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SECTION: Human Resources
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Procedure for: All Campuses
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I. Policy

This document sets forth the University of South Carolina policy on disciplinary action and termination for cause. It is intended to assist supervisors in taking consistent disciplinary action for similar instances of employee misconduct or inappropriate workplace behavior, pursuant to regulations of the South Carolina Office of Human Resources. This policy applies to classified and unclassified non-academic employees who have completed their probationary period.

- A. University employees are expected to perform their work efficiently and effectively and to be mindful of the public's expectations of the University and its employees. Supervisors are expected to set an example by their own conduct, attitude, and work habits.
- B. Employee Relations Assistance
 - 1. Supervisors and employees are encouraged to seek resolution of workplace disputes through their supervisory line of authority first; however, if that option is not realistic given the elements of the dispute, both supervisors and employees are encouraged to contact an employee relations representative in the USC Division of Human Resources or their campus Human Resources Officer for assistance with employee relations matters.

2. Employees who wish to seek employee relations assistance from the Division of Human Resources or campus Human Resources Officer will be given reasonable time away from their jobs for that purpose.
3. Employees and supervisors may not be forbidden from contacting Human Resources, nor may any retaliatory action be taken against any employee or supervisor for that reason.

C. Disciplinary Action

1. Disciplinary action should be conducted by progressive and constructive measures for the correction of employee misconduct or inappropriate workplace behavior, and in advance of a resort to dismissal.
2. For just cause, however, any classified or unclassified non-academic employee may be counseled, warned, reprimanded, suspended, or dismissed whenever such action is considered necessary by the authorized supervisor, department chair, or higher level administrative official within the employee's line of supervision.
3. Employees who have completed their probationary period, but who have engaged in misconduct or inappropriate workplace behavior should be given the opportunity to improve before being dismissed.
4. The circumstances surrounding the misconduct or inappropriate workplace behavior will normally suggest what disciplinary action should be taken. Circumstances to be considered include the severity of the misconduct or behavior, the number of times it has occurred, and any previous counseling or disciplinary actions taken.
5. No disciplinary action beyond a written reprimand may be taken without authorization of the department chair.
6. Any disciplinary or performance-based action that may be grieved through University Grievance Policy HR 1.42, or through the state Employee Grievance Procedure, must be reviewed by the Vice President for Human Resources or the Vice President's designee prior to the action being taken unless the seriousness of the violation or deficiency calls for immediate action. In all cases of immediate action, consultation with USC's Division of Human Resources must take place as soon as practicable.

E. Conduct Requiring Disciplinary Action and Recommended Uniform Consequences

1. The chart of Causes for Disciplinary Action and Recommended Consequences contains the recommended uniform consequences for examples of misconduct

and inappropriate workplace behavior that may require disciplinary action. The chart is intended to be used as a guide and is not intended to be all inclusive of all misconduct or inappropriate workplace behavior or resulting consequences.

2. At the occurrence of any of the listed examples of misconduct or inappropriate workplace behavior, or any that are not listed, the appropriate discipline will be determined after the circumstances of the matter are considered.

F. Types of Disciplinary Action

1. Counseling and/or Oral Warning

- a. An oral warning or counseling by the supervisor is normally sufficient for the first occurrence of a minor offense.
- b. Counseling and oral warning may not be grieved through the University grievance procedure.

2. Written Reprimand

- a. If a repetition of a first offense occurs or if a more serious problem occurs, a written reprimand should be given to the employee.
- b. Written reprimands may not be grieved through the University grievance procedure.

3. Suspension

- a. If repetition of an offense occurs for which a written reprimand has been given, or if misconduct or inappropriate workplace behavior occurs that is serious but for which dismissal is not appropriate, the employee may be suspended.
- b. Disciplinary suspension is without pay.
- c. If an employee has been charged with a crime for which there is probable cause for arrest or which raises a reasonable concern or belief by the Vice President for Human Resources or the Vice President's designee, that the presence of the employee on the job would or could be harmful to the employee, other employees, students, or other members of the University community, or that the employee would be unable to properly perform the duties of his or her position, the employee may be suspended pending the outcome of the criminal charge and/or a thorough review by the University. In the event no wrongdoing by the employee is established, the employee may be entitled to back pay.
- d. Suspension may be grieved through the University grievance procedure. As stated in Section I.C.6. above, any disciplinary or performance-based action that may be grieved must be reviewed by the Vice President for Human Resources or the Vice President's designee prior to the action

being taken unless the seriousness of the violation or deficiency calls for immediate action.

