



Policy Approval/Review Form

This form is used for the approval, amendment, removal or review of a Gordon State College policy. Once authorized with the President's Signature, the policy will be posted to the Gordon State Website. This approval form will be filed in the Office of the President with Cabinet minutes noting approval.

Policy Title *	Positive Discussions and Progressive Discipline Policy
Department	Human Resources
Policy Editor	Madelyn Brown
Request Type	New ☐ Amended ☒ Removed ☐ Reviewed ☐

OBJECTIVE (Briefly state your purpose.)

Removed reference to faculty.

RESOURCES AND CONSULTATION (Briefly describe the resources (i.e. website, link) used in developing, amending, removing, or reviewing the policy. Include names of other individuals who assisted with this change.)

USG Board of Regents Policy 8.3.9. Discipline and Removal of Faculty Members

COMMUNICATION PLAN (Identify how information about how the policy will be communicated to the college as well as training plans if applicable.)

Has been communicated through faculty senate

Authorizations

Dean or Supervisor Signature and Date: _____

Cabinet Sponsor (VP) Signature and Date: _____
Madelyn Brown Digitally signed by Madelyn Brown
Date: 2022.05.27 17:02:04 -04'00'

President Signature and Date: _____
 6/8/22

***Policy Template must be submitted with this form.**



Policy Name:	Positive Discussions and Progressive Discipline				
Section #:		Section Title:			
Responsible Cabinet Member:	Director of Human Resources	Proposed:		Adopted:	
Responsible Office:	Office of Human Resources	Reviewed:		Revised:	XX
Contact:	Director of Human Resources	Approved:		Webpage:	

1. Policy Statement

Gordon State College is committed to building institutional capacity in human capital and retaining staff members. Employee accountability is an important component of this effort. We promote the use of techniques that enhance the employee's chances of continued employment and desired performance by targeting changes in employee behavior, while preserving self-respect and self-worth. When positive discussions fail to result in desired employee behavior or when blatant policy violations or illegal actions occur, a system of progressive discipline as described in this policy will be used to encourage an employee to correct unacceptable behavior and to adhere to existing Gordon State College policies and procedures. Gordon State College reserves the right to determine the appropriate level of discipline as described herein.

2. Reason for Policy

Institutions within the University System of Georgia are expected to adhere to fair employment practices when considering adverse employment actions. This policy ensures consistency within Gordon State College and that appropriate law, regulations, and policies are observed.

3. Who Should Read This Policy

All staff members of Gordon State College should read this policy.

4. Resources

[USG Policy on Dismissals, Demotions or Suspensions](#)

Gordon State College Staff Grievance and Disciplinary Review Policy

Discipline Matrix

Pre-meeting Supervisor Checklist

Post-meeting Supervisor Checklist

Example memorandum of performance improvement plan

Example memorandum of disciplinary action

5. Definitions

These definitions apply to these terms as they are used in this policy:

- **Disciplinary Suspension:** Used in conjunction with a Final Written Warning to temporarily relieve the employee of work duties for a period of time based on the nature of the infractions. Notification of suspension must be provided in writing to the employee five (5) days prior to the day(s) of suspension. This type of suspension may result in leave without pay.
- **Discipline Matrix:** One page summary of positive discussions and progressive discipline.
- **Final Written Warning:** The final level of formal disciplinary action which remains active for a period of one (1) year and is accompanied by a period of suspension which is commensurate with the facts of the situation.

