

**PURPOSE**

To provide a fair and equitable means to address the unsatisfactory work performance or work-related behavior, including gross misconduct, of employees (other than faculty and other instructional personnel) who have completed any required initial probationary period. To provide fair and uniform procedures including due process if required by law, to correct, discipline, or terminate employees for unsatisfactory work performance or work-related behavior or for gross misconduct.

**DEFINITIONS**

N/A

**POLICY/GUIDELINE**

I. Unsatisfactory Work Performance or Work-Related Behavior

- A. Disciplinary or other action to improve performance is to be taken with care to assure fairness and equity. Disciplinary action may include the following actions: oral warning, written warning, performance improvement plan, suspension without pay, demotion and termination. As warranted by circumstances, an employee may be terminated at any point in the disciplinary process.
- B. Supervisors must contact the Office of Human Resources prior to taking any disciplinary action. HR will ensure that such action is appropriate and consistent with college and/or System Office policy. The HR officer may consult with the TBR Office of General Counsel, as appropriate.
- C. Unsatisfactory work performance or work-related behavior is the failure or refusal to carry out job responsibilities or failure to follow college, department or unit policies or rules.
- D. Reasonable efforts should be made to secure acceptable work performance and work-related behavior. When disciplining an employee, supervisors should consider the nature of the unsatisfactory work performance or work-related behavior, the past record of the employee, and the appropriate corrective action and/or level of discipline. Therefore, as a general rule, corrective and/or disciplinary action taken for unsatisfactory work performance or work-related behavior should generally begin with an oral or written warning and may be followed by additional oral or written warnings. All disciplinary warnings, whether oral or written, shall be captured in writing, using the College's Employee Discipline Notice form. Warnings and performance improvement plans should be presented to the employee and should describe the unsatisfactory work performance or work-related behavior and the action necessary to correct the performance or behavior. Should an employee fail to attain a satisfactory level of work performance or work-related behavior despite such warning, additional disciplinary action up to and including termination of employment may be taken. The Office of Human Resources shall retain copies of all disciplinary action, including written warnings and performance improvement plans.
- E. Depending upon the nature of the unsatisfactory work performance or work-related behavior, warnings prior to disciplinary action, including but not limited to termination of employment, may not be required.

II. Gross Misconduct

- A. Gross misconduct includes, but is not limited to, the following: theft or dishonesty; gross insubordination; willful destruction of institution or system office property; falsification of records; acts of moral turpitude; reporting for duty under the influence of intoxicants; the illegal use, manufacturing, possessing, distributing, purchasing or dispensing of controlled substances or alcohol; disorderly conduct; provoking a fight; certain violations of policies prohibiting discrimination, retaliation, sexual harassment, and sexual misconduct; and other similar acts involving intolerable behavior by the employee. In a case of gross misconduct, immediate disciplinary action up to and including discharge may be taken. During the investigation of alleged gross misconduct, an employee may be placed on administrative leave with pay.
- B. An employee suspected of theft of institution property may not resign as an alternative to discharge unless the Vice Chancellor of Business and Finance at the System Office approves the employee's resignation as an alternative to discharge in advance.
- C. An employee terminated for gross misconduct or who resigns to avoid dismissal for gross misconduct will not receive payment for accrued unused annual leave. An employee terminated for gross misconduct is not eligible for state Consolidated Omnibus Benefits Rights Act (COBRA) benefits. State Treasury determines eligibility for state retirement benefits if an employee is discharged for gross misconduct.

### III. Pre-Suspension/Pre-Termination Consultation

- A. Before suspending without pay or discharging an employee, the supervisor or other authorized institution official must consult with the Office of Human Resources and receive additional information/instructions with regard to the College's internal procedures for suspending employees without pay or discharging employees.

### IV. Appeal Process

- A. Employees wishing to contest disciplinary action may do so consistent with applicable procedures for filing complaints and grievances.

#### **SOURCES**

TCA § 8-50-807

#### **RELATED POLICIES**

TBR Policy 5.01.00.02 and TBR Guidelines P-110 and P-111

*Approved by President's Cabinet 1/10/22*