4. Dismissal

- a. An employee may be dismissed due to the frequency or nature of his or her misconduct or inappropriate workplace behavior.
- b. Serious misconduct or inappropriate workplace behavior may be cause for dismissal without prior disciplinary steps having been taken.
- c. Dismissal may be grieved through the University grievance procedure. As stated in Section II.C.6. above, any disciplinary or performance based action that may be grieved must be reviewed by the Vice President for Human Resources or the Vice President's designee prior to the action being taken unless the seriousness of the violation or deficiency call for immediate action.

G. Unauthorized Use or Misappropriation of University Equipment or Property

In addition to normal disciplinary procedures, any case of theft or unauthorized use of University equipment or property, or other misappropriation of University assets, including but not limited to cash, equipment, or supplies, will be evaluated for possible criminal prosecution by the Divisions of Human Resources, Law Enforcement and Safety, and the Office of the General Counsel.

II. Procedure

A. Counseling or Oral Warning

1. The supervisor should speak privately with the employee to correct minor deficiencies in conduct or inappropriate workplace behavior. The conversation should include:
 - a. a review of what is expected of the employee and why
 - b. an explanation to the employee of how expectations for appropriate conduct or behavior have not been met
 - c. an opportunity for the employee to explain his or her conduct or behavior
 - d. specific suggestions by the supervisor to the employee about how the employee's conduct or behavior may be improved.
2. A written record of a counseling or oral warning discussion should be made and retained by the supervisor. At this stage it is not necessary to send a copy to the employee's official personnel file maintained by the USC Division of Human Resources.

B. Written Reprimand

1. A written reprimand should be given to the employee if the seriousness of their misconduct or inappropriate workplace behavior calls for it, or if previous counseling discussions or oral warnings have not produced the desired results.
2. A written reprimand must be addressed to the employee, placed in the employee's official personnel file maintained by the USC Division of Human Resources and must include:
 - a. caption or heading that the document is a written reprimand
 - b. description of the misconduct or inappropriate workplace behavior, or other action necessitating disciplinary action
 - c. a statement of how the misconduct or inappropriate workplace behavior may be corrected
 - d. the period of time the employee has to improve
 - e. the potential consequences if satisfactory improvement is not made.
3. The employee may explain the misconduct or inappropriate workplace behavior in writing and append the explanation to the written reprimand.

C. Suspension

1. The employee should be suspended if repetition of the misconduct or inappropriate workplace behavior occurs for which a written reprimand has been given, or if a different instance of misconduct or inappropriate workplace behavior occurs that is serious but for which dismissal is not appropriate.
2. Before an employee is suspended, the department chair or the department chair's designee must give authorization for the action unless the seriousness of the misconduct or behavior calls for immediate action. Disciplinary suspension is without pay.
3. Suspension without pay may be grieved through the University grievance procedure; therefore, as stated in Section II.C.6. of this policy, the suspension must be reviewed by the Vice President for Human Resources or the Vice President's designee prior to the action being taken unless the seriousness of the violation or deficiency calls for immediate action.
4. The notice of suspension must be addressed to the employee, placed in the employee's official personnel file maintained by the USC Division of Human Resources, and must include:
 - a. a caption or heading that the document is a notice of suspension without pay

- b. the specific dates of the suspension
 - c. a description of the misconduct, inappropriate workplace behavior, or other action necessitating suspension
 - d. a listing of previous disciplinary steps
 - e. corrective action the employee must take
 - f. the possibility of dismissal in the case of a subsequent occurrence, or if the employee is found guilty of a felony, or if there is other evidence of serious wrongdoing
 - g. notice of the employee's right to appeal the suspension through the University's grievance procedure
 - h. a copy of the University's grievance policy and procedure. (See HR 1.42, "Grievance")
4. The employee may explain the misconduct or behavioral problem in writing and append the explanation to the notice of suspension.

