

COLLEGE of CHARLESTON

OFFICIAL POLICY

9.1.2

Code of Conduct and Disciplinary Actions

3/8/2016

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN EMPLOYEES AND THE COLLEGE OF CHARLESTON. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHT OR ENTITLEMENTS. THE COLLEGE OF CHARLESTON RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY IN WHOLE OR IN PART, AT ANY TIME. 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.

Policy Statement

A. Code of Conduct

The College of Charleston expects all employees to conduct themselves in accordance with federal, state, and local laws and regulations and to comply with policies and procedures prescribed by their respective supervisors, department heads and governing officials of the College. As set forth in this policy, failure to conduct oneself in accordance with such laws, regulations, policies and procedures, along with generally accepted work behaviors as determined by the supervising authority, may result in disciplinary action, up to and including termination, as appropriate under the circumstances.

Because of the nature of a higher education community and the mission of promoting a positive learning and working environment, all employees are required to maintain an environment that embodies respect and professionalism in all work, classroom and related activities. This environment must reflect courtesy, civility, and respectful communication. Therefore, the College strictly prohibits discrimination, harassment, hazing, bullying, verbal abuse, physical violence, threatened violence and any other type of threatening or destructive behavior.

The disciplinary actions outlined in this policy cannot be grieved by employees exempted from the State Employee Grievance Procedure Act (e.g., probationary employees, temporary employees, temporary-grant employees, time-limited employees, and other employees specifically exempted from the State Employee Grievance Procedure Act) who may be disciplined at the College's discretion. Faculty, Professional Librarians, Academic Administrators and others holding faculty appointments are subject to discipline in accordance with the disciplinary measures provided in the *Faculty/Administration Manual*.

B. Application of Disciplinary Actions

This policy is intended to ensure that: (1) all employees are aware of the rules and expectations of the College; (2) all employees are aware of the potential disciplinary actions for violations of this policy; and (3) the process for taking disciplinary action against employees involved in similar situations is fair and consistent.

Disciplinary action is constructive action that is designed to provide employees with an opportunity to be notified of and correct conduct deficiencies, where possible. Disciplinary action will be determined on a case-by-case basis related to the specific facts and circumstances of each case, with a goal of being administered consistently, insofar as possible, recognizing that certain cases may present unique factual or other circumstances. In addition to the disciplinary measures listed in this policy, within its discretion, the College may impose a reassignment or demotion in appropriate situations.

When determining the level of discipline to apply, consideration is given to factors such as: the circumstances surrounding the offense; the seriousness of the offense; the number of times the offense has occurred; the employee's past record of conduct at the College; and the job responsibilities of the individual involved.

The list of infractions and the disciplinary action ranges in this policy are intended only to be general guidelines, as it is impossible to be all-inclusive or to assign a degree of severity to a situation without the specific details of the incident. Supervisors, in consultation with the Office of Human Resources, are responsible for determining appropriate disciplinary action. Supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision.

Supervisors are encouraged to consult with the Vice President of Human Resources (or any successor to this office) or his/her designee for assistance with determining which disciplinary action to take. Supervisors must consult with the Vice President of Human Resources or his/her designee *prior* to taking any disciplinary action beyond an Oral Reprimand. There may be instances where offenses are of such seriousness as to endanger the safety of persons or property, may cause intolerable disruptions to essential work, or may present another circumstance requiring immediate action, suspension, or termination. In such cases, the President and Executive Vice Presidents have the authority to immediately terminate an employee in their chain of command. Additionally, in such cases, the President and Executive Vice Presidents have the authority to suspend an employee in their chain of command immediately pending outcome of an investigation after which a final determination can be made, in consultation with the Vice President of Human Resources or his/her designee as to the appropriate disciplinary action. In certain situations, the Office of Public Safety may be called to carry out the removal of the offending employee.

Employees who voluntarily fail to report to work during scheduled work hours for three (3) consecutive days and fail to contact the College 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 (EPMS) Policy.

C. Levels of Disciplinary Actions

Supervisors are generally expected to follow a progressive path of disciplinary measures. Some offenses may be deemed serious enough to require immediate suspension or termination for a first offense. Further, offenses do not have to be of the same nature or repeated for a higher level of discipline to be implemented, which is in the discretion of the supervisor, in consultation with the Vice President of Human Resources, or his/her designee.

