

**SOUTH CAROLINA STATE UNIVERSITY  
PERSONNEL POLICIES AND PROCEDURES MANUAL**

SECTION: Employee Relations	Section: VII
	Subject: I
SUBJECT: Progressive Discipline Policy	Effective: 06/05/09
	Revised: 05/29/09

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND SOUTH CAROLINA STATE UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

**PROGRESSIVE DISCIPLINE POLICY**

**Policy**

Employees of South Carolina State University shall conduct themselves in accordance with applicable laws, regulations, departmental policies and generally acceptable work behaviors. For proper cause, any employee, regardless of occupation, position, profession, or work performed, shall be disciplined whenever such action is considered necessary by supervisors or other persons in positions of authority. Action will be taken based upon the circumstances surrounding the offense, the severity of the offense, prior actions taken against the employee and any other applicable factors. Administration of disciplinary measures must be fair and equitable and free of prejudice or favoritism.

**Purpose and Scope**

This policy applies to classified and unclassified non-faculty employees of South Carolina State University. Matters pertaining to the conduct of faculty members are under the jurisdiction of the Deans and the Vice President for Academic Affairs.

The purpose of this policy is to establish uniform guidelines within South Carolina State University for administering disciplinary actions for unacceptable conduct by its employees. Further, this policy will provide guidance to ensure that supervisors are consistent in taking disciplinary action against employees involved in similar situations and that all University employees are aware of disciplinary standards.

Performance based actions are not to be taken under this policy. Supervisors should take action for poor or non-performance under the University's "Employee Performance Management System (EPMS)" policy.

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### Forms of Disciplinary Actions

South Carolina State University is committed to a progressive disciplinary policy. Employees who are found to be in violation of University rules will normally be given adequate opportunity to improve. Whenever possible, counseling and/or other non-disciplinary procedures should be used before formal disciplinary action is taken. Disciplinary actions, in general, are considered progressive and constructive measures for the correction of the conduct of employees. For this reason, such actions should be taken only to the degree of severity necessary to obtain the desired improvement. However, if the necessary improvements in conduct are not achieved, progressive discipline consisting of increasingly stronger disciplinary action will normally be followed. The nature and/or severity of the offense will determine which step of discipline is required. If an offense is of sufficient severity, disciplinary action may begin at a more advanced stage, including termination. Disciplinary actions consist of Oral Reprimand, Written Reprimand, Suspension, Termination, Reassignment and Demotion.

#### A. Oral Reprimand

An Oral Reprimand is used in an attempt to correct relatively minor occurrences of inappropriate behavior, misconduct and violation of rules. The following course of action should be followed to effect an Oral Reprimand:

1. Meet with the employee in private and discuss the improper or unacceptable conduct.
2. Discuss ways to correct or improve conduct.
3. Inform the employee that conduct must be improved or he or she is subject to further disciplinary action.
4. Record this action on South Carolina State University [Form P-20](#), Record of Oral Reprimand.
5. Request that the employee sign [Form P-20](#) acknowledging that he or she received the Oral Reprimand and understands it. If the employee refuses to sign, place the notation "Employee refused to sign" on [Form P-20](#), and have another supervisor (or other appropriate authority) sign [Form P-20](#) witnessing the employee's refusal.
6. Give the original of the Record of Oral Reprimand to the employee. Inform the employee that a copy of the Oral Reprimand will be placed in the supervisor's file but will not be placed in his or her official personnel file unless further disciplinary action is taken.