- **Formal Disciplinary Action:** A documented conversation between a supervisor and an employee regarding a performance problem. Such meetings may include a witness if so desired by either party. Discussion and documentation will include the specific gap between actual and desired performance, with specific facts and examples; the impact of the performance problem; the solution identified; and consequences the employee will face if the performance gap is not corrected. Failure to rectify performance issue may result in additional disciplinary actions up to and including termination.
- **Investigative Suspension:** A period of time during which an employee is removed from the workplace and relieved of all duties as needed to conduct a full investigation to determine the facts of the situation. This type of suspension may result in leave without pay.
- **Memorandum of Disciplinary Action:** Required documentation of performance discussion meeting with employee which details the performance gap, necessary improvements to be made, the level of disciplinary action received, and the consequences of failing to resolve the performance problem. Memo will also include any agreement by the employee to resolve the performance problem and any acknowledgement of the impact of the problem. Employee signs acknowledging receipt and agreeing to resolve the performance problem.
- **Performance Improvement Plan:** The Performance Improvement Plan is a structured plan created by the supervisor with input from the employee to correct a performance problem within a specific period of time. The plan will include detailed steps the employee agrees to take as well as resources the supervisor will provide and follow up required by both parties. Failure to adhere to the PIP may result in additional disciplinary actions up to and including termination.
- **Positive Discussions:** Positive Discussions are formal and informal daily interactions with staff members in which the supervisor provides feedback necessary to reinforce desired performance and instructions on modifications with the intent to improve overall performance. They include coaching, recognition, one-on-one feedback sessions, training, and performance improvement plans. Positive Discussions are not considered part of formal discipline.
- **Post-Meeting Supervisor Checklist:** Form to assist supervisors in capturing what took place in a performance discussion with an employee. Serves as documentation of what transpired and as a source document for creating the memorandum of discipline to employee.
- **Pre-Meeting Supervisor Checklist:** Form to assist supervisors in preparing for a performance discussion with an employee and includes all the necessary components for consideration and inclusion in the meeting discussion.
- **Verbal Warning:** The first level of formal disciplinary action which remains active for a period of six (6) months.
- **Written Warning:** The second level of formal disciplinary action which remains active for a period of nine (9) months.

6. The Policy

Gordon State College holds all staff members accountable for achieving acceptable work performance. Supervisors will utilize the tools and resources within this procedure to manage employee performance effectively.

Process/Procedures

Positive Discussions

Supervisors are expected to utilize formal and informal, daily approaches to encourage desired performance and outcomes with staff members. Use of these methods provides staff members with regular feedback on their performance, including meeting or exceeding performance expectations, and are not considered as part of the discipline process. Supervisors are expected to utilize and document positive discussions prior to administering discipline, except in extreme cases of blatant policy violation, illegal actions, or egregious actions, with consultation from Human Resources.

Examples of informal methods of positive discussions include:

- Recognition
- Coaching
- Formal and informal training
- One-on-one feedback sessions
- Job shadowing

Cause for Disciplinary Action

While not exhaustive, the following are examples of unacceptable actions and behaviors which may result in an employee receiving disciplinary action, up to and including termination:

- Failing to perform job duties;
- Conviction of a felony or misdemeanor related to the employee's area of job responsibilities;
- Crime involving moral turpitude;
- Insubordination;
- Falsifying records, reports, or information;
- Larceny, misappropriation, or unauthorized possession or use of property belonging to the college or an employee, student, visitor;
- Misuse of college property, services, resources;
- Working under the influence of alcohol or dangerous substance as defined by law;
- Taking unauthorized leave;
- Habitual absence or tardiness;
- Violating a policy or procedure;
- Engaging in unlawful discrimination; or
- Threatening, intimidating, harassing, or coercing a college employee, student, or visitor.

Formal Disciplinary Actions

Formal Disciplinary Actions are documented, conversations between a supervisor and an employee about a performance problem. Such conversations may include a witness if so desired by either party. During the conversation, the supervisor and employee will discuss the performance problem, analyze the impact of the problem, identify a solution, and review the consequences the employee will face if the solution isn't enacted. Each level of discipline has a specific duration, during which if the performance problem continues, the next level of discipline will be engaged. The purpose of such actions is for the employee to recognize the need to change and agree to do so.

Formal disciplinary actions should be issued only after the supervisor is certain of the following:

- Positive discussions have taken place within the last six months and were not successful in solving the problem.
- The employee understands the expectations and is aware of the consequences of failing to meet the expectations.
- The employee has the proper tools and training required to meet the expectations.
- The employee is receiving any requested and agreed upon reasonable accommodations.
- The performance expectations are reasonable and consistent with expectations of other staff members in similar roles.

Performance Improvement Plan

Formal disciplinary actions of any level may include a Performance Improvement Plan (PIP) as a part of the solution to resolve a performance problem. When a supervisor discusses the performance problem with the employee, the two should collaborate to create a structured plan with detailed steps and associated due dates. If followed to completion, the PIP should lead the employee to successful performance.

Process for Administering Formal Disciplinary Actions

There are several steps which must be followed when formal disciplinary actions are issued by a supervisor.

- Pre-Meeting Preparation – Supervisors must prepare in advance of the employee meeting to ensure they have the facts necessary. Use of the Pre-Meeting Checklist will ensure each of the below essential information points are included:
 - Identify the specific gap between actual and desired performance, focusing on the most important issue when multiple issues are identified.
 - Spell out actual performance using specific facts and examples.
 - Spell out desired performance using specific facts and examples.
 - Confirm how and when employee was made aware of the specific rule, policy or requirement.
 - Identify specific dates of previous conversations about this problem.
 - Analyze the impact of the performance problem.

