



Policy Title:	Disciplinary Action and Termination for Cause
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Policy Management Area(s):	Human Resources and Equal Opportunity

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POLICY:

Coastal Carolina University expects its employees to conduct themselves in a professional, ethical, and law-abiding manner. Because misconduct is often detrimental to the University and because inappropriate behavior – whether at work or off duty – reflects poorly on the University, CCU reserves the right to manage employee behavior through disciplinary action when necessary. This policy establishes the rules and procedures by which CCU disciplines employees.

- I. CCU employees are expected to comply with appropriate University policies and procedures as well as state and federal laws, rules, and regulations. Employees who are found to be in violation of such policies, procedures, laws, rules, or regulations may be given an opportunity to improve, if justified by the circumstances. University employees are expected to conduct their work 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, attitudes, and work habits.

- II. The policy applies to classified and unclassified non-academic employees of Coastal Carolina University (CCU). 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 agency's discretion.
- III. It is the intent of this policy to ensure that supervisors are consistent in taking disciplinary action against employees involved in similar situations.

IV. HUMAN RESOURCES ASSISTANCE

- A. 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 Human Resources and Equal Opportunity (HREO).
- B. Employees who seek employee relations assistance from HREO will be given reasonable time away from their jobs for that purpose.
- C. Employees and supervisors may not be forbidden or discouraged from contacting HREO, nor may any retaliatory action be taken against any employee or supervisor for that reason.

V. DISCIPLINARY ACTION PRINCIPLES

- A. Disciplinary action should be addressed through progressive and constructive measures for the correction of deficiencies in the conduct of employees before resorting to termination.
- B. For just cause, any classified and unclassified employee may be counseled, warned, reprimanded, suspended, or terminated whenever such action is considered necessary by the supervisor or higher-level administrative official of CCU.
- C. University employees who are in violation of CCU policies or rules will be given the opportunity to improve before being terminated, unless the seriousness of the conduct or rule violation justifies immediate termination.
- D. University employees who are suspected of being in violation of CCU policies or rules will be informed of the violation and will be given the opportunity to explain their actions, unless the seriousness of the violation justifies immediate action. In all cases of immediate action, the employee will have an opportunity to be heard as soon after the action as is administratively practicable.
- E. 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.

- F. No disciplinary action beyond a written reprimand may be taken without authorization of the department head or designee unless the seriousness of the deficiency or violation calls for immediate action. In all cases of immediate action, the employee will have an opportunity to be heard as soon after the action as is administratively practicable.
- G. When the misconduct constitutes a termination, criminal violation, or requires other investigation, the employee may be suspended without pay pending the results of the investigation.
- H. The employee may attach additional comments to any disciplinary action, if desired, within 14 calendar days from the date the disciplinary action is taken.

VI. Voluntary Resignations

- A. 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.

VII. Performance Issue

- A. All performance-related problems should be addressed in University Policy FAST-221 Employee Performance Management System (EPMS).

PRODECURE:

I. TYPES OF DISCIPLINE

- A. Counseling or Oral Warning - Counseling or an oral warning are normally sufficient for the first occurrence of a minor offense.
 - 1. A record of a counseling session or warning should be made and retained by the supervisor; however, at this stage, it is not necessary to send a copy to the employee's official personnel file. If a Notice of Disciplinary Action of an oral reprimand is issued, the oral warning must be signed by the employee and the supervisor and a copy given to the employee and a copy placed in the employee's official personnel file.
 - 2. Counseling and/or oral warnings may not be grieved through the University Grievance Policy.
- B. Written Reprimand

1. A written reprimand must be given to the employee if the seriousness of the offense calls for such action or if previous counseling or oral warnings have not produced the desired results. Supervisors must consult with HREO before issuing a written reprimand.
2. Written reprimands may not be grieved through University Policy FAST-212 Grievance and Appeals.

C. Suspension

1. The employee may be suspended if repetition of an offense (for which a written reprimand has been given) occurs, or if a violation of rules or policies occurs which is serious but for which termination is not appropriate.
2. Before an employee is suspended, the department head or designee and the responsible Vice President or designee must give authorization for such action unless the seriousness of the conduct or rule violation calls for immediate suspension. The department head or designee and/or supervisor or designee giving the suspension must consult HREO for guidance on documenting the matter and the duration of the suspension. HREO will consult with the Office of University Counsel, as appropriate.
3. If an employee has been charged with a crime for which there is probable cause for arrest and raises a reasonable concern or belief that the presence of the employee on the job would or could be harmful to the employee, other employees, students, or members of the University community, or that the employee would be unable to properly perform the duties of the position, the employee may be suspended. Suspensions may continue pending the outcome of the criminal charge and/or thorough investigation by the University.
4. Suspensions are without pay.
5. Suspensions may be grieved through the University Policy FAST-212 Grievance and Appeals.

