

WEST LIBERTY UNIVERSITY

Board of Governors

Policy No. 57

TITLE: DISCIPLINE AND SEPARATION FROM EMPLOYMENT

STATEMENT:

The following policy outlines the general disciplinary and resignation procedures for the University for staff and other employees (*This policy replaces former institutional procedure number 104.*)

Staff members may be terminated for any reason, however, the University may but is not required to implement progressive discipline to remediate the conduct of a will and pleasure employee but does not waive the employee's will and pleasure status by doing so.

Termination proceedings and causes for dismissal for faculty members are set forth in West Virginia Higher Education Policy Commission Series 9, Section 12. However, the faculty members are expected to adhere to the general provisions of this procedure and are expected to comply with the standards of conduct herein and are expected to not engage in acts of gross misconduct and/or any other conduct proscribed by Series 9. Unacceptable conduct set forth in this procedure may serve as grounds for dismissal of a faculty member for cause in accordance with Series 9. The University may, but is not required to, implement progressive discipline to remediate the conduct and/or unacceptable job performance of a faculty member. This procedure in no way supersedes Series 9 and does not impose upon the University an obligation to use progressive discipline when addressing misconduct of a faculty member unless otherwise required to do so by law.

The resignation procedure set forth herein apply to all employees.

I. General Discipline Policy Statement

The University has a progressive disciplinary system which allows opportunities for correction of unacceptable workplace conduct and/or job performance while maintaining fair treatment to all. Employees may be disciplined for unacceptable conduct and/or poor job performance and the discipline may include termination of employment. In order to maintain and operate the University in the best interest of both the employee and the University, it is necessary that all employees adhere to certain standards of conduct designed to create a friendly, cooperative, and effective work atmosphere. This requires each employee to respect the rights and feelings of others as well as assure that each employee's personal conduct is not harmful to others or to the University. Employees are expected to act professionally during working hours, (including but not limited to lunch hours), when conducting University business, when performing their job duties, and/or when representing the University in their official capacity as a University employee. Employees are expected to perform their job duties effectively and to maintain satisfactory levels of job performance. Employees may be disciplined for failure to perform the duties of their position and for unacceptable job performance. Off duty conduct may

also be the source of disciplinary action if the conduct adversely affects the employee's ability to perform his/her job duties and/or bears a rational nexus to the employee's job. Employees found responsible for gross misconduct may be terminated immediately. All disciplinary actions will be determined on a case-by-case basis. The type of discipline imposed by the University may depend upon, but not be limited to, the seriousness of the performance/conduct issue(s) and the impact on the University.

II. Misconduct

Misconduct could cover any failure to comply with the accepted standards at work to be expected of an employee. Breaches of discipline by an employee which are not of a similar nature may be added together and result in progression through the disciplinary procedure. Employees found responsible for gross misconduct may be terminated immediately without progressive discipline. Gross misconduct can be a single act or omission, or short course of conduct, or an accumulation of those things which taken individually would not amount to gross misconduct. Gross misconduct that could result in immediate employment termination includes, but is not limited to, the following (this list is not exhaustive):

- Stealing property of the University or of another person;
- Threat of violence of physical harm to any individual;
- Harassment or discrimination;
- Damaging property of the University or of another person;
- Reporting to work while under the influence of alcohol or drugs or consuming alcohol and/or drugs while at work in violation of University policy;
- Falsification of time records;
- Lying in official matters;
- Failure to report to work for three (3) consecutive scheduled work days without notice;
- Gambling on University property;
- Unauthorized possession or use of a firearm and/or deadly weapon and/or destructive device on University property;
- Falsification of employment application or official record;
- Insubordination;
- Sexual harassment including but not limited to acts of sexual violence;
- Falsification of timecard and/or leave time;
- Unauthorized and excessive absence from work or tardiness;
- Engaging in sexual conduct in University offices, classrooms and/or buildings;
- Conviction of a crime (state of West Virginia, any other state and/or the federal government law);
- Loss of driving license where driving on public roads forms an essential part of the duties of the post;
- Failure to comply with the University's consensual relationship policy;
- Substantial and manifest neglect of duty;
- Failure to sign a contract;
- Other serious infractions that may involve immediate termination will be handled on a case-by-case basis.

III. Types of Discipline

The following steps are typical of the procedure followed to counsel an employee; however, each situation is unique and the University reserves the right to choose the level of disciplinary action it deems appropriate at any time.

