# Guidance for Substandard Performance and Discipline

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Introduction
Clemson University’s 2020 Road Map outlines a key goal of attracting, retaining, and rewarding top talent. Effective performance management and disciplinary processes support this goal by enabling supervisors and employees to address performance and behavioral (disciplinary) issues in a consistent and timely manner. The purpose of this guidance document is to provide an overview of the substandard and disciplinary processes. While the guidance provided herein may be referenced for addressing concerns related to faculty, it is important to note that any action issued to a faculty member should adhere to the rules outlined in the Clemson University Faculty Manual.

Clemson University’s Policies and Procedures Manual outlines general rules of conduct that each staff and faculty member should understand and adhere to.

Policies
The following policies govern the guidance outlined in this document. By clicking on one of the links below, you will be directed to the full version of that policy.

Employee Performance (EPMS)
Discipline
Grievance

Key Components
Informal Counseling
Generally, if an instance of inappropriate behavior or substandard job performance emerges, the supervisor should first use prompt informal counseling to address the concern, agree on expectations, and develop specific and actionable steps to correct the issue. The goals of addressing behavior or job performance concerns are 1) to specify the areas of concern, 2) to provide constructive measures to correct the problems, and 3) to enable the individual to be a contributor to Clemson University. It is not appropriate to permit behavior or performance issues to continue or escalate, or to wait until the performance review process to address concerns.

Supervisors are encouraged to address instances of performance or behavioral issues promptly, as they occur. Timely response promotes a culture of feedback and development. It gives the individual the opportunity to 1) understand the source of concern, 2) understand why the behavior is not tolerated or condoned within the Clemson culture, 3) identify a course of action to improve performance or alter behavior, and 4) understand the consequences of failure to correct the problem. It is prudent for the
supervisor to document any instances of feedback/counseling provided to an individual. If the individual continues to exhibit the deficiencies, it may be necessary to take formal steps to address the concerns. Formal steps, in this case, means disciplinary action and/or the substandard performance process, as appropriate.

Substandard Job Performance
For performance-based deficiencies, the supervisor should discuss issues regarding job performance with the individual promptly when the concerns arise. If informal counseling does not result in improved performance, the supervisor should issue either a Performance Improvement Plan (PIP) or an official Warning Notice of Substandard Performance, depending on the severity of the deficiencies, to document the sources of concern and the action plan for improvement. See the definitions below for guidance in determining which approach is appropriate for a given situation. If the individual's performance does not improve according to the expectations outlined in the PIP or Warning Notice, further actions, up to and including termination, may be appropriate.

Performance Improvement Plan (PIP)- a less formal action taken to address minor concerns with one or more essential job duties.

Warning Notice of Substandard Performance- formal action taken in accordance with the EPMS policy to address serious concerns with one or more essential job duties.

Supervisors may consult with Employee Relations in the Office of Human Resources to determine whether a PIP or Warning Notice of Substandard Performance is appropriate. In the case of a Warning Notice of Substandard Performance, supervisors should consult with Employee Relations prior to issuing the warning to the employee. Refer to the Help section at the end of this document for a link to the PIP. Please contact Employee Relations to initiate a Warning Notice of Substandard Performance.

Discipline
For behavior-based concerns, disciplinary action ranging from oral reprimand to termination may be taken, depending on the severity of the offense.

When possible, supervisors are advised to discuss behavioral concerns with employees prior to the point where such issues have escalated beyond control and repair. When managed effectively, disciplinary action should not be a surprise to the recipient. To promote clear communication, the supervisor should address employee conduct according to the principles outlined below:

1) Individuals should be made aware of issues as they occur and provided with evidence-based support of the source of deficiency (as witnessed or verified by the supervisor).
2) Except in rare circumstances, the individual should be given an opportunity to correct the deficiencies raised by the supervisor.
Guidance for Substandard Performance and Discipline

When possible, supervisors should discuss concerns with their immediate supervisor prior to issuing disciplinary action. Also, supervisors are encouraged to contact the Office of Human Resources-Employee Relations staff prior to issuing a formal disciplinary action to an employee. Further, Clemson policy requires that any suspension or termination be reviewed by Employee Relations and the chief human resources officer and approved by the appropriate division head prior to action being taken.

