

D.9.1.2 (Procedure) Progressive Discipline

Responsible Department: Talent, Organization & Strategic Innovation

Based on Board Policy: [D.9.1](#) - Progressive Discipline

Approved: 8-26-11

Last Amended: 9-27-22, 12-04-23

This procedure applies to all full-time regular status employees on September 27, 2022. Procedure D.9.1.1 was consolidated into this procedure to establish one consistent standard of progressive discipline or all employees.

Guiding Principles

The Chancellor is authorized to develop and implement procedures for employee progressive discipline (see [D.9.1](#)).

The intent of progressive discipline is to communicate the need to modify unacceptable behavior which is inappropriate, unproductive, disruptive or otherwise problematic to the goals of the College District. The development and communication of this procedure serves the following purposes:

1. For the ORGANIZATION: To provide employees with the opportunity to improve performance and conduct, with knowledge that subsequent violations may necessitate more severe penalties and/or consequences.
2. For MANAGERS/SUPERVISORS (INCLUDING CHAIRS AND DEANS): To create a framework to administer appropriate, fair and consistent corrective actions to employees.
3. For ALL EMPLOYEES: To set the standard of conduct expected by the College District and the consequences of problematic behaviors.
4. For TOSI (Talent, Organization & Strategic Innovation): To promote communication with TOSI regarding actions to be taken, so that fair decisions and actions can be delivered.

Progressive discipline is normally applied in several stages of severity, culminating in termination, if necessary. Termination of employment, or elevation of the level of discipline, may be appropriate upon first offense, based upon the seriousness and impact of the behavior(s) or action(s) or for violation of multiple lesser offenses.

Further, the dismissal of an employee can occur without progressive discipline as a result of a violation listed under Step 4 of this Procedure.

Managers/Supervisors (including chairs and deans) should follow this Procedure as closely as possible; however, in light of the fact that we work in a fast-paced environment, failure to perform technical steps that are not substantive shall not affect the stage or form of discipline and shall not, absent substantial harm to and shown by the employee, form grounds for a grievance.

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Application

Progressive discipline pursuant to this procedure shall apply to all full-time employees. Except where otherwise provided in policy or procedure, employees subject to disciplinary action may appeal an adverse employment action pursuant to Policy [D.3.3](#) and related procedures.

This procedure does not apply to employees who have not successfully completed the 90-day probationary period. Inappropriate behavior by employees classified as either temporary or non-benefited is addressed under “*Procedures for Termination of Non-Benefited Employees.*”

Procedure and Provisions

Disciplinary action(s) are arranged in progressive Steps 1-4. Depending on the severity of the offense, one or more steps may be bypassed to include ultimately employment termination upon subsequent occurrences of an offense normally classified at a lower step. The following information is provided as a guide in the use of this process.

In some cases, it may be appropriate for discipline to include corrective action, such as placement under direct supervision of the chair/dean/higher-level supervisor with a specific plan for remediation and for a specific period of time. Documentation of corrective actions shall be included with the other documentation related to the disciplinary measure. Further, in some cases, it may be appropriate to reduce or eliminate overtime or outside assignments for non-faculty. For faculty it may be appropriate to reduce or eliminate overload and/or summer teaching assignments for those on less than twelve-month contracts or to reduce or eliminate perquisites or privileges of rank for a stated period.

If reassignment or relocation of an employee is being recommended for reasons related to discipline, the TOSI department must be consulted prior to any action.

The Chancellor in consultation with TOSI, reserves the ability to place an employee on administrative leave pending investigation of the allegations related to this procedure.

Disciplinary Violations

Unacceptable behaviors include, but are not limited to, non-performance, inappropriate conduct, unacceptable attendance and/or violation of College District policy or procedures. The examples listed under Steps 1-4 herein are not exclusive, and shall not be limited to those listed except as limited by another applicable procedure.

If a situation arises which the listing does not specify, the behavior will be compared with and aligned with similarly listed violations in consultation with the TOSI Department.

