



# Standard of Conduct and Progressive Discipline Policy

Policy #: 4.024  
Responsible VP:  
Finance and  
Treasurer  
Responsible Office:  
Human Resources  
Approved By:  
President/  
President's Cabinet  
Approved:  
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1/22/2021  
Status:  
APPROVED

## 1. Policy Summary

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Where it appears appropriate and effective, the College will utilize a corrective, rather than a punitive approach to address unsatisfactory job performance and/or conduct. The purpose of progressive discipline is to openly communicate to all employees Molloy's standards of conduct, particularly conduct and behavior that is considered unacceptable in the workplace, and to outline consequences if unsatisfactory job performance and/or conduct continues. Every effort will be made to ensure that the employee understands why the unsatisfactory job performance and/or conduct is inappropriate or unacceptable, and the specific changes which must be made to bring the employee's conduct or performance to an acceptable level.

## 2. Policy Scope

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This Progressive Discipline Policy applies to all employees of Molloy College. College policies or contracts may require the College to use additional processes before taking certain employment-related actions with respect to faculty or other College employees. Where a person covered by such a policy or contract has allegedly engaged in conduct prohibited by this Progressive Discipline Policy, the disciplinary process will proceed in accordance with the procedures set forth herein, unless an alternate process as outlined in any policy, contract or handbook takes precedence.

## 3. Policy

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To provide an employee with an opportunity to correct his or her behavior and/or performance, supervisors must provide prompt and clear performance expectations. The College's objective in this regard is to allow an employee to see the results of his/her actions if the problem persists and encourage the employee to proactively correct the issue(s).

Progressive discipline, however, is not intended to be a substitute for formal performance appraisal. Progressive discipline is also not applicable in every instance where disciplinary action is warranted. In certain instances, an employee may not be eligible for progressive discipline and instead will be subject to more serious disciplinary action, up to and including immediate termination. The College has the sole discretion to impose discipline and is in no way limited to the actions set forth in this policy.

### **3.1 COUNSELING:**

- Whenever reasonably feasible, the initial focus will be on coaching and counseling.
- This involves a conversation between the supervisor and the employee about a minor infraction, failure to meet minimum performance expectations and/or behavior which could result in progressive discipline. It is not formal disciplinary action. The discussion should be documented in the supervisor's personnel files but need not be filed with Human Resources.

### **3.2 VERBAL WARNING:**

- A verbal warning involves a discussion between a supervisor and employee about an employee's failure to comply with a rule or policy or his/her unsatisfactory performance. Verbal warnings are appropriate for minor first offenses to enable the employee to improve or correct a problem.
- The discussion may include: (i) actions that the employee needs to take to correct the problem to avoid more serious disciplinary action; (ii) assistance and support available to the employee to achieve these objectives, if appropriate; (iii) the consequences of further conduct or performance inadequacies. The supervisor should meet with the employee and clearly explain his/her objection to the behavior/work performance and identify acceptable standards.
- The supervisor should document that the meeting occurred, the subject of the meeting and the outcome of the meeting. The documentation should be kept in the employee's file and sent to Human Resources.

### **3.3 WRITTEN WARNING:**

- If the verbal warning fails to correct the behavior or conduct at issue, the supervisor should prepare a written warning. This is a second or subsequent documentation of an ongoing disciplinary issue or earlier warning. Alternatively, a written warning may be issued if the severity of an initial offense or misconduct warrants it.
  - The purpose of a written warning is to help the employee correct the performance problem or avoid a recurrence of an incident. The document should provide the following information: The specific problem, inappropriate conduct or performance deficiency; A description of what must be done to successfully meet performance expectations or correct behavior; Outlines assistance and support available to the employee to achieve these objectives, if appropriate;
  - A timeline for improvement,
  - A schedule for subsequent meeting times to provide feedback,
  - Reference to any earlier corrective and/or disciplinary actions taken (where applicable, this notice shall refer to any prior verbal counseling and/or verbal warning),
  - Identify the consequences of uncorrected behavior, i.e. if improvement does not occur, further disciplinary action, including termination of employment may occur.
- The written warning should be kept in the employee's file and sent to Human Resources.

### **3.4 FINAL WRITTEN WARNING OR SUSPENSION:**

Final written warning and suspension constitute the same level of discipline. Depending upon the nature of the offense, termination of employment usually follows either of these disciplinary actions. In either case, written documentation should inform the employee that, absent positive change in performance or behavior, termination will result. In certain instances, a single incident may be so severe as to merit an immediate final written warning and/or suspension.

- **FINAL WRITTEN WARNING:** This is a final written notice that sufficient progress in job performance has not occurred despite prior warnings. This level of discipline allows the person a final opportunity to consider whether he/she is committed to retaining their employment at the College by meeting performance expectations. The documentation should contain all the elements noted above, but the consequence of failure to make corrections or

comply will be termination. The final warning should make it clear that, unless there is significant improvement, termination will result. Supervisors must have a discussion with Human Resources before issuing a final warning to a College employee.

- **SUSPENSION**: Disciplinary suspensions are generally used when time is needed to assess or investigate issues of serious misconduct and/or violation of procedures, practices, policies, or laws. These suspensions may be paid or unpaid. Supervisors must have a discussion with Human Resources before suspending a College employee.
  - *Note: Suspensions may occur at any point in the progressive disciplinary process. Suspensions must be documented to the employee's file in Human Resources.*

### **3.5 TERMINATION:**

This is an involuntary separation from employment with Molloy. Employees who fail to correct performance deficiencies, and/or engage in serious misconduct will be terminated. This is the final step in the disciplinary process. To have reached this point in the discipline process, in most situations, employees will have been given sufficient opportunity for improvement and have been warned that their jobs were in jeopardy. In certain cases, particularly in those involving serious misconduct, the employee may be terminated immediately. In either case, prior to initiating such action, the supervisor must consult with their Vice President and the Office of Human Resources. Following discussion with the employee, a memorandum or letter, briefly documenting the reason for termination must be prepared and placed in the employee's personnel file.

This policy is intended as guidance to assist in the consistent application of Molloy policies and programs for employees. The policy does not create a contract implied or expressed, with any Molloy employees, who are employees at will. Molloy reserves the right to deviate from this policy or modify this policy in whole or in part, at any time, at the discretion of Molloy.

For information, please contact the Human Resources Department.

