

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29409

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MEMORANDUM
NUMBER 2-109

18 August 2009

Progressive Discipline Policy

I. Purpose

Employees are expected to conduct themselves professionally, at all times be mindful of the public expectations of the College and its employees.

This policy applies to classified and unclassified employees. This policy does not apply to faculty, temporary, temporary grant, and probationary employees. Probationary, temporary, and temporary grant employees can be disciplined at the agency's discretion. Matters pertaining to the conduct of faculty members are within the cognizance of the Deans of the College and the Vice President of Academic Affairs and may be referenced in the Faculty Manual.

For proper cause, any classified and unclassified non-faculty employee, regardless of occupation, position, profession, or work performed, may be reprimanded, suspended or terminated whenever such action is considered necessary by supervisors or other persons in positions of authority. Administration of disciplinary measures must be fair and equitable and free of prejudice or favoritism.

The employee's supervisor is responsible for ensuring that each employee is aware of personnel and departmental policies and procedures.

It is with the above intent that The Citadel establishes this policy relating to disciplinary measures for employees. Substandard performance issues are addressed in the Employee Performance Management System (EPMS) and are not a part of this policy.

II. Policy

Forms of Disciplinary Action

A. Employees who are found to be in violation of the College rules will normally be given adequate opportunity to improve. Whenever possible, counseling

and coaching should be used before formal disciplinary action is involved. 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. The normal and recommended progressive steps are as follows:

1. Oral reprimand
2. Written reprimand
3. Suspension
4. Termination
5. Reassignment*
6. Demotion*

* May occur at any stage during progressive discipline process.

Determination of Action

- A. It is important that a supervisor conducts a thorough investigation of the facts and circumstances, including the employee's explanation, prior to administering disciplinary action. This requires a supervisor to actively seek information in a fair, objective, and nondiscriminatory manner.
- B. At the oral and written stages, the supervisor will determine the action appropriate to the infraction based on the severity of the offense, mitigating circumstances, previous infractions, etc.
- C. Assistance in determining the appropriate action may be provided through the Human Resources Department.
- D. No disciplinary actions beyond a written reprimand may be taken without being authorized by the Agency Director or a designee. If a suspension or termination is warranted, disciplinary action of this nature must be reviewed in advance with the department head, appropriate Vice-President or his/her designee, and Director of Human Resources or his/her designee before such action is given to an employee.
- E. The Director of Human Resources or his/her designee should review the case to verify that there is just cause for suspension or termination, approve the appropriate length of suspension based on past practices, and ensure that the information presented is fair and nondiscriminatory. All letters on

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suspensions and terminations will be written and signed by the Human Resources Director or his/her designee.

III. Voluntary Resignations and Performance Issues:

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

IV. Employee Comments

- A. The employee may attach additional comments to any disciplinary action, if desired, within 3 days of receiving the action.

V. Disciplinary Action

1. Oral Reprimand - An employee should be given an oral reprimand for minor offenses. The supervisor should talk privately with the employee and cover the following:
 - a. Review exactly what is expected of the employee and why.
 - b. Allow the employee to give the reasons for his/her conduct.
 - c. Make suggestions for correcting action.
 - d. Specify further disciplinary action will be taken if similar problems continue to occur.
 - e. Record the date of the interview and other pertinent information for future reference. This written notice should be placed in the employee's departmental personnel file.

In the event the supervisor considers second or subsequent oral reprimands to be the appropriate disciplinary action, the department head should be informed and may be requested to be present during the counseling session.

2. Written Reprimand - If, because of the seriousness of the first offense, or if the employee has repeated the first offense that warranted an oral reprimand, and the supervisor determines that a written reprimand is warranted, the following action should be taken:
 - a. The supervisor should prepare a written summary of the case and make a recommendation to the department head for his/her approval.
 - b. The written reprimand may be in letter or memorandum form and must specify details of the employee's conduct.

- c. If the employee has repeated the violation covered in the prior oral reprimand, the supervisor should review again with the employee the points covered in the oral reprimand. If the offense is the first, and of such a serious nature as to warrant more than an oral reprimand but does not warrant suspension or termination, then a written reprimand should be given to the employee. The supervisor should indicate in the letter or memorandum that conduct must improve within a given period of time.
 - d. The written reprimand should include the corrective action needed, and a notice to the employee that a recurrence of the same type conduct may result in further disciplinary action.
 - e. The supervisor should review the written reprimand with the department head before delivering it to the employee.
 - f. The supervisor should then review the written reprimand carefully with the employee. It should be signed by the employee with an indication that it has been received and understood. If the employee refuses to sign, the supervisor and a witness should certify in writing that it was delivered and explained to the employee. A copy should be given to the employee. A copy of the written reprimand should be forwarded to the Director of Human Resources. It will become a permanent part of the employee's personnel record.
3. *Reassignment or Demotion: A reassignment or demotion may be a proper disciplinary action at any stage in the progressive disciplinary process. If the supervisor feels that a reassignment or demotion might benefit the employee and the College, then the supervisor should recommend to the department head that the employee should be reassigned to a position classified at the same state salary range or demoted to a position classified at a lower state salary range. At the discretion of the President, a demotion may be with or without a pay reduction. After the supervisor has made his/her recommendations, the following will be accomplished:
- a. The appropriate Vice President or his/her designee will review the recommendation of the reassignment or demotion. His/her decision will be made after having received a written summary of the case which was prepared by the supervisor and reviewed with the department head.
 - b. If the Vice President or his/her designee upholds the reassignment or demotion, the supervisor will forward the recommendation to the Director of Human Resources for review and approval. The Director of Human Resources will inform the department head of appropriate action to be taken. The supervisor and the Director of Human Resources will inform the affected employee and review the entire case with the employee. Employee notification shall be in writing.