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The unacceptable behavior(s) identified will normally result in issuance of the corresponding *Step*, although impact, severity, number of occurrences and intent of the actions will be considered in determining the appropriate level (step) of discipline. Each offense may be treated as a separate *Step* under appropriate circumstances.

Step 1:

- Excessive tardiness or absenteeism;
- Abuse of or excessive number of personal telephone calls;
- Uncooperative behavior (including disrespectful attitude towards a supervisor);
- Loitering or loafing during work hours'
- Repeated use of profanity in the workplace that is not protected by academic freedom as defined by [D.3.5](#);
- Failure to follow departmental procedures or directions;
- Reckless or careless behavior, including but not limited to horseplay;
- Failure to meet performance expectations or deadlines;
- Failure to perform the terms of employment for reasons other than documented illness or injury (including, for example, failure to attend mandatory departmental/College or District-wide meetings or failure to hold required office hours or otherwise fail to be reasonably available for students, if the terms of employment require it);
- Unauthorized operation and/or misuse of College District property not constituting an egregious violation of computer use policy.
- Inadvertent failure to comply with Policy H.3.1 State Legislative Prohibitions on Diversity, Equity, and Inclusion.
- Inadvertent failure to comply with any ACD Section H. Civil Rights/Title IX Policy or Procedure.

Step 2:

- Making false and defamatory statements concerning any employee, student, the organization, its services or others associated with the college district mission;
- Leaving the assigned College District work site during work hours other than for College District purposes without appropriate approval;
- Failure to follow specified job instructions;
- Participation in or promotion of games of chance or unauthorized lotteries on College District property, using College District resources or on College District time;
- Neglect of duty or responsibilities, including unauthorized absence, which impairs performance of assigned or expected services to the College District;

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- Use of obscene, vile, abusive or degrading language, gestures or image(s) directed at a person in the workplace that is not protected by academic freedom as defined by [D.3.5](#). (Note: this does not apply to violations related to sexual harassment under [H.1.2](#)).
 - A second inadvertent failure to comply and ANY reckless failure to comply with Policy H.3.1 State Legislative Prohibitions on Diversity, Equity, and Inclusion.
 - A second inadvertent failure to comply and ANY reckless failure to comply with any ACD Section H. Civil Rights/Title IX Policy or Procedure.

Step 3:

- Removal of College District records or property without appropriate approval;
- Violation of the College District Code of Conduct contained in the Ethics Handbook;
- Violation of College District policies or procedures unless considered a terminable offense;
- Egregious violation of computer use policy;
- Intentional or reckless destruction or defacing of College District property, grounds, or buildings or obstruction of College District operations;
- Insubordination (such as refusal to obey a supervisor's lawful orders or directives or department directives or requirements);
- For faculty, violation of the ethics of the academic profession, including the Texas Community College Teachers Association *Faculty Code of Professional Ethics* ([D.4.10](#) and [D.4.10.1](#));
- Absence from work without notification ([D.5.3.1](#));
- Refusal to meet with supervisor or other agent of College District management or leadership; and
- Sleeping while at work or on duty.
- A third inadvertent failure to comply, a second reckless failure to comply and ANY knowing or deliberate failure to comply with Policy H.3.1 State Legislative Prohibitions on Diversity, Equity, and Inclusion.
- A third inadvertent failure to comply, a second reckless failure to comply and ANY knowing or deliberate failure to comply with any ACD Section H. Civil Rights/Title IX Policy or Procedure.