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**B. Written Reprimand**

A repetition of an offense covered in a previous Oral Reprimand, or the first occurrence of a more severe offense, shall be grounds for a Written Reprimand. The following course of action should be followed to effect a Written Reprimand:

1. Record the Written Reprimand on South Carolina State University [Form P-21](#). The Written Reprimand should contain the following:
  - a) The reason for the Written Reprimand and a description of the nature of the offense committed by the employee.
  - b) Dates and reasons for any prior disciplinary actions.
  - c) Recommendations for conduct improvement.
  - d) Consequences of future violations (further disciplinary action up to and including termination).
2. Review the Written Reprimand with the next supervisory person in the administrative channel before delivering it to the employee.
3. Meet with the employee in private and discuss the improper or unacceptable conduct.
4. Request that the employee sign [Form P-21](#) acknowledging that he or she received the Written Reprimand and understands it. If the employee refuses to sign, place the notation "Employee refused to sign" on [Form P-21](#), and have another supervisor (or other appropriate authority) sign [Form P-21](#) witnessing the employee's refusal.
5. Give the original Written Reprimand to the employee. Inform the employee that a copy of the Written Reprimand will be placed in his or her official personnel file.
6. Forward a copy of the Written Reprimand to the Office of Human Resource Management for inclusion in the employee's official personnel file.

**C. Suspension**

A suspension is to be used for the first occurrence of serious offenses or repeated lesser offenses which have been identified by the supervisor and not corrected by the employee after receiving previous disciplinary actions. Suspensions must be approved by the Human Resources Director or designee and the Vice President (or applicable Division Head) prior to being issued to the employee. All suspensions shall be without pay. The following course of action should be followed to effect a suspension:

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1. Review the situation with the Human Resources Director or designee. After consultation with the Human Resources Director or designee, if it is determined that a suspension is indicated, a letter notifying the employee of the intent to suspend him or her shall be prepared by the appropriate department head. The letter shall contain a summary of events such as employee counseling, written reprimands, etc., leading up to the decision for suspension. The letter shall also contain a statement advising the employee of his or her right to request, in writing, a pre-suspension conference before the Vice President (or a managerial-level designee appointed by the Vice President). Such request must be made within two days of personal delivery or five days from the date of mailing of the letter of notification. In no case shall an employee be suspended without being offered an opportunity for a conference.
2. If a determination is made that a suspension should be administered, [Form P-22](#), Notice of Suspension, should be prepared. The Notice of Suspension should contain:
  - a) The reason for the suspension and a description of the nature of the offense committed by the employee.
  - b) Dates and reasons for any previous disciplinary actions.
  - c) The inclusive dates of the suspension.
  - d) Recommendations for conduct improvement.
  - e) Consequences of future violations (further disciplinary action up to and including termination).
2. Meet with the employee in private and discuss the improper or unacceptable conduct.
3. Request that the employee sign [Form P-22](#) acknowledging that he or she received the Notice of Suspension and understands it. If the employee refuses to sign, place the notation "Employee refused to sign" on [Form P-22](#), and have another supervisor (or other appropriate authority) sign [Form P-22](#) witnessing the employee's refusal.
4. Give the original Notice of Suspension to the employee. Inform the employee that a copy of the Notice of Suspension will be placed in his or her official personnel file.
5. Forward a copy of the Notice of Suspension to the Office of Human Resource Management for inclusion in the employee's official personnel file.

An employee who is the focus of an administrative investigation may be suspended for an indefinite period of time pending the results of the investigation without benefit of an "intent to suspend" notice, if his or her continued presence at work presents a threat to students, employees or property or otherwise is not in the best interest of the University.

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D. Termination

When progressive discipline fails to correct misconduct or violations of South Carolina State University rules, regulations and policies, the employee is subject to termination. Extremely serious offenses may be cause for immediate termination without warning or attempts to correct the problem. Probationary employees may be terminated at any time during their probationary period, with approval of the Human Resources Director or designee, if their conduct fails to demonstrate acceptable standards for permanent status. Termination must be approved by the Human Resources Director or designee and the Vice President (or applicable Division Head) prior to notification to the employee. The following course of action should be followed to terminate an employee:

