

I. General

1. The purpose of discipline is to identify performance or conduct concerns, explain expectations, and provide an opportunity for improvement when appropriate.
2. Discipline generally will be progressive. However, the action taken will depend on the nature, frequency, and severity of the concern.
3. For minor performance or conduct concerns, the College ordinarily will use the following two-warning process:
 - a. An oral warning followed by written documentation of the discussion; and
 - b. A written warning letter.
4. The College may skip one or both warnings and proceed directly to suspension, separation, dismissal, or contract nonrenewal when serious or repeated concerns warrant more immediate action.
5. Nothing in this procedure:
 - a. Alters an employee's at-will status;
 - b. Creates an employment contract or guarantee of continued employment;
 - c. Entitles an employee to receive every disciplinary step before separation; or
 - d. Guarantees a contractual employee a new or renewed contract.
6. Skipping a warning does not eliminate any notice or opportunity to respond required by an employee's contract, College policy, or law.
7. The President may delegate authority under this procedure to an authorized designee. References to the President include the President's authorized designee.

II. Two-Warning Process

A. First Warning: Oral Warning with Written Follow-Up

1. The appropriate supervisor shall meet with the employee to:
 - a. Explain the performance or conduct concern;
 - b. Explain the College's expectations;
 - c. Allow the employee to respond;
 - d. Identify the improvement or correction required; and
 - e. Establish a reasonable timeframe for improvement, when appropriate.
2. After the meeting, the supervisor shall provide the employee a written summary documenting:
 - a. The concern discussed;

- b. The employee's response;
 - c. The required improvement or correction;
 - d. The timeframe for improvement, when applicable; and
 - e. The possible consequences if the concern is not corrected.
3. The written summary documents the oral warning. It does not constitute the second warning.
4. The employee may submit a written response.
5. The written summary and any employee response shall be provided to Human Resources for inclusion in the employee's personnel file.

B. Second Warning: Written Warning Letter

1. A written warning letter may be issued if:
 - a. The employee does not correct the concern;
 - b. The concern continues or is repeated; or
 - c. Another performance or conduct concern warrants a written warning.
2. The employee's Senior Leader and Human Resources shall review the written warning before it is issued.
3. The appropriate supervisor shall meet with the employee to deliver the written warning and allow the employee to respond.
4. The written warning shall explain:
 - a. The concern;
 - b. Any prior warning;
 - c. The required improvement or correction;
 - d. The timeframe for improvement, when applicable; and
 - e. That additional concerns may result in suspension, separation, dismissal, or contract nonrenewal, as applicable.
5. The employee's signature acknowledges receipt, not necessarily agreement. Refusal to sign does not invalidate the warning and shall be documented.
6. The employee may submit a written response.
7. The written warning and any employee response shall be included in the employee's personnel file.

III. Serious, Repeated, or Other Significant Concerns

1. The College may modify, combine, or omit any disciplinary step when the President or authorized designee determines that the circumstances warrant different or immediate action. Relevant considerations may include:
 - a. The nature, severity, frequency, or impact of the concern;
 - b. The employee's prior performance or conduct history;

- c. Whether the concern involves misconduct, deficient performance, or a violation of College policy or law;
 - d. The potential effect on individuals, safety, security, property, College operations, or the College's interests; and
 - e. Any other relevant circumstances.
2. Depending on the circumstances, the College may proceed directly to a written warning, Performance Improvement Plan, suspension, at-will separation, contractual dismissal, contract nonrenewal, or other appropriate action.
3. When practicable and consistent with the employee's appointment document, employment contract, College policy, and applicable law, the employee will be informed of the concern and provided an opportunity to respond before a final decision is made.
4. The College may take immediate interim or final action when the President or authorized designee determines that delay would be inappropriate or that immediate action is necessary to protect individuals, safety, security, property, College operations, or other College interests.
5. Nothing in this section requires the College to use progressive discipline, issue a specific number or type of warning, or complete a Performance Improvement Plan before taking an action otherwise permitted by the employee's employment status, appointment document, employment contract, College policy, or law.

IV. Suspension

A. Disciplinary Suspension

1. The President may suspend an employee with or without pay after consulting with Human Resources.
2. Before the suspension, the employee shall be informed of the reason and provided an opportunity to respond.
3. The employee shall receive written notice stating:
 - a. The reason for the suspension;
 - b. Whether the suspension is paid or unpaid;
 - c. The dates of the suspension;
 - d. Any restrictions that apply during the suspension; and
 - e. The date the employee must return to work.
4. Human Resources must review an unpaid suspension to ensure compliance with applicable wage-and-hour requirements.
5. During the suspension, the employee shall not enter College property, access College systems, or perform College work unless authorized by the President.

6. Failure to return to work as directed shall be addressed under Procedure 5.4.4, Voluntary Resignation Without Notice.

B. Paid Administrative Suspension

1. The President may place an employee on paid administrative suspension while the College conducts an investigation.
2. Paid administrative suspension is an interim action and is not, by itself, disciplinary.
3. The employee shall receive written notice of the suspension and any restrictions that apply.
4. At the end of the investigation, the employee shall be reinstated or the College shall take appropriate action under this procedure.

V. Separation, Dismissal, or Nonrenewal

A. At-Will Employees

1. An at-will employee may be separated from employment for any lawful reason.
2. A supervisor who believes separation is warranted shall consult with the employee's Senior Leader and Human Resources before submitting a recommendation to the President.
3. Before a final decision is made, the employee shall be informed of the concern and provided an opportunity to respond.
4. If separation is approved, the employee shall receive written notice stating the effective date.

B. Contractual Employees

1. A contractual employee's employment may be ended before the contract's stated expiration date only as authorized by the employee's contract, applicable College policies and procedures, and law. Any such dismissal shall be handled in accordance with this procedure.

C. Contract Nonrenewal

1. The expiration or nonrenewal of an employment contract is governed by Policy 5.3, Contractual Relationships, and is separate from dismissal before the contract expires.
2. Contract nonrenewal is not a dismissal or disciplinary termination of the existing contract.

3. Nothing in this procedure creates an entitlement to a new contract, contract renewal, or continued employment after the current contract expires.

VI. Final Decisions and Records

1. A decision made by the President is final and is not subject to appeal to the Board of Trustees unless otherwise required by law or College policy.
2. Allegations of unlawful discrimination, harassment, or retaliation shall be addressed under Policy and Procedure 5.17.
3. Disciplinary records and employee responses shall be maintained in the employee's personnel file in accordance with applicable law and College procedures.

Legal References: N.C.G.S. §§ 115D-5, 115D-20 and 115D-27 through 115D-30; 1C SBCCC 200.94; Fair Labor Standards Act, 29 U.S.C. § 201 et seq.