- Identify the consequences the employee will face if performance change does not occur, including any natural departmental impact along with the next level of disciplinary action.
- Determine the appropriate level of discipline using the below information in consultation with Human Resources.
- Conducting the Discipline Meeting
 - Complete the pre-meeting preparation using the worksheet.
 - Schedule the meeting to take place in a private location free of distractions. The meeting should occur as soon as possible after the discovery of the problem.
 - Meetings to administer discipline levels above Verbal Warning should include the next level of supervision. Final Written Warning should also include Human Resources.
 - Use the pre-meeting checklist to guide the discussion points of the disciplinary meeting.
 - Primary message from supervisor is to **gain the employee's agreement on changing behavior to solve the performance problem.**
- After the Discipline Meeting
 - Immediately following the meeting, the supervisor writes a memorandum to the employee to accurately capture the conversation that took place during the discipline meeting. Be sure to include any agreement by the employee regarding the need for change, the impact of the performance problem, or the desire to meet performance expectations.
 - Deliver memorandum to the employee as soon as possible but not later than one business day.
 - The employee signs the memorandum to acknowledge receipt and agree to take actions to resolve the performance problem.
 - For discipline levels above verbal warning, provide a copy of the memorandum to Human Resources and any other relevant members in the supervisor's chain of command.
 - Schedule regular follow up meetings and/or adhere to the PIP as appropriate to ensure compliance with the desired performance expectation.
 - Monitor employee performance regularly and be sure to give positive feedback on all performance improvements and efforts toward improvement.
 - Follow up with employee when the discipline period expires, based on duration of time for each discipline level.

Levels of Formal Discipline

In general, employee discipline should start with a Verbal Warning, which is the first level, and proceed through each subsequent level for similar infractions that occur during active discipline. Each level of discipline has a duration of time during which it is considered active. After this time period has passed, the discipline is no longer active. When similar infractions occur after the discipline is no longer active, the Verbal Warning level is again appropriate. However, the College reserves the right to skip levels as described in this policy. Termination is the appropriate remedy when all other levels have been exhausted or for serious offenses.

Active duration of each level of discipline:

- Verbal Warning – 6 months;
- Written Warning – 9 months; and
- Final Written Warning and Suspension – 1 year.

Skipping Disciplinary Levels

Levels of discipline are used to ensure the employee clearly understands the performance expectations and has the opportunity to correct behaviors and meet performance expectations. Any level of the disciplinary process may be skipped at the discretion of the supervisor, in consultation with Human Resources, after a thorough analysis of the total situation and past practices. Should an employee commit a serious offense, or if an employee has a pattern of repeating problems after the end of the active period of disciplinary action, progression to a more serious step of the discipline process may be warranted.

Factors to be considered in determining appropriate level of discipline may include:

- Nature and number of problems involved,
- Seriousness of the infraction,

- Employee's response to prior disciplinary action,
- Amount of time that has elapsed between offenses,
- Employee's work performance prior to the infraction,
- Action taken in similar situations, and
- Pattern of repeating problems after disciplinary action has become inactive.

Required Documentation

Supervisors are expected to maintain confidential and accurate documentation of employee performance matters, to include informal methods of positive discussions and all levels of formal discipline described in this policy. In addition to all disciplinary discussions, performance documentation includes positive discussions and training and development opportunities.

Documentation is critical when a supervisor needs to defend disciplinary actions and demonstrate decisions to be unbiased, lawful, fact-based, and consistent. Effective documentation will demonstrate the supervisor provided the employee with clear performance expectations and the employee received numerous opportunities to correct unsatisfactory performance in a consistent manner.

Supervisors must provide the employee with a memorandum as documentation of the disciplinary meeting. A copy of the memorandum must be provided to Human Resources for placement in the employee personnel file for any disciplinary actions above the level of verbal warning. The following information must be included in the memorandum:

- Employee's name;
- Date of the disciplinary meeting;
- Names of all attendees of the meeting;
- Level of discipline received;
- Length of time the discipline is active;
- Any prior conversations regarding the specific offense;
- A specific statement of the expected performance;
- Any specific policy, procedure or rule that was violated;
- Facts about how the employee knew about the expected performance;
- Description of the actual performance;
- Any explanation given by the employee or other factual information the supervisor feels is significant;
- Employee's agreement or disagreement about solving the problem by changing performance going forward;
- The name and signature of the supervisor who facilitated the meeting; and
- The employee's signature.

