



LP 5.32

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Policy Owner:
Board of Trustees

Policy Administrator:
Human Resources

Affected Parties:
Employees

Table of Contents:

- 1 Summary
- 2 General Info
- 3 Job Abandonment and Performance Issues
- 4 Disciplinary Actions
- 5 Procedure for disciplinary actions
- 6 Chart of Offenses with Established Disciplinary Actions
- 7 Employee Comments
- 8 History

Progressive Discipline (LP5.32)

THE LANGUAGE USED IN THE LANDER POLICY FOR ADMINISTRATION AND STAFF DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND LANDER UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. LANDER 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. LANDER UNIVERSITY'S OFFICE OF HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY'S HUMAN RESOURCES POLICIES.

1 Summary

This policy establishes the guidelines on progressive discipline for faculty and staff in full-time equivalent (FTE) positions at Lander University per South Carolina Code of Laws Sections 8-11-230 (6) and 44-107-10 through 44-107-90 and South Carolina Human Resources Regulations Sections 19-710-04 B.5. and 19-717.

2 General Information

- 2.1 Each supervisor and employee will be responsible for reading and following this policy.
- 2.2 This progressive discipline policy does not apply to non-covered employees (e.g., probationary employees, temporary employees, temporary grant employees, time-limited project employees, research grant employees and employees exempt from the State Employee Grievance Procedure Act) who may be disciplined at the university's discretion.
- 2.3 Whenever possible, coaching and counseling should precede any disciplinary action. A discussion should be held with the employee to communicate expected proper conduct. The supervisor should inform the employee that unless the problem is corrected, the employee may be subject to stronger disciplinary action up to and including termination.
- 2.4 Employees who wish to seek employee relations guidance from the Office of Human Resources will be given reasonable time away from their position to do so.

- 2.5 Employees and supervisors may not be forbidden from contacting the Office of Human Resources, nor may any retaliatory action be taken against the employee or supervisor for that particular reason.
- 2.6 Counseling or an oral reprimand is sufficient for the first occurrence of a minor offense. A record of this action with the employee's and the supervisor's signatures should be placed in the employee's personnel file.
- 2.7 A repetition of the offense of the first occurrence or a more severe offense should be followed by a written reprimand that becomes a part of the employee's permanent personnel file (which should be signed by the employee as having been received and understood).
- 2.8 Further repetitions of the offense or of the first occurrence of a very serious offense is followed by suspension, reassignment, demotion, termination, or other appropriate action.

3 Job Abandonment and Performance Issues

- 3.1 Employees who voluntarily fail to report to work for three consecutive workdays and fail to contact the university during this time period will be considered to have voluntarily resigned.
- 3.2 All performance-related problems should be addressed by the guidelines established in the Employee Performance Management System (EPMS).

4 Disciplinary Actions

- 4.1 No disciplinary actions beyond a written reprimand may be taken without being authorized by the university president (or designee).
- 4.2 Types of Disciplinary Actions
 - 4.2.1 Oral warning or counseling session
 - 4.2.1.1 A counseling session or oral warning by the supervisor is normally sufficient for the first occurrence, or more, of a minor offense.
 - 4.2.1.2 Counseling sessions and oral warnings may not be grieved through the university grievance procedure.
 - 4.2.1.3 A follow-up letter should be distributed and placed in the employee's personnel file.

4.2.2 Written warning

- 4.2.2.1 If a repetition of the first offense occurs or if a more serious problem occurs, a written warning should be given to the employee.
- 4.2.2.2 Written warnings may not be grieved through the university grievance procedure.
- 4.2.2.3 A copy of the written warning shall be placed in the employee's personnel file.

4.2.3 Suspension

- 4.2.3.1 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.
- 4.2.3.2 Disciplinary suspension is leave without pay.
- 4.2.3.3 Suspensions may be grieved through the university grievance procedure.

4.2.4 Dismissal

- 4.2.4.1 An employee may be dismissed due to the frequency or nature of his or her misconduct or inappropriate workplace behavior.
- 4.2.4.2 Serious misconduct or inappropriate workplace behavior may be cause for dismissal without prior disciplinary steps having been taken.
- 4.2.4.3 Dismissals may be grieved through the university grievance procedure.

4.3 The university may also use reassignments, reclassifications, unclassified state title changes, and demotions as types of disciplinary actions.

5 Procedure for disciplinary actions

5.1 The supervisor and/or manager should present all facts surrounding the incident to the university vice president of the office/department (or designee).

- 5.2 The supervisor and/or manager should discuss the matter with the director of the university Office of Human Resources (or designee). The Office of Human Resources may conduct an investigation and coordinate the involvement of the university vice president and general counsel, as needed.
- 5.3 The director of the university Office of Human Resources (or designee) will discuss any disciplinary actions with the university president (or designee). The university vice president of the office/department (or designee) should sign written warnings, notices of suspension, and demotions. The university president (or designee) will sign all termination letters.
- 5.4 The above actions should take place prior to the action becoming effective unless the university president (or designee) determines that the circumstance dictates the immediate suspension of an employee pending the outcome of an investigation.
- 5.5 The director of the university Office of Human Resources (or designee) will approve the wording of written warnings, suspensions, dismissals, or other disciplinary-related actions.

6 Chart of Offenses with Established Disciplinary Actions

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.	
Leaving Work Station Without Authorization	Oral Reprimand to Termination	
Reporting to Work Under the Influence of Alcohol	Suspension to Termination	Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism
Drinking Alcoholic Beverages on the Job	Termination	Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism
Reporting to Work Under the Influence of Drugs	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 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 Possession of Firearms on the Job	Termination	
Unauthorized Distribution of Written or Printed Material of Any Kind	Written Reprimand to Termination	
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	
Loafing	Oral Reprimand to Termination	
Interference With Other Employees' Work	Oral Reprimand to Termination	
Working on Personal Jobs During Work Hours	Oral Reprimand to Termination	
Excessive Use of Telephone for Personal Matters	Oral Reprimand to Termination	
Defacing State Property	Written Reprimand to Termination	
Sexual Harassment	Written Reprimand to Termination	Refer to Sexual Harassment Policy
Conviction of a Felony that adversely reflects on an individual's suitability for continued employment	Termination	
Conviction of a Misdemeanor that adversely reflects on an individual's suitability for continued employment	Termination	
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	
Willful False Statements to a Supervisor	Suspension to Termination	
Workplace Violence	Termination	Refer to Workplace Violence Policy

The chart above describes disciplinary actions in response to specific offenses or conduct violations and the recommended uniform penalties for such conduct.

The above-indicated range of disciplinary actions in response to specific offenses is intended to be used as a guide and is not intended to be all-inclusive. At the occurrence of any of the listed offenses, or any other offenses that are not listed, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered.

The state and federal laws referenced above are not all-inclusive in administering discipline.

7 Employee Comments

The employee may attach additional comments to any disciplinary action, if desired, within two weeks from the date of the disciplinary action.

8 History

- Drafted and/or Revised by Lander University Office of Human Resources on 9/29/2020.
- Approved by the South Carolina Division of State Human Resources on 10/14/2020.
- Reviewed by Board of Trustees Policy Committee on 4/23/2021.
- Revised by Human Resources and Policy Coordinator on 4/28/2021.
- Awaiting review and approval by Board of Trustees on 5/10/2021.