**Definitions- Disciplinary Action Types**

Disciplinary actions, in general, are considered constructive measures for the correction of employee conduct. There are different levels of discipline ranging from oral reprimand to termination. When possible, disciplinary action should begin with an oral reprimand, but it may start at any step in the process depending on the nature and severity of the circumstances under review. Cases of severe misconduct or egregious infractions may be cause for immediate suspension or termination. This decision is based on the identified deficiency and the judgment of the supervisor, Employee Relations, the chief human resources officer, and the appropriate division head. Supervisors should contact Employee Relations at 864-656-2000 to discuss disciplinary concerns.

### Degree of Severity of Offense

<table>
<thead>
<tr>
<th>Minor</th>
<th>Severe</th>
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<tbody>
<tr>
<td>Oral Reprimand</td>
<td>Written Reprimand</td>
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1. **Oral Reprimand**

An oral reprimand may be appropriate for addressing a minor offense. As noted, it entails a verbal conversation with the individual and should include an evidence-based discussion of the observed and/or verified deficiency. Supervisors should identify the issues and the impact on the individual’s job, the department, and the University as a whole. The supervisor should provide a timeframe for corrective action and any follow-up meetings/discussions deemed necessary.

**Documentation:** Oral reprimands should be documented via the Documentation for Oral Reprimand form. Supervisors are encouraged to consult with Employee Relations prior to issuing the reprimand.

*Provide a copy of the reprimand to Employee Relations for the personnel file.

**Required Approval(s):** supervisor, supervisor’s supervisor

**Recommended Review:** Employee Relations

**Grievance Rights:** staff – no; faculty – refer to Faculty Manual.
2. **Written Reprimand**

A written reprimand may be appropriate when a formal oral reprimand has been issued but has failed to bring about a change or when the nature or severity of an offense warrants stronger disciplinary action.

The written reprimand should include:

1) Evidence-based support of continued deficiency/offense
2) Evidence of prior notifications regarding the deficiency or offense (including oral reprimand or references to documented informal discussions), if applicable
3) The impact on the department/University and why the behavior is not tolerated/condoned
4) Citation of the specific law or policy that was broken, if applicable
5) An action plan noting expectations
6) Reference to next steps

**Documentation:** Written reprimands should be documented via the Documentation for Written Reprimand form. Supervisors are encouraged to consult with Employee Relations prior to issuing the reprimand.

*Provide a copy of the reprimand to Employee Relations for the personnel file.*

**Required Approval(s):** supervisor, supervisor’s supervisor

**Recommended Review:** Employee Relations

**Grievance Rights:** staff – no; faculty – refer to Faculty Manual

3. **Suspension**

Suspension is the enforced leave of absence without pay for disciplinary reasons or pending investigation of claims or charges against an individual.

**Documentation:** Suspensions should be documented via the Suspension Letter template.

**Required Approval(s):** supervisor(s), appropriate division head

**Required Review:** Employee Relations, chief human resources officer

**Grievance Rights:** staff (FTE/covered employees) – yes; faculty – refer to Faculty Manual

4. **Termination**

Termination is an action taken against an individual by Clemson to separate the individual involuntarily from employment. It is generally the final step in the discipline process but may be taken at any time if an offense is so egregious that immediate separation from the University is warranted.
Termination may also result from failure to return to a successful level of job performance during a Warning Notice of Substandard Performance review period (EPMS policy).

**Documentation:** Terminations should be documented via the Termination Letter template.

(Termination- continued)

**Required Approval(s):** supervisor(s), appropriate division head

**Required Review:** Employee Relations, chief human resources officer

**Grievance Rights:** staff (FTE/covered employees) – yes; faculty – refer to Faculty Manual

### Disciplinary Process Overview

The steps outlined below provide guidance for engaging in the formal discipline process.