Issuing Final Written Warning and Suspension

A final written warning serves as a final opportunity to make the employee aware that their job is in jeopardy if the current performance problem is not corrected. In addition to a performance meeting as in the other levels of discipline, this final level also includes a disciplinary suspension, which is a period during which an employee is relieved of their job duties because of serious or repeated performance problems. The length of the suspension depends upon the facts of each case and will be determined with the discretion of the supervisor, in consultation with Human Resources, after a thorough analysis of the total situation and past practices. The same factors considered in determining the level of disciplinary action will also be applied to determining the number of days of suspension. The disciplinary suspension associated with a final written warning may result in leave without pay.

Investigative Suspension

An investigative suspension is utilized when removing the employee from the workplace is necessary to make a full investigation to determine the facts of the situation. This is a period during which time an employee is relieved of duties and removed from the premises. Such investigations should be conducted in an expedient and confidential manner. Investigative suspension may result in leave without pay.

If after the investigation, termination is warranted, the discharge shall be effective on the date of the termination meeting.

If misconduct is determined but does not rise to a level to warrant termination, the employee shall

receive the appropriate level of discipline in accordance with this policy.

If no misconduct is determined, the employee shall be allowed to return to work immediately following the conclusion of the investigation. The employee shall be paid any back pay owed from the period the investigation began to the point when the employee was reinstated.

Termination or demotion actions cannot be taken without the approval of the Director of Human Resources and in accordance with this policy.

An employee affected by suspension shall be informed in writing of the reasons for the action taken. The effective date of a suspension shall be five days following the notification.

Termination

For all serious offenses, such as fighting, theft, fraud, threats of violence, the sale or possession of drugs or the abuse of alcohol on Gordon State College property, and other similar offenses of a serious nature, termination may be the only reasonable consequence. In such situations, the employee will immediately be placed on investigative suspension, and removed from the premises. A full investigation will be conducted to determine if any mitigating circumstances exist that would preclude the decision to terminate.

Termination will also be used as a last resort when an employee fails to respond to previous efforts to improve performance. All reasonable steps to assist the employee should be taken prior to termination. However, immediate termination may occur following investigative suspension, if the investigation determines that the infraction warrants such an action in compliance with this policy.

In the event of a termination, managers will be required to prepare their recommendation with relevant documentation supporting the action. The supporting documents must be reviewed by the Director of Human Resources to ensure accuracy, completeness, and compliance with this policy. It is the supervisor's responsibility to make certain that all staff members in the department understand the policies, rules, and regulations which govern their conduct.

When it is determined that an employee is to be terminated, the supervisor must receive the approval of the unit's administrative officer, in consultation with the Department of Human Resources. When an employee is terminated, Human Resources will assist in preparing a letter to the employee, which will provide the reasons for the action taken.

Right of Review

An employee affected by demotion, suspension or dismissal shall be informed in writing of the reasons for the action taken. The effective date of a dismissal is immediate. The effective date of a demotion or suspension shall be five days following the notification. An employee affected by a demotion, suspension or dismissal may appeal to the next level of authority within five working days of the notification of the action.

The employee shall also be entitled to the procedural protections of a hearing before a Board of Review, in accordance with the Gordon State College Grievance Policy. The request must be made within ten (10) working days following the documented adverse action. The Board of Review hearing may take place either before or after the effective date of the personnel decision in question.

Employment-At-Will

As an employment-at-will state, Georgia law stipulates that an employer can dismiss staff members at will, and such dismissal cannot be used as grounds for action against the employer. Cause is not necessary to terminate employment, provided no Federal or State laws or University System of Georgia (USG) policies are violated. An employee may be discharged as a result of a serious offense or as the ultimate step in an accumulation of offenses for which verbal warnings or written warnings have been given.

Responsibilities of the Office of Human Resources

It is the responsibility of the Office of Human Resources to ensure all disciplinary actions are consistent with relevant policies, past precedents, and are objectively administered. The Office of

Human Resources will review all of the circumstances which led to the disciplinary actions and advise the manager on the appropriateness of those actions. The Office of Human Resources will also thoroughly review supervisory recommendations involving investigative or disciplinary suspensions, or terminations, and make necessary recommendations prior to any action being taken.