D. Termination

1. An employee may be terminated if a repetition of an offense for which a disciplinary reprimand has been given occurs or if a serious violation of rules occurs.
2. Before an employee is terminated, the responsible vice president or designee must give authorization for such action unless the seriousness of the conduct or the rule violation justifies immediate termination. The responsible vice president or designee must consult HREO for guidance before a termination action is taken; and HREO will consult with the Office of University Counsel, as appropriate.

3. Terminations may be grieved through University Policy FAST-212 Grievance and Appeals.

E. Disciplinary Action Documentation

1. Disciplinary action must be addressed in writing. The documentation can be done by memorandum, letter, or a Notice of Disciplinary Action form. Written documentation must be reviewed by HREO (Employee Relations or Administration) prior to issuing disciplinary action. HREO will consult with University Counsel, as appropriate.
2. Written disciplinary action notices must be addressed to the employee, placed in the employee's official personnel file, and should include the following:
 - a. Heading or label of oral reprimand, written reprimand, suspension without pay, or termination.
 - b. Previous disciplinary steps taken, if any were taken.
 - c. Policies or rules violated or other actions necessitating the action that is being taken at this time.
 - d. Period of suspension (only if suspension is for a specific timeframe).
 - e. Corrective actions needed by the employee;.
 - f. In the event that subsequent violations occur, corrective action up to, and including, termination may occur.
 - g. In the event an employee is suspended pending an investigation, termination may occur if found guilty of a misdemeanor, felony, or serious wrongdoing.
 - h. Signature of the employee to show that the disciplinary action notice was received and understood.
 - i. Employee's right to appeal the suspension under University Policy FAST-212 Grievance and Appeals (applies to terminations/suspensions only).

II. CONDUCT REQUIRING DISCIPLINARY ACTION AND RECOMMENDED PENALTIES

- A. Listed below are disciplinary actions in response to specific offenses or conduct violations and the possible penalty range for such conduct. The list is intended to be used as a guide and is not intended to be inclusive of all causes or offenses or resulting penalties. Disciplinary action taken will be at the sole discretion of the University based

on the circumstances that are presented. In the event of an inconsistency between the possible penalty range shown below and the narrative portion of this policy, the narrative portion will prevail.

- B. At the occurrence of any of the listed offenses, or any that are not listed, the appropriate discipline will be determined after the particular circumstances of the case have been carefully considered.
- C. Offense or Conduct Violation with Disciplinary Action Range

<i>Offense or Conduct Violation</i>	<i>Disciplinary Action Range</i>
Unauthorized Use of University Equipment or Property	<i>Counseling to termination</i>
Careless, Negligent or Improper Use of University Equipment or Property	<i>Written reprimand to termination</i>
Destruction or Willful Misuse of University Property or Equipment	<i>Written reprimand to termination</i>
Working on Personal Jobs During Work Hours	<i>Counseling to termination</i>
Failure to Obtain or Maintain a License or Certificate Required as a Condition of Employment	<i>Counseling to termination</i>
Discourteous Treatment of Visitors and/or Customers	<i>Counseling to termination</i>
Failure to Maintain Satisfactory and Harmonious Working Relationships with the Public and/or Employees	<i>Counseling to termination</i>
Unauthorized Overtime Worked by a Non-Exempt Employee	<i>Counseling to termination</i>
Habitual Tardiness or Failure to Observe Assigned Work Hours	<i>Counseling to termination</i>
Unauthorized Leave	<i>Written reprimand to termination</i>
Abuse of Leave	<i>Counseling to termination (see provisions of University policies addressing Family Medical Leave Act (FAST-243) and Americans with Disabilities Act)</i>
Excessive Absenteeism (includes LWOP and Sick Leave)	<i>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. See provisions of University Policy FAST-243 Family</i>