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- c. A copy of the letter will become a part of the employee's permanent personnel file.
4. Suspension - The seriousness of the offense will determine the length of the suspension. All suspensions are without pay.
 - a. A written summary of the case will be prepared by the supervisor, reviewed by the department head, the Vice President, and a recommendation made to the Director of Human Resources or his/her designee.
 - b. The Director of Human Resources is authorized to process suspensions. The suspension letter will be written and signed by the Director of Human Resources and forwarded to the supervisor to be given to the employee with a copy to be placed in the employee's permanent personnel file.
5. Termination - This is the most serious disciplinary action and should be taken only after a careful review of the case.
 - a. An employee may be terminated due to the frequency or serious nature of misconduct. Very serious offenses may be cause for immediate termination without prior progressive disciplinary steps.
 - b. A written summary of the case will be prepared by the supervisor, reviewed by the department head, the Vice President, and recommendation made to the Director of Human Resources.
 - c. The Director of Human Resources is authorized to process terminations. The termination letter will be written and signed by the Director of Human Resources and forwarded to the supervisor to be given to the employee with a copy to be placed in the employee's permanent personnel file. If the employee is not at work, the Director of Human Resources will mail the letter to the employee by certified mail.

VI. Workplace Violence

Section 7, Chapter 1, Title 1 of the 1976 Code of Laws, Article 21, Workplace Domestic Violence Policy (Section 1-1-1410) requires every state agency to develop and implement an agency workplace domestic violence policy and adopt a “zero tolerance” approach to the act or threat of violence of any kind. If employees engage in any violence in the workplace, or threaten violence in the workplace, their employment will be terminated immediately for cause. The “zero tolerance” approach must be applied to all forms of workplace violence.

These include, but are not limited to:

- Physical-the use of force in order to harm;
- Threats-expressions of intent to inflict injury;
- Harassment-words, gestures, and actions which tend to annoy, alarm, or abuse another person;

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- Property damage-intentional damage to property owned by the state, employees, visitors, or vendors; and
- Domestic-physical harm or injury or an offer or attempt to cause physical harm or injury by a household member.

VII. Guidelines

A suggested guideline for disciplinary action is below. This list is not all inclusive and is intended only as a guide. This list is to improve the consistency of the disciplinary actions taken and the circumstances surrounding each offense must be fully considered. Disciplinary actions are subject to management’s discretion.

DISCIPLINARY GUIDELINES CHART

<u>Offense or Job</u> <u>Deficiency</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third</u> <u>Offense</u>	<u>Fourth</u> <u>Offense</u>
Unauthorized leave	Written reprimand to suspension	Suspension to Termination	Termination	N/A
Failure to report for work and not notifying supervisor for up to two work days	Written reprimand to suspension	Suspension to Termination	Termination	N/A
Failure to obtain or maintain a license or certificate required as a condition of employment	Written reprimand to termination	Suspension to Termination	Termination	N/A

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Failure to report to work and not notify supervisor for three (3) consecutive work days	Employees who fail to report to work for three (3) consecutive work days and fail to contact their supervisor during this time period will be considered to have voluntarily resigned.	N/A	N/A	N/A
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	Will require doctor's statement	Written reprimand to suspension	Suspension to termination	Termination
Excessive absenteeism (LWOP or docked time)	Oral reprimand	Written reprimand	Suspension to termination	Termination
Substandard quality or work	Guidelines established in the Employee Management System	N/A	N/A	N/A
Leaving work station without authorization	Oral reprimand to written reprimand	Written reprimand to suspension	Suspension to termination	Termination

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Reporting to work under the influence of alcohol	Suspension to Termination	Termination (Action must be in accord with the Employee Drug & Alcohol Policy and Act on Alcoholism, Section 8-11-110)	N/A	N/A
Drinking alcoholic beverages on the job	Suspension to termination	Termination (Action must be in accord with the Employee Drug & Alcohol Policy and Act on Alcoholism, Section 8-11-110)	N/A	N/A
Reporting to work under the influence of illegal drugs	Suspension to termination	Termination (Action must be in accord with the Employee Drug & Alcohol Policy)	N/A	N/A
Violation of Employee Drug and Alcohol Policy	Suspension to termination	Termination (Action must be in accord with the Employee Drug & Alcohol Policy)	N/A	N/A
Possession of or using illegal drugs on the job or at a College-sponsored activity	Termination	N/A	N/A	N/A