<table>
<thead>
<tr>
<th>Action</th>
<th>Oral Reprimand</th>
<th>Written Reprimand</th>
<th>Suspension</th>
<th>Termination</th>
<th>Responsible Party</th>
</tr>
</thead>
</table>
| 1) **Gather supporting information or documentation** related to the observed behaviors or incident(s) prompting the need for discipline. Consider:  
• The law, regulation, or policy that was broken  
• The severity of the offense  
• Any mitigating circumstances  
• The impact on workplace (individuals and operations)  
• Any documentation on previous counseling provided to the individual | X | X | X | X | Supervisor |
| 2) **Gather information on any past disciplinary actions** for the employee. Employee Relations will be able to assist with this step. | X | X | X | X | Supervisor |
| 3) **Consult with Employee Relations** for assistance in assessing the situation and documenting the appropriate action. Employee Relations will complete the following steps (as warranted by the severity of the reported offense):  
• Conduct an investigation  
• Interview necessary individuals i.e. employee, | X | X | X | X | Employee Relations |
<table>
<thead>
<tr>
<th>Action</th>
<th>Oral Reprimand</th>
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<tbody>
<tr>
<td>witnesses, etc. to obtain necessary information</td>
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<td>• Liaise with the Office of Access &amp; Equity (for discipline actions involving harassment or discrimination)</td>
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<td>• Evaluate information regarding the issue and provide a recommendation for disciplinary action</td>
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<td>4) <strong>Employee Relations consults with and escalates incidents</strong> to the chief human resources officer and the college dean or division vice president (for cases involving suspension or termination).</td>
<td>If Needed</td>
<td>If Needed</td>
<td>X</td>
<td>X</td>
<td>Employee Relations</td>
</tr>
<tr>
<td>5) <strong>Review the recommendations provided by Employee Relations</strong> and agree on the appropriate course of action.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Supervisor</td>
</tr>
<tr>
<td>6) <strong>Meet with the individual to discuss the disciplinary actions</strong> and next steps. Employee Relations is available to meet with the supervisor and individual for these discussions.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Supervisor Employee Relations</td>
</tr>
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<td>7) <strong>Record the disciplinary action</strong> and file a signed copy in the personnel file.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Employee Relations</td>
</tr>
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**Roles & Responsibilities**

**HR Partner**

As representatives of the Office of Human Resources within colleges and divisions, HR partners are often the first point of contact for managers looking for guidance when disciplinary or job performance concerns arise. HR partners are required to inform the Employee Relations staff when supervisors contact them regarding the need to formally address disciplinary and performance concerns. HR partners may assist supervisors with understanding applicable policies; however, Employee Relations is available to help review the situation prior to any formal actions being taken (*assistance from Employee Relations is required for suspensions and terminations).
Employee Relations
Employee Relations staff provides overall guidance for the performance management process and disciplinary actions at Clemson. The staff is knowledgeable regarding federal, state, and University laws, regulations, and policies and works collaboratively with University employees on all such matters. Employee Relations operates in a consultative manner to provide advice and guidance to address a variety of situations.

Office of Access & Equity
The Office of Access & Equity (Access & Equity) is responsible for employment issues related to harassment and discrimination as noted in Clemson University’s Anti-Harassment & Non-Discrimination Policy. Employee Relations and Access & Equity consult and collaborate on harassment and discrimination issues that may result in disciplinary actions.

Help
Human Resources Contacts
- Employee Relations
- College & Division Human Resource Partners

Forms/Letters- Discipline
- Oral Reprimand
- Written Reprimand
- Documentation of Disciplinary Issues: Supervisor Report
- Supervisor Checklist

Forms/Letter Templates- Substandard Performance
- Performance Improvement Plan