1. Oral Reprimand

Oral Reprimands are generally intended for the first occurrence of a minor offense, as determined by the supervising authority. The Vice President of Human Resources or his/her designee is available for consultation as to the appropriateness of this type of discipline. Supervisors should follow these steps when administering an oral reprimand:

- a. The supervisor meets with the employee as soon as possible in private to deliver the oral reprimand.
- b. The supervisor describes the conduct of concern and why the conduct is unacceptable.
- c. The supervisor asks for an explanation of the employee's actions or failure to act.
- d. The supervisor reviews with the employee exactly what conduct is expected and why.
- e. The supervisor prepares a memorandum of this discussion titled "Oral Reprimand." The memorandum should include a description of the specific conduct in violation of the Code of Conduct and Disciplinary Actions Policy, the expected conduct and a warning that future violations of the Code of Conduct and Disciplinary Actions Policy will result in further disciplinary actions, up to and including termination of employment. Include a signature line for the employee acknowledging receipt of the memorandum.
- f. Employees may be permitted an opportunity to include a written response to the disciplinary action to be included in their personnel file.
- g. The supervisor provides a copy of the final notice of Oral Reprimand with the employee's signature to the employee and to Office of Human Resources for inclusion in the employee's personnel file. However, if the employee refuses to sign the notice of Oral Reprimand, the supervisor should file a copy of the notice of Oral Reprimand along with a written statement on the notice signed by the supervisor that the employee refused to sign and that a copy was given personally to the employee or mailed to the employee at his or her last known address. The refusal must be witnessed by at least one other supervisor who shall also sign the statement of refusal as a witness.

2. Written Reprimand

Written reprimands are generally intended for a repetition of a minor offense or the first occurrence of a more serious offense, as determined by the supervising authority. The Vice President of Human Resources or his/her designee must be consulted prior to issuing a Written Reprimand. Supervisors should follow these steps when administering a written reprimand:

- a. In consultation with the Vice President of Human Resources or his/her designee, the supervisor prepares a document titled "Written Reprimand." The memorandum should

include a description of the specific conduct in violation of the Code of Conduct and Disciplinary Actions Policy, any previous counseling or reprimands (if applicable), the expected conduct and a warning that future violations of the Code of Conduct and Disciplinary Actions Policy will result in further disciplinary actions, up to and including termination of employment. Include a signature line for the employee acknowledging receipt of the memorandum.

- b. The supervisor reviews the contents of the memorandum with the Department Head and the Vice President of Human Resources or his/her designee prior to delivery to the employee.
- c. The supervisor meets with the employee as soon as possible in private to deliver the written reprimand.
- d. The supervisor describes the conduct of concern and why the conduct is unacceptable.
- e. The supervisor asks for an explanation of the employee's actions or failure to act.
- f. Employees may be permitted an opportunity to include a written response to the disciplinary action to be included in their personnel file.
- g. The supervisor provides a copy of the final notice of Written Reprimand with the employee's signature to the employee and to Office of Human Resources for inclusion in the employee's personnel file. However, if the employee refuses to sign the notice of Written Reprimand, the supervisor should file a copy of the notice of Written Reprimand along with a written statement on the notice signed by the supervisor that the employee refused to sign and that a copy was given personally to the employee or mailed to the employee at his or her last known address. The refusal must be witnessed by at least one other supervisor who shall also sign the statement of refusal as a witness.

3. Suspension

Suspensions are generally intended for further repetition of the same minor offense, an accumulation of minor or other offenses or the first occurrence of a very serious offense, as determined by the supervising authority. The Vice President of Human Resources or his/her designee must be consulted prior to issuing a suspension. Employees may be suspended without pay from work in proportion to the seriousness of the offense. The Vice President of Human Resources or his/her designee will consult with the Office of Legal Affairs throughout this process. Supervisors should follow these steps when administering a suspension:

- a. In consultation with the Vice President of Human Resources or his/her designee, the supervisor prepares a written recommendation for suspension containing a summary of the case for review and approval by the Department Head and then submits the recommendation to the appropriate Executive Vice President for final approval before taking any action. The Executive Vice Presidents have delegation to authorize suspensions for their divisions. In the case where there is no Executive Vice President, the President will designate an appropriate administrator.
- b. Upon reaching a decision to suspend the employee, the supervisor, in consultation with the Vice President of Human Resources or his/her designee, prepares a memorandum titled "Notice of Suspension." This memorandum should include a description of the specific conduct in violation of the Code of Conduct and Disciplinary Actions Policy, any previous counseling or reprimands (if applicable), the expected conduct and a warning that future violations of the Code of Conduct and Disciplinary Actions Policy

will result in further disciplinary actions, up to and including termination of employment and should also include a signature line for the employee to acknowledge receipt of the memorandum. The memorandum must also contain the specific dates of the suspension and notification of the employee's right to grieve the suspension, if the employee is a covered employee as defined by the State Employee Grievance Procedure Act.

