

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 Substandard Performance Process and the Employee Performance Management System.

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:

- TERI participants who enter the program after June 6, 2005,
- teaching or research faculty,
- professional librarians,
- academic administrators,
- other persons holding faculty appointments,
- athletic coaches,
- unclassified employees in the athletic department, and
- 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 work station without authorization" may range from a temporary absence from the work station to complete abandonment of a position. In such case, a manager must rely on judgment as an experienced administrator to arrive at appropriate disciplinary action. At management's discretion, individual offenses calling for oral or written reprimands could cumulatively result in suspension or termination.

The supervisor may contact the Office of Human Resources for counseling, assistance in preparing written reprimands, and/or detailed information regarding documentation that may be included with disciplinary actions. The supervisor is encouraged to retain a copy of any documentation regarding a disciplinary action before sending the original documentation to the Office of Human Resources to be placed in the employee's official personnel file. The supervisor should consult with the Office of Human Resources and notify the vice president for the division in which the individual is employed before final action is taken to suspend or to terminate an employee.

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 will be considered to have abandoned their positions and voluntarily resigned.

E. Disciplinary Action

If the supervisor has knowledge that absenteeism may be associated with an FMLA or ADA qualifying reason, the supervisor should discuss the issue with Human Resources before disciplinary action is taken. No disciplinary action beyond a written reprimand may be taken without being authorized by the Associate Vice

President for Human Resources or a designee. Supervisors and an authorized Human Resources representative may recommend appropriate discipline. The following steps shall be followed in such cases when discipline beyond the written reprimand is necessary.

- 1) The supervisor presents all facts surrounding the incident to the Department Head, or in the cases where the Department Head is initiating the action, he/she presents the facts to the Dean, Director, or Vice President.
- 2) If the Dean, Director, or Vice President agrees with the recommendation, the matter should be discussed with the Associate Vice President for Human Resources or a designee and may be discussed with the President or a designee.
- 3) If action is to be taken, it shall be taken under the authority of the Associate 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; written reprimand; suspension without pay; and/or termination. 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 including, but not limited to, theft or mishandling of department funds, 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:

1. Unauthorized leave.
2. Habitual tardiness or failure to observe assigned work hours.
3. Abuse of leave. (Refer to exceptions under the Family Medical Leave Act and Americans with Disabilities Act.)

4. 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. Also, refer to exceptions under the Family Medical Leave Act and Americans with Disabilities Act.)
5. Failure to report to work and failure to contact the supervisor for up to two work days.
6. Leaving work station without authorization.
7. Failure to obtain or maintain a license or certification required as a condition of employment.
8. Reporting to work under the influence of, or otherwise impaired by, alcohol at any time during the day (i.e., at the beginning of the day, after lunch or breaks, the beginning of shifts, etc.). (Refer to Section 8-11-110 of the South Carolina Code of Laws; Act on Alcoholism.)
9. Drinking alcoholic beverages on the job. (Refer to Section 8-11-110 of the South Carolina Code of Laws; Act on Alcoholism.)
10. Reporting to work under the influence of, or otherwise impaired by, illegal drugs or drugs for which the employee does not have a valid prescription. (See Winthrop University Drug-Free Workplace Policy. Also, refer to Section 8-11-110 of the South Carolina Code of Laws; Act on Alcoholism.)
11. Possession or use of illegal drugs or drugs for which the employee does not have a valid prescription on the job or at a university-sponsored activity. (See Winthrop University Drug-Free Work Place Policy.)
12. Insubordination.
13. Falsification of records or documents, including employment applications, leave records, time cards, etc.
14. Stealing. (Employee may be suspended immediately without pay and may be terminated pending the outcome of an internal investigation.)
15. Carelessness or negligence, including that which results in personal injury or damage to property.
16. Willful violation of written rules, regulations, or policies.

17. Fighting. (Employee may be suspended immediately without pay and may be terminated pending the outcome of an internal investigation, especially if the fighting resulted in injury to another individual.)
18. Unauthorized use of state equipment or property.
19. Destruction or misuse of property or equipment.
20. Unauthorized solicitation or sales on state premises.
21. Unauthorized release of confidential information.
22. Unauthorized possession of firearms on the job. (Employee may be suspended without pay immediately pending the outcome of an internal investigation, especially if the employee is deemed to be a threat or danger to others; see Winthrop University Workplace Violence Policy.)
23. Unauthorized distribution of written or printed material of any kind.
24. Sleeping while on duty.
25. Horseplay.
26. Malicious use of profane/abusive language to others.
27. Loafing.
28. Failure to maintain satisfactory or harmonious working relationships with employees, students, or associates.
29. Discourteous treatment of visitors and/or customers.
30. Interference with other employee's work.
31. Working on personal jobs during work hours.
32. Excessive use of communication devices and applications, (i.e., telephone, cell phone, walkie talkie, PDA, e-mail, texting, social networking sites, etc.).
33. Inappropriate use of computers or the Internet. (See Winthrop University Policy on the Appropriate Use of Information Technology Resources.)
34. Defacing state property.

35. Sexual harassment. (See Winthrop University Non-Discrimination and Anti-Harassment Policy.)
36. Engaging in unlawful work stoppages, slowdowns, or strikes.
37. Negligent operation of a state/university vehicle or failure to obey state and local laws while operating a state vehicle, especially if the action may result in an accident/personal injury, endangering the lives or property of others, or destruction of state property.
38. Operation of a state/university vehicle or equipment without required valid license or while under the influence of, or otherwise impaired by, alcohol or drugs for which the employee does not have a valid prescription.
39. Violation of state or federal Ethics laws.
40. Arrested or indicted for alleged violation of federal or state criminal laws, other than minor traffic offenses. 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.
41. Conviction of federal or state criminal laws up to a felony other than minor traffic offenses.
42. Conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment.
43. Refusal to cooperate with administrative investigations or to answer a work-related question or inquiry.

44. Conduct reflecting unfavorably on the reputation of the university or conduct that adversely affects or interferes with the normal operations of the university.
45. Misconduct or conduct unbecoming a university or state employee which affects his/her employment.
46. 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.
47. Willful false statements to a supervisor or university official.
48. Workplace violence of any kind. (See Winthrop University Workplace Violence Policy.)

The above indicated list of offenses is 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 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. The state and federal laws referenced above are not all-inclusive in administering discipline.