D. Dismissal

- 1. An employee who has been given the opportunity to improve deficiencies in conduct or inappropriate workplace behavior in accordance with this policy and whose misconduct or inappropriate behavior continues will be dismissed. Serious offenses may be cause for immediate dismissal without prior opportunity to improve.
- 2. Dismissal may be grieved through the University grievance procedure; therefore, as stated in Section II.C.6. of this policy, the dismissal must be reviewed by the Vice President for Human Resources or the Vice President's designee prior to the action being taken unless the seriousness of the violation or deficiency calls for immediate action.
- 3. The notice of dismissal must be addressed to the employee, signed by the department chair or the department chair's designee, placed in the employee's official personnel files maintained by the USC Division of Human Resources, and must include:
 - a. caption or heading that the document is a notice of dismissal
 - b. a description of the misconduct, inappropriate workplace behavior, or other action necessitating dismissal
 - c. a description of previous disciplinary steps
 - d. notice of the right to appeal the dismissal through the University grievance procedure
 - e. a copy of the University's grievance policy and procedure. (See HR 1.42 "Grievance")

Causes for Disciplinary Action and Recommended Consequences

| Problem | 1st Offense | 2nd Offense | 3rd Offense |
|--|--|--|-------------|
| Substandard job performance | (See Performance Appraisal Policy) | | |
| Temporary/permanent physical or mental incapability of performing duties | Counseling | Written reprimand to suspension to dismissal | Dismissal |
| Failure to follow established safety precautions, or failure to use safety equipment | Written reprimand to suspension | Suspension to dismissal | Dismissal |
| Careless, negligent or improper use of University equipment or property | Written reprimand | Suspension to dismissal | Dismissal |
| Unauthorized use of University equipment or property | Suspension to dismissal | Dismissal | |
| Destruction or willful misuse of University property or equipment | Suspension to dismissal | Dismissal | |
| Defacing University property | Written reprimand to suspension to dismissal | Dismissal | |

| Problem | 1st Offense | 2nd Offense | 3rd Offense |
|--|--|--|--------------------|
| Working on personal jobs during work hours | Written reprimand | Dismissal | |
| Failure to obtain or maintain a license or certificate as a condition of employment, or as required by law. | Counseling or oral warning to written reprimand to suspension to dismissal | Dismissal | |
| Failure to maintain satisfactory and harmonious working relations with the public, students and/or employees | Counseling or oral warning to written reprimand to suspension to dismissal | Written reprimand to suspension to dismissal | Dismissal |
| Unauthorized overtime worked by a non-exempt employee | Counseling or oral warning | Written reprimand to suspension to dismissal | Dismissal |
| Habitual tardiness or failure to observe assigned work hours | Counseling or oral warning | Written reprimand to suspension to dismissal | Dismissal |
| Unauthorized leave | Written reprimand | Suspension to dismissal | Dismissal |
| Excessive use/abuse of sick leave | Written reprimand | Suspension to dismissal | Dismissal |

| Problem | 1st Offense | 2nd Offense | 3rd Offense |
|--|---|---------------------------------|--------------------|
| Excessive absenteeism (LWOP & sick leave) | Counseling or oral warning | Written reprimand to suspension | Dismissal |
| Leaving work station without authorization | Written reprimand | Suspension to dismissal | Dismissal |
| Abandonment of position | Employees who voluntarily fail to report to work for three consecutive workdays and fail to contact appropriate University management during the time period will be considered to have voluntarily resigned. | | |
| Insubordination or refusal to accept a reasonable and proper assignment from an authorized supervisor | Written reprimand to suspension to dismissal | Suspension to dismissal | Dismissal |
| Acceptance, without prior approval, of work assignment or compensation that is found to be a conflict of interest. | Written reprimand to suspension to dismissal | Dismissal | |
| Falsification of records including employment application | Written reprimand to suspension to dismissal | Suspension to dismissal | Dismissal |
| Unauthorized release of records or information contained therein | Written reprimand to suspension to dismissal | Suspension to dismissal | Dismissal |

| Problem | 1st Offense | 2nd Offense | 3rd Offense |
|---|---|--|--------------------|
| Acceptance of gifts in exchange for favors or influence | Suspension to dismissal | Dismissal | |
| Gross negligence | Written reprimand to suspension to dismissal | Suspension to dismissal | Dismissal |
| Excessive use of telephone for personal matters | Counseling or oral warning to written reprimand | Written reprimand to suspension to dismissal | Dismissal |
| Sleeping while on duty | Written reprimand to suspension to dismissal | Suspension to dismissal | Dismissal |
| Horseplay or loafing | Counseling or oral warning to written reprimand | Written reprimand to suspension to dismissal | Dismissal |
| Malicious use of profane or abusive language to others | Counseling or oral warning to written reprimand | Written reprimand to suspension to dismissal | Dismissal |
| Interference with another employee's work | Counseling or oral warning to written reprimand | Written reprimand to suspension to dismissal | Dismissal |
| Defacing University property | Written reprimand to suspension to dismissal | Dismissal | |