Step 4:

College District employees are subject to termination for a first offense of the following list of violations:

- Two consecutive occurrences of absence from work without -notification ([D.5.3.1](#));
- Absence from teaching responsibilities for other than medical reasons without prior written approval of direct supervisor. (Faculty do not accrue vacation days);
- Repeated distribution of printed matter, selling property, soliciting, collecting or accepting contributions on College District property, using College District resources,

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- or on College District time, without specific written authorization from College or College District administration;
- Professional incompetence or gross neglect of professional responsibilities or duties;
 - Violation of the Code of Ethics or specific Board policies and/or procedures for which termination is a stated consequence; Intentional or reckless abuse of, or damage to, College District property or to the property of other employees;
 - Unauthorized release or disclosure of confidential records or information, including medical records and protected employee information, or violation of the Family Educational Rights and Privacy Act (FERPA);
 - Substantial unauthorized use of College District equipment, time or resources (employees may make minimal, incidental use of College District resources with certain limitations: see [C.2.7.1](#), [C.1.9](#), [C.1.9.1](#) and Chancellor's Clarification [07-01](#) for limitations and examples of minimal incidental use);
 - Accessing or distributing pornographic, lewd, or sexually graphic materials, including child pornography, using College District property or resources;
 - Intentional or reckless action(s) that prevent other College District officers or employees from fulfilling their responsibilities or that create a clear and present danger to members of the College District community;
 - Violation of the College District workplace violence policy or procedure ([D.4.6](#) and [D.4.6.1](#));
 - Threatening harm or injury to persons or property at a College District facility, including making terroristic threats;
 - Willfully, including by omission, providing false or misleading information on College District employment applications or in connection with the employment application or hiring process, even if determined after employment has commenced;
 - Forging or falsifying an official College District record or form, including but not limited to time records;
 - Violation of the ethics or requirements of professional licensing or certification agencies or organizations;
 - Misappropriating funds or monies collected in connection with activities sponsored by the College District, an Alamo College, or a Registered Student Organization;
 - Engaging in conduct incorporating the elements of an offense under Texas Penal Code, including but not limited to Title 8, Offenses Against Public Administration;
 - Conviction (to include probated sentences and deferred adjudication) of any felony under state or federal law or of a misdemeanor involving moral turpitude, as defined by College District policy or Texas statutory or common law. It is the employee's responsibility to report all convictions to the TOSI department within 3 business days of being convicted (see [D.4.11](#)); and
 - Intentional or reckless behavior which is a severe disruption to the image, morale, production or operations of the College District organization.

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- ANY violation of this policy whatsoever occurring after a Step Three violation of Policy H.3.1 State Legislative Prohibitions on Diversity, Equity, and Inclusion.
 - ANY violation of this policy whatsoever occurring after a Step Three violation of any ACD Section H. Civil Rights/Title IX Policy or Procedure.

While on property owned or controlled by the College District, while attending a College District-related or sponsored activity on or off College District property, or while working remotely employees are subject to termination for the following violations:

- Engaging in conduct that constitutes moral turpitude as defined in [D.4.9](#)
- Assault against another employee, student, or other individual as defined by the Texas Penal Code, excluding insubstantial non-sexual physical contact;
- Except as provided in [D.4.7.1](#), sale or delivery to another person, or possession of, use of or intoxication from illegal or controlled substances or an inhalant as defined by Texas law without a doctor's prescription; Except as provided in [D.4.7.1](#), sale, possession, use or being under the influence of intoxicants while in the course of employment;
- Engaging in a pattern of refusal or intentional failure to follow a College District policy or official directive;
- Engaging in behavior that endangers the life, health or safety of a student, employee, or another individual;
- Being found responsible for terminable sexual harassment or egregious violation of the Civil Rights Policy under [H.1.2](#) and its procedures;
- Unlawful possession of a firearm, illegal knife, club, or prohibited weapon as defined under the Texas Penal Code (lawful campus carry is limited to a licensed peace officer in the course of duty and concealed handgun carry by a license holder outside areas where carry is prohibited by College District rules);
- Unlawful display of handgun by a concealed handgun license holder on College District property;
- Violation of area prohibition against carrying a handgun by a concealed handgun license holder on College District property;

Progressive Discipline Steps

Step 1-Counseling (Verbal or Written)

This level of discipline is in response to behavior which causes a minor disruption to the image, morale, production or operations of the organization (see above "*Disciplinary Violations*" for examples). In response, the immediate supervisor (or chair or dean, as appropriate) shall do the following:

