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Introduction

Clemson University’s 2020 Road Map outlines a key goal of attracting, retaining, and rewarding top talent. The effective management of performance and conduct at the University supports this goal by enabling supervisors and employees to address performance and behavioral (disciplinary) issues in a consistent and timely manner.

The performance expectations for each employee at Clemson University are detailed in the performance planning stage document, which is provided by the supervisor to the employee. The general rules of conduct that each staff and faculty member should understand and adhere to are outlined in Clemson University’s Policies and Procedures Manual. This document, Guidance for Managing Substandard Performance and Misconduct, is intended to provide an overview of the processes involved in addressing issues that arise when employees fall short of expected performance and/or conduct. While the guidance provided herein may be referenced for addressing concerns related to faculty, any actions concerning faculty members should adhere first and foremost to the rules outlined in Clemson University’s Faculty Manual.

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 Policy
Discipline Policy
Discipline for “Non-covered” Employees Policy
Grievance Policy and Procedure
Key Components

1. Informal Counseling

Generally, if an instance of misconduct 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. When facing an issue, prompt informal counseling, be it with performance or conduct, may be the only step necessary to correct the issue. The goals of informal counseling are 1) to specify the areas of concern, and 2) to provide constructive measures to correct the problems. It is not appropriate to permit performance issues or misconduct to continue or escalate, nor should supervisors wait until the performance review process to address concerns.

Supervisors are encouraged to address performance or misconduct 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 misconduct is not tolerated or condoned within the Clemson culture, 3) identify a course of action to improve performance or alter conduct 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 informal counseling has been provided, and the individual continues to exhibit substandard performance or misconduct, it may be necessary to take the more formal steps discussed later in this document to address concerns.

2. Aids for Improving an Employee’s Performance

For performance-based deficiencies, if informal counseling failed to result in improved performance, the supervisor should issue either a Performance Improvement Plan (PIP) or, in more serious cases, an official Warning Notice of Substandard Performance. Both actions are intended to convey an action plan for improvement and to document the sources of concern. 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 formal action taken to address minor concerns with one or more essential job duties.

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

Employee Relations, a unit with the Office of Human Resources, is available to consult with supervisors to help determine whether a PIP or Warning Notice of Substandard Performance is appropriate. Supervisors should consult with Employee Relations prior to issuing the Warning Notice of Substandard Performance to an employee. Refer to the Help section at the end of this document for links to the appropriate forms.

3. **Discipline**

For escalated concerns about misconduct, the supervisor may take disciplinary action ranging from oral reprimand to termination, depending on the severity of the offense.

As stated above, but worthy of repetition, supervisors are advised to discuss concerns about misconduct with employees, when possible, prior to the point where such issues have escalated beyond control and repair. In most cases, 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:

a) Employees 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).

b) Except in rare circumstances, the individual should be given an opportunity to correct the deficiencies raised by the supervisor.

When possible, supervisors should discuss concerns with their immediate supervisors prior to issuing disciplinary action. Also, supervisors are encouraged to contact Employee Relations in the Office of Human Resources 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 Related to Managing Misconduct

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

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 misconduct. Supervisors should articulate 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.
2. Written Reprimand

A written reprimand may be appropriate when a formal oral reprimand has been issued but has failed to bring about a positive 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 misconduct
2) Evidence of prior notifications regarding the misconduct (including oral reprimand or references to documented informal discussions), if applicable
3) The impact on the department/University and why the misconduct is not tolerated/condoned
4) Citation of the specific policy or law 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 should consult with OHR’s Employee Relations personnel prior to issuing the reprimand.
* A copy should be filed in the employee’s personnel file by OHR’s Employee Relations.

Required Approval(s): supervisor, supervisor’s supervisor
Required Review: Employee Relations

Grievance Rights: staff – no; faculty – refer to the 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:** OHR’s Employee Relations personnel will assist supervisors in drafting a formal document using the Suspension Letter template and file a copy in the employee’s personnel file.

**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 the *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 *(Employee Performance Policy)*.

**Documentation:** Terminations should be documented via the Termination 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 the *Faculty Manual*. 

Roles and Responsibilities

Supervisors

- Gathers supporting information or documentation related to the observed behaviors or incident(s) prompting the need for discipline. Considers:
  - The law, regulation or policy that was broken,
  - The severity of the offense,
  - Any mitigating circumstances,
  - The impact on workplace (individuals and operations).
- Gathers any documentation on previous counseling provided to the individual.
- Gathers information on any past disciplinary actions for the employee. OHR’s Employee Relations personnel will be able to assist with this step.
- Consults with OHR’s Employee Relations personnel for assistance in assessing the situation and documenting the appropriate action.
- Evaluates information regarding the issue and provide a recommendation for disciplinary action.
- Reviews the recommendations provided by Employee Relations and gains agreement on the appropriate course of action.
- Meets with the individual to discuss the disciplinary actions and next steps. Employee Relations is available to meet with the supervisor and individual for these discussions.

OHR’s Employee Relations Personnel

The Office of Human Resources Employee Relations personnel provide overall guidance for the performance management process and disciplinary actions at Clemson University. The staff is knowledgeable regarding University policies and federal and state laws / regulations and works collaboratively with University employees regarding performance and misconduct concerns. Employee Relations operates in a consultative manner and will complete the following steps (as warranted by the severity of the reported offense):
Gathers information on any past disciplinary actions in the employee’s file and shares information with the supervisor.

Conducts an investigation.

Interviews necessary individuals i.e. employee, witnesses, etc. to obtain necessary information.

Coordinates a meeting with the Office of Access & Equity for disciplinary actions related to harassment or discrimination.

Interviews necessary individuals i.e. employee, witnesses, etc. to obtain necessary information.

Evaluates information regarding the issue and provides a recommendation for disciplinary action.

For cases involving suspension or termination, consults with and escalates incidents to the chief human resources officer and the college dean or division vice president.

Meets with the individual and supervisor to discuss the disciplinary actions and next steps.

Records the disciplinary action and files a signed copy in the employee’s personnel file.

**HR Partners**

As representatives of the Office of Human Resources within colleges and divisions, HR partners are often the first point of contact for supervisors looking for guidance when job performance or misconduct concerns arise. HR partners may inform OHR’s Employee Relations personnel when supervisors contact them regarding the need to formally address misconduct and substandard 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 have been taken. (*Assistance from Employee Relations is required for discipline resulting in suspensions or terminations*).

**The 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
- Suspension
- Termination
- Documentation of Disciplinary Issues
- Supervisor Checklist

Forms/Letter Templates - Substandard Performance

- Performance Improvement Plan
- Warning Notice of Substandard Performance

Toolkits

Supervisor’s Guide to Managing Misconduct
Supervisor’s Guide to Managing Substandard Performance