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| POLICY NAME | Corrective Action Policy | POLICY NO. | CC601 |
| APPROVING BODY | President/Cabinet | VERSION NO. | 01 |
| RESPONSIBLE DEPARTMENT | Compliance & Communications - Employee & Labor Relations | | |
| EFFECTIVE DATE | 01-JUL-2024 | REVIEW/REVISION DATE | 12-SEP-2024 |

PURPOSE:

Western New Mexico University expects all employees to be aware of and to follow workplace policies and rules for the well-being of our students, employees and business operations. There are many institutional, divisional and departmental policies and rules at Western New Mexico University. Employees are expected to comply with these internal requirements, as well as the requirements of federal, state, and local laws, and funding and accreditation agencies.

POLICY:

Corrective Action is a proactive approach to provide an employee the opportunity to correct their work performance related to willful neglect, misconduct or inappropriate workplace behavior by providing clear and constructive feedback through a succession of progressive steps. The process typically includes one or more of the following steps: verbal counseling(s), written warning(s), final written warning, and/or termination of employment.

Corrective Action is a step-by-step process designed to address unacceptable employee behaviors, which also allows for corrective action to start at a higher step based on the severity and circumstances of the situation. Before taking corrective action, supervisors should consult with the Office of Employee and Labor Relations.

Examples of performance and conduct covered by this policy include:

- Disregard for procedures, regulations and protocols governing the safety or compliance for Western New Mexico University's students or employees
- Misuse of fiscal or electronic resources or Western New Mexico University's facilities
- Inappropriate, unprofessional or disrespectful behavior, such as profanity or insults
- Poor attendance and excessive absenteeism

For a list of unacceptable behaviors see the Board of Regents Manual - "General Policies and Procedures."

An employee is expected to have sustained improvement following any corrective action. When an employee's conduct and performance falls under the Corrective Action Policy, the totality of the circumstances will be assessed in consultation with the Office of Employee and Labor Relations when determining appropriate action. In cases of poor job performance based on the need for further knowledge or skill development, a performance improvement plan, along with the performance evaluation process for staff, or the MBO process for faculty, may be appropriate.

STEPS

1. VERBAL WARNING

A verbal warning clarifies policies and expectations which have not been properly followed by the employee. The supervisor should document the incident and conversation with the employee, as well as the consequences if not corrected, for their records.

2. WRITTEN WARNING

Within 12 months of the first verbal warning, if further verbal warnings are repeated or additional problems occur, the supervisor should provide the employee with a written warning explaining the violation. The written warning should describe the problematic conduct and its impact, outline expectations, and state that further corrective action will occur if the behavior is repeated.

3. SUSPENSION WITHOUT PAY/ FINAL WRITTEN WARNING

If within 12 months of receiving the written warning the conduct addressed has not ceased or additional problems occur, then corrective action may progress to suspension without pay or a final written warning. However, a single incident may be so severe as to merit an immediate suspension without pay or a final written warning.

4. TERMINATION

Employment may be terminated based on corrective action within a 12-month period or based on the severity of a single incident. WNMU has no obligation to guarantee or continue the employment of staff during the term of their probationary period; the employment relationship may be terminated by either party without just cause. For all probational, limited term, or non-tenured faculty, any dismissal must follow the notification timeline and deadlines for non-renewal of the contract.

JUST CAUSE FOR IMMEDIATE TERMINATION OF EMPLOYMENT

Misconduct that involves dishonesty, violation of the law, or significant risks to Western New Mexico University's operations or to the safety or well-being of oneself or others is grounds for immediate termination of employment. Examples of such misconduct include, but are not limited to:

1. VIOLATIONS OF POLICY OR PROCEDURE

- Anti-Harassment and Equal Opportunity and Affirmative Action (i.e., findings of discrimination or harassment)

- Hours of Work (i.e., unauthorized sleeping while on scheduled work time; falsification of time reporting)
- Drug and Alcohol Policy (i.e., reporting to work while impaired under the influence of drugs or alcohol)
- Acceptable Use Policy for Computing Resources (i.e., unauthorized access)

2. VIOLENCE IN THE WORKPLACE

- Possessing an unauthorized weapon on Western New Mexico University's time or premises
- Threatening or assaulting another person on Western New Mexico University's time or premises

3. CRIMINAL ACTIVITY AND DISCLOSURES

- Failure to report a criminal arrest or conviction through a Conflict-of-Interest disclosure within 3 business days of the arrest or conviction
- Failure to disclose criminal convictions as requested during a criminal background check performed pursuant to university policy or procedure.
- Conviction of a crime involving dishonesty, violence or other behavior that impacts suitability for employment

Serious neglect of duty, insubordination, violation of safety rules, violence, dishonesty, falsification of Western New Mexico University's records, breach of confidentiality, unauthorized use of Western New Mexico University's resources for personal gain, unauthorized removal or destruction of property

RESOURCES AVAILABLE TO EMPLOYEES

- An employee may respond to a corrective action by submitting a written rebuttal within five (5) working days of receiving the corrective action.
- An employee may appeal a suspension without pay or termination by following the appropriate grievance policy and procedures.
- An employee who believes that they have been subject to discipline because of race, sex, religion, color, national or ethnic origin, age, disability, military service, genetic information, sexual orientation, gender expression, gender identity, or other protected class; or in retaliation for 1) filing or encouraging one to file a complaint of unlawful discrimination, 2) participating in an investigation of unlawful discrimination, 3) opposing unlawful discrimination, 4) or other protected activity, should contact the Office of Civil Rights & Title IX.