- c. The supervisor reviews the contents of the Notice of Suspension with the Department Head and the Executive Vice President (in cases where there is no Executive Vice President, the President will designate an appropriate administrator) prior to delivery to the employee.
- d. The supervisor meets with the employee in private as soon as possible to deliver the Notice of Suspension.
- e. Employees may be permitted an opportunity to include a written response to the disciplinary action to be included in their personnel file.
- f. The supervisor provides a copy of the final Notice of Suspension with the employee's signature to the employee and to Office of Human Resources for inclusion in the employee's personnel file. However, if the employee refuses to sign the Notice of Suspension, the supervisor should file a copy of the Notice of Suspension along with a written statement on the notice signed by the supervisor that the employee refused to sign and that a copy was given personally to the employee or mailed to the employee at his or her last known address. The refusal must be witnessed by at least one other supervisor who shall also sign the statement of refusal as a witness.

4. Termination

Termination is the most serious disciplinary action and should be taken only after a careful review of the case. Terminations are generally intended for further repetition of the same minor offense, an accumulation of various offenses or the first occurrence of serious types of offenses, as determined by the supervising authority. The Vice President of Human Resources or his/her designee must be consulted prior to issuing a Termination. The Vice President of Human Resources or his/her designee will consult with the Office of Legal Affairs throughout this process. Supervisors should follow these steps when administering the termination of an employee:

- a. In consultation with the Vice President of Human Resources or his/her designee, the supervisor prepares a written recommendation for termination containing a summary of the case for review and approval by the Department Head and then submits the recommendation to the appropriate Executive Vice President for final approval before taking any action. The Executive Vice Presidents have delegation to authorize terminations for their divisions. If there is no Executive Vice President, the President will designate an appropriate administrator.
- b. Upon reaching a decision to terminate the employee, the supervisor, in consultation with the Vice President of Human Resources or his/her designee, prepares a memorandum titled "Notice of Termination." The memorandum should include a description of the specific conduct in violation of the Code of Conduct and Disciplinary Actions Policy and any previous disciplinary actions (if applicable). The memorandum must also contain a notification of the employee's right to grieve the termination if the employee is a covered employee as defined by State Employee Grievance Procedure Act and should include a signature line for the employee acknowledging receipt of the

memorandum. The written Notice of Termination must be signed by the approving Executive Vice President or the administrator designated by the President.

- c. The supervisor reviews the contents of the Notice of Termination with the Department Head and the Vice President of Human Resources or his/her designee prior to delivery to the employee.
- d. The supervisor meets with the employee in private as soon as possible to deliver the Notice of Termination.
- e. The supervisor provides a copy of the final Notice of Termination with the employee's signature to the employee and to Office of Human Resources for inclusion in the employee's personnel file. However, if the employee refuses to sign the Notice of Termination, the supervisor should file a copy of the Notice of Termination along with a written statement on the notice signed by the supervisor that the employee refused to sign and that a copy was given personally to the employee or mailed to the employee at his or her last known address. The refusal must be witnessed by at least one other supervisor who shall also sign the statement of refusal as a witness.

D. Listing of Offenses

The College has implemented reasonable guidelines to promote the successful and orderly operation of College business. The following list sets forth basic rules that employees should not violate under any circumstances. Violation of any of these rules or any other College policy may lead to discipline, up to and including immediate termination. In addition, certain crimes and conduct are disqualifying for employment, as discussed more fully in the College of Charleston Background Checks Policy 9.2.1, and an employee may be immediately terminated consistent with that policy. This list of disciplinary actions is intended to be used as a general guide only and is not all inclusive. There may be other circumstances for which College employees may be disciplined and/or immediately terminated. At the occurrence of any of the listed offenses, or any that are not listed at the discretion of the College, the appropriate disciplinary action will be determined after the particular circumstances of the case have been carefully considered in accordance with this policy.

