Discipline: Overview of Managing Misconduct for Supervisors
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General Information:

Clemson University’s 2020 Road Map outlines a key goal of attracting, retaining, and rewarding top talent. Effective disciplinary processes support this goal by enabling supervisors and employees to address behavioral (disciplinary) issues in an effective and timely manner.

Summary:

Supervisors are encouraged to address disciplinary concerns promptly as this allows employees the early opportunity to understand the source of concern and alter conduct accordingly. 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.

Please note, while Clemson University’s Policies and Procedures Manual outlines general rules of conduct that each staff and faculty member should understand and adhere to, it is important to note that any action issued to a faculty member should adhere foremost to the rules outlined in the Clemson University Faculty Manual.

This document outlines the steps the supervisor follows when addressing disciplinary concerns for staff members.

Key Notes:

The types of disciplinary actions include: oral reprimand, written reprimand, suspensions, and termination.
Disciplinary actions, in general, are constructive measures for the correction of employee conduct. The levels of discipline range 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 infractions may be cause for immediate suspension or termination. This decision is based on the identified misconduct and is left to 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.

**Disciplinary action definitions:**

An **oral reprimand** is a verbal conversation between the employee and supervisor and may be appropriate for addressing a minor offense. The supervisor provides a timeframe for corrective action and any follow-up meetings/discussions deemed necessary.

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 initial disciplinary action stronger than an oral reprimand.

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

**Termination** is an action taken to separate an employee 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 severe that immediate separation from the University is warranted.
User Instructions: Managing Misconduct for Supervisors

**References:**

For a quick summary of the steps, please view the Job Breakdown:

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**Toolkits:**

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

**Policies:**

Employee Performance Policy
Discipline Policy
Discipline for “Non-covered” Employees Policy
Grievance Policy and Procedure

**Forms:**

Oral Reprimand template
Written Reprimand template
Suspension template*
Termination template*
Disciplinary Action Report
Supervisor Checklist

* Drafted in conjunction with Employee Relations

**Glossary:**

Glossary
Overview of Managing Misconduct

Start → Identify and assess the offense → Contact OHR → Draft the disciplinary action → Issue the disciplinary action → End
1. Identify and Assess the Offense

1.1 The supervisor observes or is informed of employee misconduct.

1.2. The supervisor identifies the issues and the impact on the employee’s job, the department and the University as a whole.

1.2.1 The supervisor reviews and considers any mitigating factors in the situation, including the employee’s work history and any prior disciplinary actions.

Additional Information: The Discipline Policy contains information on University-sanctioned disciplinary actions and example situations with appropriate actions.

1.3 The supervisor notifies his or her immediate supervisor of the offense.

2. Contact the Office of Human Resources

2.1 The supervisor contacts the Office of Human Resources- Employee Relations unit for assistance in assessing the situation and documenting the appropriate disciplinary action. The division’s HR partner may also provide initial advice in assessing the situation and will refer the supervisor to Employee Relations.

Additional Information: Employee Relations will complete the following steps (as warranted by the severity of the reported offense):

- Conduct an investigation
- Interview pertinent individuals (i.e. employee, witnesses, etc.) to obtain necessary information
- Liaise with the Office of Access & Equity (for discipline actions involving harassment or discrimination)
- Evaluate information pertinent to the issue
- Provide a recommendation for disciplinary action

2.2 For cases that may result in suspension or termination, the supervisor drafts the Disciplinary Action Report and sends it to Employee Relations. This report documents the background information, including:

- A description of the incident
- The date and time the incident occurred
- Proposed action
- Past record/previous violations
- An evaluation of the intent
- The frequency and timeframe of the misconduct
- Repetition or pattern of conduct
- The seriousness of the misconduct or incident
- The employee’s treatment of others
- Any known provocation
- Any mitigating factors
- Copies of previous disciplinary actions
3. **Draft the Disciplinary Action**

3.1 The supervisor reviews the recommendation for disciplinary action provided by Employee Relations and, in consultation with Employee Relations, comes to agreement on the appropriate course of action.

3.2 If issuing an oral or written reprimand, the supervisor, in conjunction with Employee Relations, drafts the reprimand using the appropriate template.
   - 3.2.1 Supervisors must notify their direct supervisor prior to issuing the reprimand.
   - 3.2.2 Supervisors provide a copy of the written documentation to the employee when issuing an oral or written reprimand.

3.3 If issuing a suspension or termination, the supervisor, in conjunction with Employee Relations, drafts a suspension or termination letter using the template provided.
   - 3.3.1 Employee Relations consults with the department chair, the chief human resource officer and the division head for approval on the recommended disciplinary action.

3.4 The supervisor schedules a meeting with the employee to discuss the disciplinary action and next steps.
   - 3.4.1 Employee Relations must be present for disciplinary meetings when a suspension or termination is involved.

4. **Issue the Disciplinary Action**

4.1 The supervisor and, if necessary, Employee Relations meet with the employee to issue the disciplinary action. In this meeting, the supervisor discusses the following items:
   - Any past issues relating to the present situation
   - A recap of the present situation
   - A full explanation of the meaning and consequences of the disciplinary action being taken
   - Future expectations and the consequences for failure to improve

4.2 The supervisor keeps a signed copy bearing the employee’s signature.
   - 4.2.1 If the supervisor has issued an oral or written reprimand, the original, signed document is sent to the Employee Relations unit for keeping in the personnel file.
   - 4.2.2 If a suspension or termination has been issued, the supervisor and the employee keep a signed copy, and Employee Relations places the original document in the employee’s personnel file.