| Problem | 1st Offense | 2nd Offense | 3rd Offense |
|--|--|--|--------------------|
| Guilty of gross misconduct or conduct unbecoming a University employee that substantially affects the employee's fitness to perform assigned duties | Written reprimand to suspension to dismissal | Dismissal | |
| Criminal charges such that the employee's presence on the job could or would be harmful to the employee or others such that the employee's fitness to perform assigned duties is affected | Suspension to dismissal | Dismissal | |
| Conviction of a felony | Dismissal | | |
| Conviction of a misdemeanor such that the employee's presence on the job could or would be harmful to the employee or others such that the employee's fitness to perform assigned duties is affected | Written reprimand to suspension to dismissal | Dismissal | |
| Refusal to submit to an alcohol or drug test required by Federal or State law or regulation. | Suspension to dismissal | Dismissal (NOTE - Action must be in accord with the state statute on alcoholism.) | |

| Problem | 1st Offense | 2nd Offense | 3rd Offense |
|---|-------------------------|--|--------------------|
| Failure to pass an alcohol or drug test required by Federal or State law or regulation. | Suspension to dismissal | Dismissal (NOTE - Action must be in accord with the state statute on alcoholism.) | |
| Reporting to work under the influence of alcohol and/or illegal drugs | Suspension to dismissal | Dismissal (NOTE - Action must be in accord with the state statute on alcoholism.) | |
| Drinking alcoholic beverages on the job | Suspension to dismissal | Dismissal (NOTE - Action must be in accord with the state statute on alcoholism.) | |
| Using or selling illegal drugs on the job | Dismissal | | |
| Stealing or misappropriation of University assets | Dismissal | | |
| Fighting | Suspension to dismissal | Dismissal | |

| Problem | 1st Offense | 2nd Offense | 3rd Offense |
|---|--|--|--------------------|
| Unauthorized possession of firearms or lethal weapons on the job | Dismissal | | |
| Willful acts that would endanger the lives or property of others | Dismissal | | |
| Sexual harassment | Counseling or oral warning to written reprimand to suspension to dismissal | Written reprimand to suspension to dismissal | Dismissal |
| Unauthorized sales or solicitation on University premises | Written reprimand | Suspension to dismissal | Dismissal |
| Unauthorized distribution of written or printed material of any kind on University premises | Written reprimand | Suspension to Dismissal | Dismissal |
| Engaging in work stoppages, slowdowns or strikes | Written reprimand to dismissal | Dismissal | |
| Trespassing on the home of any state official or employee or student for the purpose of harassing or forcing dialog or discussion | Written reprimand to dismissal | Dismissal | |

| Problem | 1st Offense | 2nd Offense | 3rd Offense |
|---|--|-------------------------|--------------------|
| Any accumulation of three offenses, within 365 calendar days, where the 1st offense calls for oral or written reprimand | Suspension to dismissal | Dismissal | |
| Any accumulation of three offenses, within 365 calendar days, where the 1st or 2nd offense calls for suspension | Dismissal | | |
| Willful violation of written rules, regulations or policies | Written reprimand to suspension to dismissal | Suspension to dismissal | Dismissal |
| Workplace violence or inappropriate aggressive workplace behavior | Written reprimand to suspension to dismissal | Suspension to dismissal | Dismissal |
| Refusal to cooperate with an official University investigation | Written reprimand to suspension to dismissal | Suspension to dismissal | Dismissal |

III. Reason for Revisions

- Provides that employees and supervisors should seek resolution of workplace disputes first through their supervisory chain of authority, but that employees and supervisors may not be forbidden from contacting the Division of Human Resources for information or assistance, nor may they be retaliated against for contacting Human Resources.
- Provides that disciplinary actions that may be grieved through the University's grievance procedure must be reviewed by the Vice President for Human Resources or the Vice President's designee before the action is taken unless the seriousness of the event calls for immediate action.
- Provides that any case of theft or unauthorized use of University equipment or property, or other misappropriation of University assets will be evaluated for possible criminal prosecution.
- Changes the maximum steps for recommended discipline for any given problem from four to three.