1. Identify the problematic behavior(s);
2. Allow the employee the opportunity to explain the behavior(s), and investigate if

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- necessary;
3. Meet with the employee and advise the employee of the unsatisfactory job performance, conduct or behavior;
 4. Inform the employee that the behavior(s) has/have violated disciplinary procedure and must be corrected;
 5. Inform the employee that this is a Step 1, “Counseling” step;
 6. Advise the employee of the consequences of continued behavior(s), or other disciplinary violations;
 7. Provide the employee with advice, guidance, corrective action requirements (if applicable) and clarification to assist in avoiding escalation of the discipline to a more severe Step, with copy to TOSI;
 8. Ask the employee if there are any questions; document any questions and answers given; and
 9. Document the conversation and file it with the departmental employee file, with copy to TOSI.

Step 2-Written Reprimand

This level of discipline is in response to behavior which the employee has not corrected or has repeated the behavior giving rise to Step 1, or if the employee’s behavior otherwise is a moderate disruption to the image, morale, production or operations of the organization (see above “*Disciplinary Violations*” for examples). In response, the immediate supervisor shall do the following:

1. Identify the problematic behavior(s);
2. Allow the employee the opportunity to explain the behavior(s) (document statements made), and investigate if necessary;
3. Seek guidance from the TOSI department prior to taking disciplinary action, so that the action can be reviewed for consistency, fairness and applicability;
4. Meet with and request that the employee acknowledge a written notice of the unsatisfactory job performance, conduct or behavior. If the employee refuses to sign, document the refusal and note any comments made by the employee;
5. Inform the employee that the behavior(s) has/have violated disciplinary procedure and must be corrected;
6. Inform the employee that this is a Step 2, “Written Reprimand” step;
7. Advise the employee of the consequences of continued behavior(s), or other disciplinary violations;
8. Advise the employee that, although an undesired consequence, the College District may accelerate the discipline process, as appropriate;
9. Ask the employee if there are any questions, document any questions and answers given;
10. Provide the employee with advice, guidance and clarification to assist in avoiding escalation

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- of the discipline to a more severe Step, with copy to TOSI;
11. File all documents in the employee's departmental employment file; and
 12. Provide the TOSI department with a copy of the discipline record (documents described in this step and any previous discipline administered) for the employee personnel file maintained by the College District.

Step 3-Final Written Warning

This level of discipline is in response to behavior which the employee has not corrected or has repeated the behavior giving rise to the previously issued Step, or if the employee's behavior otherwise is a serious disruption to the image, morale, production or operations of the organization (see above "*Disciplinary Violations*" for examples). In response, the immediate supervisor shall do the following:

1. Identify the problematic behavior(s);
2. Consult with the TOSI Department and provide the TOSI department with written information to support the disciplinary action **before** disciplinary action is taken;
3. Allow the employee the opportunity to explain the behavior(s) (document statements made), and investigate if necessary;
4. Meet with and request that the employee acknowledge a written notice of the unsatisfactory job performance, conduct or behavior. If the employee refuses to sign, document the refusal and note any comments made by the employee;
5. Inform the employee that the behavior(s) has (have) violated disciplinary procedure and must be corrected;
6. Inform the employee that this is a Step 3, "Final Warning" step;
7. Advise the employee of the consequences of continued behavior(s), or other disciplinary violations;
8. Ask the employee if there are any questions, document any questions and answers given;
9. Provide the employee with advice, guidance and clarification to assist in avoiding escalation of the discipline to a more severe Step, with copy to TOSI;
10. File all documents in the employee's departmental employment file; and
11. Within two days of presenting the Step 3, provide the TOSI department with a copy of the discipline record (documents described in this step and any previous discipline administered) for the employee personnel file maintained by the College District.