A. Verbal Counsel. If an employee's work performance or conduct is unsatisfactory, the supervisor or anyone in the employee's chain of command should communicate this information to the employee through counseling.

B. Written Warning. The supervisor or anyone in the employee's chain of command should consult with the Chief Human Resources Officer for approval to issue a written warning. Once the written warning has been approved, the supervisor may but is not required to meet with the employee regarding the deficiencies in performance and/or conduct. The written warning is a written summary of the unsatisfactory performance or conduct as well as any violations of University policy if applicable. The written warning and any attachments should be forwarded to the Chief Human Resources Officer for retention in the employee's official University personnel file.

C. Suspension Without Pay. If, after a reasonable time, performance or conduct deficiencies persist, the employee may be given a disciplinary suspension without pay. The supervisor or anyone in the employee's chain of command is required to consult with the Chief Human Resources Officer for approval prior to suspending an employee without pay. Nonexempt employees may be suspended without pay for a period varying from 1 to 15 working days, depending on the gravity of the offense and the employee's previous record. Exempt employees may be suspended without pay for a period of 1 to 15 working days and must be in week long increments to a maximum of three weeks.

D. Employment Termination. Employment termination may result after receipt of two (2) written warnings in one twelve (12) month period. The written warnings do not have to be for the same offense. A suspension without pay is not required prior to employment termination. Prior to terminating an employee, the University will issue the employee an intent to terminate employment letter. The University will issue the employee an intent to terminate employment letter and will provide the employee with an opportunity to rebut the charges set forth in the intent to terminate employment letter. The supervisor or anyone in the employee's chain of command is required to consult with Human Resources prior to issuing an intent to terminate employment letter. The President makes the final decision on all employment terminations.

E. Immediate Termination. Immediate without progressive discipline may result, without prior counseling or warning, where there are serious violations and/or gross misconduct. The University will issue the employee an intent to terminate employment letter and will provide the employee with an opportunity to rebut the charges set forth in the intent to terminate employment letter. The supervisor or anyone in the employee's chain of command is required to consult with Human Resources prior to issuing an intent to terminate employment letter. The President makes the final decision on all employment terminations.

IV. Grievance Procedure. Any eligible employee may seek resolution of an employment related dispute through the Public Employees Grievance Procedure, established by the legislature in W. Va. Code § 6C-2-1, *et seq.* Information about the Grievance Procedure and grievance forms are available in the Human Resources Office and online at:

<http://www.pegb.wv.gov/Pages/default.aspx>

V. Resignation. In accordance with the notification requirements of this section, an employee should submit a signed and dated resignation letter or statement to his/her immediate supervisor, indicating the date when the resignation is to become effective. If an employee provides verbal rather than written notice of his/her intention to resign from employment, a supervisor should confirm acceptance of the resignation in writing to the employee. The supervisor or departmental business office should forward a copy of the signed written resignation letter or confirmation to the Records Unit at the Division of Human Resources for placement in the employee's personnel file.

A. Notification Requirements. A staff member shall provide at least two weeks written notice of the resignation, whenever possible. A shorter period of notice may be provided if authorized by the immediate supervisor. A staff member is expected to be present and functioning at his/her position, as scheduled, throughout the two week notice period, unless this requirement is waived by the immediate supervisor.

A staff member should provide at least one month's advance notice of the resignation, if possible.

A faculty member shall give notice of resignation in writing at the earliest opportunity, giving due consideration of the institution's need to have a full complement of faculty throughout the academic year.

B. General Procedures. Resignations shall be regarded as permanent and the employee shall forfeit all eligibility for continued service and benefits, in accordance with the policies of the Higher Education Policy Commission, West Liberty University Board of Governors, or University; contracts of employment; or state and federal laws.

The employee shall contact the Chief Human Resources Officer regarding their health insurance benefits, COBRA, annual leave accruals, and retirement account(s).

The employee shall settle any outstanding bills or monetary commitments to the University, such as parking tickets, library fines, etc., prior to the termination date.

The employee shall surrender all University property, including identification card, keys, cellular phone(s), computer(s), equipment, documents, etc. to his/her immediate supervisor or appropriate individual(s) on or before the employee's last physical day at work.

Employees who resign will be paid out their accumulated annual leave accruals as of the termination date.

C. Failure to Follow Resignation Procedures. Failure by an employee to meet these responsibilities and/or the resignation notice requirements may result in the employee leaving the University in poor standing and may result in unfavorable consideration for re-employment at the University.

Approved by the WLU Board of Governors on 06/14/17.