

WINTHROP UNIVERSITY PROGRESSIVE DISCIPLINE POLICY

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A. Intent of Policy

These guidelines are provided to ensure that all supervisors are being consistent in taking disciplinary action against employees for misconduct and that employees are aware of the disciplinary actions.

B. Applicability

The guidelines for discipline outlined in this policy pertain to circumstances of employee misconduct. Generally, performance-related problems should be addressed by the guidelines established in the Performance Improvement Plan process and the Employee Performance Management System Policy.

This policy applies to all covered employees. This policy does not apply to either non-covered employees or employees exempt from the State Employee Grievance Procedure Act.

Non-covered employees include:

- probationary employees,
- temporary employees,
- temporary grant employees,
- time-limited project employees, and
- research grant employees.

Employees exempt from the State Employee Grievance Procedure Act include but are not limited to:

- teaching or research faculty
- professional librarians
- academic administrators
- other persons holding faculty appointments
- athletic coaches
- unclassified employees in the athletic department
- SCRS and SC PORS retirees occupying FTE positions

C. General

The circumstances surrounding an offense, such as the severity of the misconduct, the number of times it has occurred and any previous counseling, will suggest what action should be taken. Usually, counseling or an oral reprimand is sufficient for the first occurrence of a minor offense. A repetition of the offense or the first occurrence of a more severe offense should be followed by a written reprimand which becomes a part of the employee's permanent personnel file (a written reprimand should also be signed by the employee as having been received and understood). Further repetitions of the offense or the first occurrence of a very serious offense is followed by suspension, reassignment, demotion, termination, or other appropriate action. Please note that these are intended only to be guidelines because it is most difficult to be all-inclusive or to assign a degree of severity to the various examples given below. For example, "leaving the workstation without authorization" may range from a temporary absence from the workstation to complete abandonment of a position. In such cases, a supervisor must rely on judgment as an experienced supervisor to arrive at appropriate disciplinary action. At the university's discretion, individual offenses calling for oral or written reprimands could cumulatively result in suspension or termination.

The supervisor is required to contact the Office of Human Resources, Employee Diversity, and Wellness (Office of Human Resources) for counseling, assistance in preparing written reprimands/suspensions, and/or detailed information regarding documentation that may be included with disciplinary actions. The supervisor is required to maintain written documentation associated with conversations and meetings with an employee, and any other documentation regarding the disciplinary matter. Original written disciplinary action notifications will be placed in the employee's official personnel file in the Office of Human Resources. Any disciplinary action, other than a verbal reprimand, must be approved by the Office of Human Resources and the divisional vice president or the highest-ranking administrative officer in the division prior to taking action.

D. Voluntary Resignations

Employees who voluntarily fail to report to work for three consecutive workdays and fail to contact the supervisor during this time period may be considered to have abandoned their positions and voluntarily resigned. If extenuating circumstances apply associated with Family and Medical Leave Act or Americans With Disabilities Act qualifying events, the supervisor must consult the Office of Human Resources.

E. Disciplinary Action

If the supervisor has knowledge that absenteeism may be associated with an FMLA or ADA qualifying reason, the supervisor must discuss the issue with the Office of Human Resources before disciplinary action is taken. No disciplinary action beyond a verbal reprimand may be taken without prior authorization by the Office of Human Resources. Supervisors and an authorized Human Resources representative may recommend appropriate discipline. The following steps shall be followed in such cases when discipline beyond a verbal reprimand is necessary.

- 1) The supervisor presents all facts surrounding the incident to the department head, or when the department head is initiating the action, they present the facts to the dean, director, divisional vice president, or the highest-ranking administrative officer in the division.
- 2) If the dean, director, vice president, or administrative officer agrees with the recommended disciplinary action, the matter must be presented to the Office of Human Resources.
- 3) If action is to be taken, it shall be taken under the authority of the Vice President for Human Resources or a designee, with the supervisor initiating such action.

Types of Disciplinary Actions

Depending upon the nature and severity of the offense, any of the following disciplinary actions may be taken: oral reprimand or equivalent; written reprimand or equivalent; suspension without pay; termination; reassignment; downward reclassification; downward unclassified title change; and/or demotions. These actions are not listed in any progressive order and any of the actions may be taken as warranted by the offense.

When appropriate and at the discretion of the university, the employee may be suspended without pay immediately pending the outcome of an internal investigation.

An employee may be terminated upon receiving three disciplinary actions within a one-year period, even if the actions are not related to the same offense.

Types of Offenses

Offenses which may result in disciplinary action include, but are not limited to, those presented below. The offenses are not in any particular order or severity. The list of offenses is intended to serve only as a guide and is not intended to be all inclusive. Other offenses may occur which require disciplinary action. At the occurrence of any of the listed offenses, or any that are not listed, the appropriate discipline up to and including termination shall be determined after the particular circumstances of the case have been carefully considered.