Step 4-Termination

This level of discipline is in response to (1) behavior giving rise to a previously issued Step which the employee has not corrected or has repeated, resulting in a Step escalation, or (2) behavior involving the offenses and violations listed above under "Step 4." The immediate supervisor who has identified an apparent terminable violation shall implement the following procedural measures:

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1. Identify the problematic behavior(s);
 2. Consult with the TOSI Department and provide the TOSI department with written information to support the violation **before** disciplinary action is taken in compliance with Procedure D.12.1.1;
 3. Investigate if necessary, and if appropriate, allow the employee the opportunity to explain the behavior(s) (document statements made);
 4. Determine whether termination is justified, and if so, continue with the following measures
 5. Meet with and request that the employee acknowledge a written notice of the unsatisfactory job performance, conduct or behavior. If the employee refuses to sign, document the refusal and note any comments made by the employee;
 6. Inform the employee that the behavior(s) has/have violated disciplinary procedure, resulting in the termination of employment;
 7. Inform the employee of no longer being eligible for rehire with the College District in any capacity;
 8. Ask the employee if there are any questions, document any questions and answers given;
 9. File all documents in the employee's departmental employment file;
 10. Initiate the applicable termination for-cause procedure described under Policy D.10.2 Separation From Employment.
 11. Within two days of notice, provide the TOSI department with a copy of the discipline record (documents described in this step and any previous discipline administered) for the employee personnel file maintained by the College District.

Steps -General Procedure

NOTE: Employees may contact the TOSI department for assistance and guidance at any step in this procedure.

1. In the event that an employee violates separate provision(s) of this procedure, the employee is subject to escalation to the next level Step, as appropriate. It is not required that any subsequent Step pertains to the same or similar offense for which any prior Step was issued.

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2. The disciplined employee shall be asked to acknowledge receipt for all notices of discipline; if the employee refuses to sign the acknowledgement, the document shall be noted as “Refused to Sign.”
 3. This procedure does not limit management’s ability to coach or otherwise communicate with any employee without regressing “backwards” in the Steps.
 4. Management may question the employee regarding the problematic behavior prior to any disciplinary action being taken and the employee may provide an explanation. The employee is not entitled to have a legal or other representative present at any meeting with management at any time except as provided by the Employee Complaint Procedure at D.3.3.1, or D.10.2.5 if applicable. If assistance is needed, the TOSI department can assist to gather related facts.

Steps-Escalation of Discipline to Next Step

1. The employee will be subject to escalation to the next step during the 12 months following an issued corrective discipline.
2. After 12 months without escalation to the next Step, the previously issued discipline will not be used as a basis for escalation to the following Step, except in disciplinary action(s) related to behavior(s) such as discrimination, sexual harassment, violence and/or safety, which may continue to be considered for the duration of the employee’s employment with the College District.

Steps-Procedure for Progression to Steps 3 and 4

1. A representative of the TOSI department shall be consulted prior to the discipline being issued.
2. The TOSI department shall review the disciplinary document prior to being issued to the employee.
3. Within two days of the discipline being issued, a copy of the discipline record shall be forward by the immediate supervisor to the TOSI department to be included in the employee personnel file.

Procedures for Termination of Non-Benefited Employees

The following is the procedure for termination of non-benefited, temporary employees. This information does not create any property rights to assignments or to employment for any individual working in a non-benefited, temporary capacity.

1. Identify the problematic behavior(s).
2. Unless the employee’s behavior(s) warrants immediate termination, the immediate supervisor will notify the employee of the need to correct the problematic behavior(s).
3. The disciplined employee shall be asked to acknowledge receipt for all notices of

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discipline; if the employee refuses to sign the acknowledgement, the document shall be noted as “Refused to Sign.”

4. Upon re-occurrence of the problematic behavior(s), or upon any other disciplinary violation(s), the job assignment may be terminated.

5. A representative from the Talent, Organization & Strategic Innovation department shall be consulted prior to the termination of the assignment.

6. A representative from the Talent, Organization & Strategic Innovation department may also be present at the termination meeting.

Within two days of the termination, a copy of the discipline record shall be forwarded by the immediate supervisor to the TOSI department to be included in the employee personnel file.

For further information and guidance on progressive discipline contact the TOSI department.