-level manager and Human Resources (HR). Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status. Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

d. **Step 4: Recommendation for termination of employment**

The last and most serious step in the progressive discipline procedure is a recommendation to terminate employment. Generally, the College will try to exercise the progressive nature of this policy by first providing warnings, a final written warning or suspension from the workplace before proceeding to a recommendation to terminate employment. However, the College reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action. Management's recommendation to terminate employment must be approved by the AVP of Human Resources and the Chief Academic Officer or the President of the College, based upon reporting lines. If the Chief Academic Officer or the President are serving as the supervisor role or otherwise conflicted, the established designee (as per policy) would fulfill this role for this process.

3. Appeal Process

Employees will have the opportunity to present information that may challenge information management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee's performance or conduct issues while allowing for an equitable solution. If the employee does not present this information during any of the step meetings, he or she will have five business days after that meeting to present such information. The appeal shall be submitted to either the Chief Academic Officer or the President, based upon reporting lines. If the Chief Academic

Officer or the President are serving as the supervisor role or otherwise conflicted, the established designee (as per policy) would fulfill this role for this process.

4. Performance and Conduct Issues Not Subject to Progressive Discipline

Behavior that is illegal is not subject to progressive discipline, and such behavior may be reported to local law enforcement authorities. Similarly, theft, substance abuse, intoxication, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.

5. Documentation

The employee will be asked to sign the documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents. These documents will be placed in the employee's official personnel file, copies are not provided to the employee, unless legally required.

Important note: *Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the College and its employees.*

CROSS REFERENCE(S): Board of Trustee Bylaws