1. Review the situation with the Human Resources Director or designee. After consultation with the Human Resources Director or designee, if it is determined that termination is indicated, a letter notifying the employee of the intent to terminate him or her shall be prepared by the appropriate department head. The letter shall contain a summary of events such as employee counseling, written reprimands, suspensions, etc., leading up to the decision to terminate. The letter shall also contain a statement advising the employee of his or her right to request, in writing, a pre-termination conference before the Vice President (or a managerial-level designee appointed by the Vice President). Such request must be made within two days of personal delivery or five days from the date of mailing of the letter of notification. In no case shall an employee be terminated without being offered an opportunity for a conference. If in the opinion of the department head the employee's continued presence at work presents a threat to students, employees or property or otherwise is not in the best interest of the University the employee may be suspended until the effective date of the termination. In such cases, the pre-termination conference will be held during the period of suspension.
2. If a determination is made that termination should be administered, a written notice must be given to the employee of the decision to terminate his or her employment. A letter of termination shall be written and signed by the department head and approved by the Vice President or designee and given to the employee with a copy to the Office of Human Resource Management. The letter shall contain the following:
  - a) The reason for termination and a description of the nature of the offense committed by the employee.
  - b) Dates and reasons for any previous disciplinary action.
  - c) The effective date of the termination.

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E. Reassignment or Demotion

1. When it is determined that a reassignment or demotion is an appropriate recourse to address employee conduct matters, the employee may be reassigned or demoted.
2. Reassignments and demotions must be approved by the Vice President and the Human Resources Director prior to implementation.
3. The reassignment or demotion should be documented by written notice addressed to the employee. The notice will include reasons for the reassignment or demotion and the consequences of continued or additional conduct problems.

F. Progressive Discipline Guidelines

Suggested guidelines for disciplinary actions follow. The disciplinary actions noted for specific offenses in the Progressive Discipline Guidelines are to be used as a guide and are not intended to be all inclusive. At the occurrence of any of the listed offenses, or any that are not listed, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered. Discipline may begin at any step in the procedure depending on the seriousness of the individual offense.

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<b>Progressive Discipline Guidelines</b>				
<b>Offense or Job Deficiency</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Unauthorized leave	Written Reprimand to Suspension (Time charged to leave without pay)	Suspension to Termination (Time charged to leave without pay)	Termination (Time charged to leave without pay)	
Failure to report to work and not notify supervisor for up to two workdays	Written Reprimand to Suspension	Suspension to Termination	Termination	
Failure to report to work and not notify supervisor for three workdays or more	Employees who voluntarily fail to report to work for three consecutive workdays and fail to contact the agency during this time will considered to have voluntarily resigned.			
Habitual tardiness or failure to observe assigned work hours	Oral Reprimand	Written Reprimand	Suspension	Termination
Excessive use of sick leave	Oral Reprimand	Written Reprimand	Suspension	Termination
Abuse of sick leave	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Excessive absenteeism (used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons)	Oral Reprimand	Written Reprimand	Suspension	Termination
Substandard quality of work	Guidelines established in the Employee Performance Management System (EPMS) Policy			
Leaving work station without authorization	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Reporting to work under the influence of alcohol	Suspension to Termination	Termination (Subject to the Act on Alcoholism)		
Drinking alcoholic beverages on the job	Suspension to Termination	Termination (Subject to the Act on Alcoholism)		
Reporting to work under the influence of illegal drugs	Suspension to Termination	Termination		

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<b>Offense or Job Deficiency</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Possession or use of illegal drugs on the job	Termination			
Possession of illegal drugs with the intent to distribute on or off the job	Termination			
Insubordination	Written Reprimand to Termination	Suspension to Termination	Termination	
Falsification of records or documents	Written Reprimand to Termination	Suspension to Termination	Termination	
Falsification of application for employment	Termination			
Misappropriation of funds	Termination			
Stealing on the job	Termination			
Carelessness or negligence that results in personal injury or damage to property	Written Reprimand to Termination	Suspension to Termination	Termination	
Violation of rules, regulations or policies	Written Reprimand to Termination	Suspension to Termination	Termination	
Sexual Harassment	Written Reprimand to Termination	Suspension to Termination	Termination	
Unauthorized use of State equipment or property	Written Reprimand to Suspension	Suspension to Termination	Termination	
Negligent or willful destruction or misuse of State property or equipment	Written Reprimand to Suspension	Suspension to Termination	Termination	
Defacing State property	Written Reprimand to Suspension	Suspension to Termination	Termination	