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Possession of illegal drugs with the intent to distribute on or off the job	Termination	N/A	N/A	N/A
Insubordination	Oral reprimand to termination	Suspension to termination	Termination	N/A
Falsification of records or documents	Written reprimand to termination	Suspension to termination	Termination	N/A
Stealing on the job	Termination	N/A	N/A	N/A
Carelessness or negligence that results in personal injury or damage to property	Oral reprimand to suspension	Suspension to termination	Termination	N/A
Willful violation of written rules, regulations or policies	Written reprimand to termination	Suspension to termination	Termination	N/A
Sexual Harassment	Written reprimand to termination	Suspension to termination	Termination	N/A
Unauthorized use of State equipment or property	Written reprimand to suspension	Suspension to termination	Termination	N/A
Working on personal job during work hours	Oral reprimand to suspension	Suspension to termination	Termination	N/A

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Mishandling of departments funds or documents	Written reprimand to termination	Suspension to termination	Termination	N/A
Excessive use of telephone for personal matters	Oral reprimand	Written reprimand	Suspension	Termination
Engaging in unlawful work stoppages, slowdowns, or strikes	Written reprimand to termination	Suspension to termination	Termination	N/A
Negligent or willful destruction or misuse of property or equipment	Written reprimand to termination	Suspension to termination	Termination	N/A
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 written reprimand	Written reprimand to suspension	Suspension to termination	Termination
Unauthorized possession of firearms on the job	Termination	N/A	N/A	N/A

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Unauthorized distribution of written or printed material of any kind	Oral reprimand to written reprimand	Written reprimand to suspension	Suspension to termination	N/A
Sleeping on duty	Written reprimand	Suspension to termination	Termination	N/A
Horseplay	Oral reprimand	Written reprimand	Suspension	Termination
Malicious use of profane/abusive language to others	Oral reprimand to termination	Written reprimand to termination	Suspension to termination	Termination
Unauthorized political activity (Refer to The Citadel Policy on Political Activity)	Written reprimand to termination	Suspension to termination	Termination	N/A
Failure to maintain satisfactory working relations with employees, students or the public	Oral reprimand to termination	Written reprimand to termination	Suspension to termination	N/A
Interference with other employees work	Oral reprimand to termination	Written reprimand to suspension	Suspension to termination	Termination
Gambling during work hours	Written reprimand to termination	Suspension to termination	Termination	N/A

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Fighting, other than reasonable defense to an unprovoked attack	Written reprimand to termination	Suspension to termination	Termination	N/A
Unauthorized use of State equipment or property for personal use	Suspension to termination	Termination	N/A	N/A
Negligent operation of a State vehicle resulting in an accident or personal injury or endangering the lives or property of others	Oral reprimand to termination	N/A	N/A	N/A
Operation of a State vehicle or equipment without required valid license	Termination	N/A	N/A	N/A
Violation of State or Federal Ethics Laws	Written reprimand to termination	Suspension to termination	Termination	N/A

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<p>Arrested or indicted for alleged violation of Federal or State criminal laws</p>	<p>Suspension to termination.</p> <p>When an employee is arrested for any offense other than a minor traffic offense, the supervisor should immediately conduct an investigation to determine if any of the offenses listed in these guidelines have occurred.</p> <p>Should the supervisor deem it necessary, the employee may be suspended immediately pending further investigation.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p>Conviction of Federal or State criminal laws other than minor traffic offenses</p>	<p>Suspension to termination</p>	<p>Suspension to termination</p>	<p>Termination</p>	<p>N/A</p>
<p>Refusal to cooperate with administrative investigations or to answer a work-related question or inquiry</p>	<p>Written reprimand to suspension</p>	<p>Suspension to termination</p>	<p>Termination</p>	<p>N/A</p>

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Conduct reflecting unfavorably on the reputation of the College or conduct that adversely affects or interferes with the normal operations of the College	Written reprimand to suspension	Suspension to termination	Termination	N/A
Conduct such that 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	Written reprimand to suspension	Suspension to termination	Termination	N/A
Gross misconduct or conduct unbecoming a College employee which substantially affects the employee's fitness to perform assigned duties	Written reprimand to suspension	Suspension to termination	Termination	N/A

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Any accumulation of 3 offenses, within a period of one year, where the first offense calls for a oral or written reprimand	Suspension to termination	Termination	N/A	N/A
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VIII. NOTES

A. Responsible Department:

Human Resources

B. Responsible Official:

Col Dennis D. Carpenter, Director of Human Resources

FOR THE PRESIDENT:

OFFICIAL

JOSEPH W. TREZ
 Colonel, US Army, Retired
 Director of the Citadel Staff

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