Offenses	Range of Action	Notes
Discourteous treatment of others or failure to maintain satisfactory working relationship with others	Oral Reprimand to Termination	
Use of profane or abusive language toward others	Oral Reprimand to Termination	
Defacing College property	Written Reprimand to Termination	
Excessive personal use of work telephone or computer or other office equipment	Oral Reprimand to Termination	
Working on personal jobs during work hours	Written Reprimand to Termination	
Falsification of records or documents	Suspension to Termination	
Loafing or Horseplay	Oral Reprimand to Termination	

Offenses	Range of Action	Notes
Improper conduct or conduct unbecoming a state employee	Oral Reprimand to Termination	
Insubordination	Written Reprimand to Termination	
Interference with other employees' work	Oral Reprimand to Termination	
Negligence on the job	Written Reprimand to Termination	
Refusal to cooperate with a College investigation	Written Reprimand to Termination	
Sleeping while on duty	Written Reprimand to Termination	
Theft of College property or property of students, employees or visitors	Termination	
Unauthorized distribution of written or printed material	Written Reprimand to Termination	
Unauthorized overtime worked by non-exempt employees	Oral Reprimand to Termination	
Violation of South Carolina State Ethics Rules or the College Ethics Policy	Written Reprimand to Termination	Refer to Ethics Policy
Unauthorized release of confidential information	Written Reprimand to Termination	
Unauthorized use of state equipment or property	Written Reprimand to Termination	
Willful destruction or misuse of College property or equipment	Suspension to Termination	
Carelessness or negligence that results in personal injury or damage to property on the job	Suspension to Termination	
Making willful false statements to a supervisor or College official	Written Reprimand to Termination	
Violation of College or department rules, regulations, policies, or procedures	Oral Reprimand to Termination	
Drinking alcohol on the job	Termination	Refer to Alcohol and Drug Abuse Policy; Section 8-11-110 of the SC Code of Laws (Act on Alcoholism)
Failure to pass an alcohol or drug test	Suspension to Termination	Refer to Alcohol and Illicit Drug Testing Policy; Section 8-11-110 of the SC Code of Laws (Act on Alcoholism)
Possession of or using illegal drugs on the job	Termination	Refer to Alcohol and Drug Abuse Policy

Offenses	Range of Action	Notes
Refusal to submit to an alcohol or drug test	Suspension to Termination	Refer to Alcohol and Illicit Drug Testing Policy; Section 8-11-110 of the SC Code of Laws (Act on Alcoholism)
Reporting to work under the influence of drugs or alcohol	Suspension to Termination	Refer to Alcohol and Drug Abuse Policy; Section 8-11-110 of the SC Code of Laws (Act on Alcoholism)
Unauthorized or abuse of leave	Oral Reprimand to Termination	Refer to Family Medical Leave Act Policy and Americans with Disabilities Act
Excessive Absenteeism	Oral Reprimand to Termination	Absences related to medical and health issues may be covered by the Family Medical Leave Act and/or Americans with Disabilities Act; and therefore, all supervisors must consult with the Office of Human Resources prior to implementing any form of disciplinary action.
Habitual tardiness or failure to observe assigned work hours	Oral Reprimand to Termination	
Leaving work station without authorization	Written Reprimand to Termination	
Convicted, arrested or indicted for a misdemeanor or felony which adversely reflects on an individual's suitability for continued employment	Suspension to Termination	Refer to Background Checks Policy
Violation of the Policy on Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse	Written Reprimand to Termination	Refer to Policy on Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse
Failure to follow safety precautions, use safety equipment or OSHA violations	Written Reprimand to Termination	
Failure to maintain a license or certificate required for employment	Suspension to Termination	
Retaliation	Written Reprimand to Termination	
Unauthorized possession of firearm or lethal weapon on the job	Termination	
Workplace Violence		Refer to Workplace Violence Policy

Departments/Offices Affected by the Policy

All department and offices of the College of Charleston are affected.

Policy Manager and Responsible Department or Office

Vice President of Human Resources; Office of Human Resources

Related Policies, Documents or Forms

Faculty/Administration Manual

9.1.6 Employee Drug and Alcohol Abuse Policy

9.1.8 Employee Performance Management System (EPMS) Policy

9.1.9 Ethics Policy

9.1.10 Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse

9.2.1 Background Checks

9.4.1 Staff Grievance Policy

Workplace Violence Policy

Issue Date:9/3/2015
Date of Policy Revision:3/8/2016


Next Review Date:10/8/2020

POLICY APPROVAL

(For use by the Office of the Board of Trustees or the Office of the President)

Policy Number: 9.1.2

President or
Chairman, Board of Trustees


President

Date: 3/8/16