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<b>Offense or Job Deficiency</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Violation of safety practices	Written Reprimand to Suspension	Suspension to Termination	Termination	
Working on personal job during work hours	Oral Reprimand to Suspension	Written Reprimand to Termination	Suspension to Termination	Termination
Excessive use of telephone for personal matters	Oral Reprimand	Written Reprimand	Suspension	Termination
Engaging in unlawful work stoppages, slowdowns, or strikes	Written Reprimand to Suspension	Suspension to Termination	Termination	
Unauthorized solicitation or sales on state premises	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Unauthorized release of confidential information	Oral Reprimand to Suspension	Written Reprimand to Suspension	Suspension to Termination	Termination
Unauthorized possession of firearms on the job	Termination			
Unauthorized distribution of written or printed material of any kind	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Sleeping while on duty	Written Reprimand to Suspension	Suspension to Termination	Termination	
Horseplay	Oral Reprimand	Written Reprimand	Suspension	Termination
Malicious use of profane or abusive language to others	Oral Reprimand to Termination	Written Reprimand to Termination	Suspension to Termination	Termination
Unauthorized political activity	Written Reprimand to Termination	Suspension to Termination	Termination	
Discourteous treatment of students, visitors or customers	Written Reprimand to Termination	Suspension to Termination	Termination	
Workplace Violence	Termination			

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<b>Offense or Job Deficiency</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Failure to maintain satisfactory working relations with employees, students, and the public	Oral Reprimand to Written Reprimand	Written Reprimand to Termination	Suspension to Termination	Termination
Knowingly circulating false reports, malicious gossip or rumors contrary to the good order of offices or staff	Written Reprimand to Suspension	Suspension to Termination	Termination	
Interference with the work of other employees	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Gambling during working hours	Written Reprimand to Termination	Suspension to Termination	Termination	
Fighting, threatening or making threatening actions toward another person	Written Reprimand to Termination	Suspension to Termination	Termination	
Operation of a State vehicle or equipment without required valid driver's license	Termination			
Violation of State or Federal Ethics Laws	Written Reprimand to Termination	Suspension to Termination	Termination	
Arrested or indicted for alleged violation of Federal or State criminal laws	When an employee is arrested for any offense other than a minor traffic offense, an investigation should immediately be conducted to determine if South Carolina State University should take any disciplinary action. If deemed necessary, the employee may be suspended immediately pending further investigation. An employee who is suspended due to arrest or as the result of the filing of an indictment may be terminated before the disposition of such charge(s) and notwithstanding that (1) the charge (s) is ultimately dismissed or dropped or (2) the employee is acquitted.			
Conviction of Federal or State criminal laws other than minor traffic offenses	Suspension to Termination	Termination		
Refusal to cooperate with an administrative investigation or to answer a work-related question or inquiry	Written Reprimand to Termination	Suspension to Termination	Termination	

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<b>Offense or Job Deficiency</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
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	Written Reprimand to Termination	Suspension to Termination	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 employee's fitness to perform assigned duties is affected	Suspension to Termination	Termination		
Misconduct or conduct unbecoming a State employee which substantially affects the employee's fitness to perform assigned duties	Written Reprimand to Termination	Suspension to Termination	Termination	
Any accumulation of three offenses, within a period of one year, where the first or second offense calls for written reprimand or suspension	Suspension to Termination	Termination		

These guidelines cannot cover every situation that might require disciplinary action, nor are supervisors limited in applying disciplinary action to the personal conduct/offenses listed in the progressive discipline policy or in the exact sequence indicated. The purpose of the guidelines is simply to recommend to departments normal disciplinary action which may be taken for offenses listed.

The Vice President (or applicable Division Head) or designee may take more severe (including termination) or less severe disciplinary action than that indicated above if in the sole judgment of the Vice President different disciplinary action is appropriate.