Offense	Range of Disciplinary Actions	Notes
Unauthorized Leave	Written Reprimand to Termination	
Habitual Tardiness or Failure to Observe Assigned Work Hours	Oral Reprimand to Termination	
Abuse of Leave	Oral Reprimand to Termination	Refer to Family and Medical Leave Act and Americans with Disabilities Act
Excessive Absenteeism	To be used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons. Termination should be preceded by oral counseling in an attempt to inform the employee of the problem. Refer to Family and Medical Leave Act and Americans with Disabilities Act.	
Failure to Report to Work and Failure to Contact the Supervisor	Generally, failure to report to work without contacting the supervisor for three workdays will result in more termination. If extenuating circumstances apply associated with Family and Medical Leave Act or Americans With Disabilities Act qualifying events, the supervisor must consult the Office of Human Resources.	
Leaving Workstation Without Authorization	Oral Reprimand to Termination	
Failure to obtain or maintain a license or certification required as a condition of employment	Termination	
Being Under the Influence of Alcohol at While Working	Suspension to Termination	Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism
Drinking Alcoholic Beverages While Working	Termination	Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism
Being Under the Influence of Drugs While Working	Suspension to Termination	
Possessing or Using Illegal Drugs on the Job	Termination	
Insubordination	Oral Reprimand to Termination	
Falsification of Records or Documents	Suspension to Termination	

Stealing	Termination	
Negligence	Oral Reprimand to Termination	
Willful Violation of Written Rules, Regulations or Written Policies	Oral Reprimand to Termination	
Unauthorized Use of State Equipment or Property	Oral Reprimand to Termination	
Destruction or Misuse of Property or Equipment	Written Reprimand to Termination	
Unauthorized Solicitation or Sales on State Premises	Oral Reprimand to Termination	
Unauthorized Release of Confidential Information	Oral Reprimand to Termination	
Violation of State or Federal Ethics Laws	Oral Reprimand to Termination	
Unauthorized Possession of Firearms on the Job	Termination	
Unauthorized Distribution of Written or Printed Material of Any Kind	Written Reprimand to Termination	
Inappropriate use of Computers or the Internet	Oral Reprimand to Termination	See Policy on Appropriate Use of Information Technology Resources
Sleeping While on Duty	Written Reprimand to Termination	
Horseplay	Oral Reprimand to Termination	
Malicious Use of Profane/Abusive Language to Others	Oral Reprimand to Termination	
Fighting (physically)	Suspension to Termination	
Loafing	Oral Reprimand to Termination	
Interference With Other Employee's Work	Oral Reprimand to Termination	
Working on Personal Jobs During Work Hours	Oral Reprimand to Termination	
Excessive Use of Telephone or Computer for Personal Matters	Oral Reprimand to Termination	

Defacing State Property	Written Reprimand to Termination	
Harassment or Discrimination, including Sexual Harassment	Written Reprimand to Termination	Refer to Non-Discrimination and Anti-Harassment Policy and Title IX Policy
Conviction of a Felony which adversely reflects on an individual's suitability for continued employment	Termination	
Conviction of a Misdemeanor which adversely reflects on an individual's suitability for continued employment	Termination	
Arrested or Indicted for Alleged Violation of Federal or State Criminal Laws, Other Than Minor Traffic Offenses	Suspension to Termination	In the following circumstances, the university may determine that it is in the best interest of the university not to allow the employee to continue to report to work and the employee may be immediately suspended without pay until the outcome of an investigation is reached: 1) when an employee is arrested for an offense that could indicate that the employee may have violated one of the disciplinary actions listed in this policy; 2) the university has reason to believe that continuing to allow the employee to report to work could endanger the employee or others, and/or; 3) allowing the employee to continue to work would disrupt the normal operations of the department or the university. In addition, an

		employee who is incarcerated and/or placed on leave of absence due to an arrest or who is suspended as a result of the filing of an indictment may be terminated before disposition of such charge(s) and notwithstanding that (1) the charge(s) is ultimately dismissed or dropped, or (2) the employee is acquitted
Discourteous Treatment of Visitors or Customers	Oral Reprimand to Termination	
Failure to Maintain Satisfactory or Harmonious Working Relationships with Employees or Supervisors	Oral Reprimand to Termination	
Improper Conduct or Conduct Unbecoming a State Employee	Written Reprimand to Termination	
Conduct Reflecting Unfavorably on the Reputation of the University or Conduct that Adversely Affects or Interferes with the Normal Operations of the University	Oral Reprimand to Termination	
Refusal to Cooperate with Administrative Investigations or to Answer a Work-Related Question or Inequity Inquiry	Oral Reprimand to Termination	
Conduct Such That the Employee's Presence on the Job Could or Would Threaten the Safety or Health of the Employee or Others, or Such That the	Suspension to Termination	

Employee's Fitness to Perform Assigned Duties is Affected		
Willful False Statements to a Supervisor	Suspension to Termination	
Workplace Violence	Termination	Refer to Workplace Violence Policy