<i>Offense or Conduct Violation</i>	<i>Disciplinary Action Range</i>
	<i>Medical Leave Act and University policies addressing the Americans with Disabilities Act</i>
Leaving Work Station Without Authorization	<i>Counseling to termination</i>
Insubordination or Refusal to Accept a Reasonable and Proper Assignment or Directive from an Authorized Supervisor or University Official	<i>Counseling to termination</i>
Acceptance, Without Prior Approval, of Outside Employment or Compensation that is Found to be a Conflict of Interest	<i>Written reprimand to termination</i>
Falsification of Records Including Employment Application	<i>Suspension to termination</i>
Unauthorized Release of Files (in all forms), Records or Information Contained Therein	<i>Written reprimand to termination</i>
Verbal Disclosure of Confidential Information	<i>Counseling to termination</i>
Acceptance of Gifts in Exchange for Favors or Influence	<i>Suspension to termination</i>
Negligence	<i>Counseling to termination</i>
Excessive Use of Telephone or Other Telecommunications Equipment (e.g., Internet)	<i>Counseling to termination</i>
Sleeping While on Duty	<i>Written reprimand to termination</i>
Horseplay or Loafing	<i>Counseling to termination</i>
Inappropriate or Malicious Use of Profane/Abusive Language to Others	<i>Counseling to termination</i>
Interference with Another Employee's Work	<i>Counseling to termination</i>
Defacing University Property	<i>Written reprimand to termination</i>
Improper Conduct (Misconduct) or Conduct Unbecoming a University Employee Which Substantially Affects the Employee's Fitness to Perform Assigned Duties	<i>Written reprimand to termination</i>
Willful False Statements to a Supervisor	<i>Suspension to termination</i>
Stealing	<i>Termination</i>
Fighting	<i>Suspension to termination</i>
Arrest or Conviction of Criminal Charges Such That the Employee's Presence on the Job Could or Would be Harmful to the Employee or Others or Such that the Employee's Employment is Affected	<i>Suspension to termination</i>
Conviction of a Misdemeanor Which Adversely Reflects on an Individual's Suitability for Continued Employment	<i>Counseling to termination</i>

<i>Offense or Conduct Violation</i>	<i>Disciplinary Action Range</i>
Conviction of a Felony Which Adversely Reflects on an Individual's Suitability for Employment	<i>Suspension to termination</i>
Reporting to Work Under the Influence of Alcohol and/or Illegal Drugs	<i>Suspension to termination</i>
Possessing, Using or Selling Illegal Drugs on the Job	<i>Termination</i>
Drinking Alcoholic Beverages on the Job	Suspension to termination (note: Refer to Section 8-11-110 of the South Carolina Code of Law; Act on Alcoholism.)
Unauthorized Possession of Firearms or Lethal Weapons on the Job	Termination
Threatening or Making Threatening Actions Toward Another Employee	Suspension to termination; see University Policy FAST-238 FAST-238 Workplace and Domestic Violence; Workplace Bullying
Willful Acts That Would Endanger the Lives or Property of Others	Termination
Sexual Harassment	Counseling to termination
Violation of the University's Code of Ethical Conduct	Counseling to termination
Failure to Comply with Safety Standards	Counseling to termination
Failure to Comply with Mandatory Training Requirements	Counseling to termination
Unauthorized Sales or Solicitation on University Premises	Written reprimand to termination
Unauthorized Distribution of Written or Printed Material of any Kind on University Premises	Written reprimand to termination
Engaging in Work Stoppages, Slowdowns or Strikes	Written reprimand to termination
Willful Violation of Written Rules, Instructions, Regulations or Policies	Written reprimand to termination
Any action of Violence in the Workplace (see policy FAST-238 Workplace and Domestic Violence; Workplace Bullying)	Suspension to termination
Any Discrimination in the Workplace	Counseling to termination
Bullying	Counseling to termination
Any Discrimination in the Workplace	Counseling to termination
Retaliation for filing a Complaint or Serving as a Witness Regarding Suspected Waste, Fraud, Abuse, Mismanagement, Acts of Illegal Discrimination or Harassment, Violations of	Counseling to termination

<i>Offense or Conduct Violation</i>	<i>Disciplinary Action Range</i>
Law, Violations of Policies And Procedures or Other Codes of Ethics and Integrity Adopted by the University	

The above indicated range of disciplinary actions in response to specific 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 shall be determined after the particular