

University Policy Number: 200.19
TERMINATION

Responsible Administrator: Office of the President

Responsible Office: Office of Human Resources

Originally Issued: August 2006

Revision Date:

Authority: Office of the President

POLICY STATEMENT

It is the policy of Claflin University to implement disciplinary action for violation of University policies and guidelines. All employees are expected to conduct themselves in accordance with applicable laws, regulations, and policies, and to perform their job duties and responsibilities in an efficient and effective manner. Employees who fail to comply may be immediately dismissed for cause from the University.

STATEMENT OF PURPOSE

This policy establishes uniform guidelines to ensure that disciplinary actions are administered in a consistent, fair, and equitable manner. All disciplinary decisions shall be based solely upon the nature of the violation, severity of the offense, previous infractions, mitigating circumstances, and other applicable factors. Supervisors are required to make administrative judgments based strictly on facts and circumstances and in a manner that excludes discrimination, prejudice, and favoritism.

APPLICABILITY

This policy is applicable to all administrators, staff, and hourly employees.

DEFINITION

Misdemeanor Crime of Domestic Violence - An offense that is a (1) misdemeanor under federal or state law; and (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

PROCEDURES

Claflin University is committed to maintaining a productive workforce that promotes high standards of work performance and the highest degree of professional conduct. Accordingly, the University may terminate an employee without warning, who is found to be in violation of a serious offense, unsatisfactory

job performance, unacceptable conduct, prohibited behaviors, failure to comply with workplace laws and regulations, and other actions not desirable of an employee of the University. These are examples only and do not include all the different types of infractions.

Grounds for Termination

The University may terminate the services of employees for just and sufficient cause as defined in the following ways:

- Gross misconduct
- Unacceptable behavior
- Unsatisfactory job performance
- Failure to complete the probationary period

Termination and Notification Process

The University has instituted the following steps for terminating employees:

- Supervisors are responsible for notifying their appropriate Vice President, in writing, of personnel problems related to unsatisfactory work performance and/or unacceptable behavior of employees under their supervision.
- The appropriate Vice President is responsible for recommending termination of employment to the Office of Human Resources and the President.
- Recommendations are considered for appropriateness of action. All information and supporting documents relative to the action are reviewed and discussed with the President.
- A meeting is scheduled with the employee to discuss the issue with the Office of Human Resources.
- In collaboration with the Office of Human Resources, the President's Office will make the final disciplinary decision.
- Employees may be terminated immediately without advance warning or notification.
- The employee is notified in writing of the University's decision to terminate his/her employment. A certified letter is sent to the employee's residence if he/she is away from the campus. The letter is given to the employee by the Human Resource Director or designee if the person is on the campus.
- Employees who are eligible for retirement may elect to retire from the University.

The dismissal letter should state the following:

- Reason for the termination

- Description of the nature of the incident
- Date of the incident
- Dates and reasons for prior disciplinary action, if applicable
- Last workday and/or effective date of the official termination from the University
- Notice of "rights to appeal" the termination, if applicable

Temporary Employment Agreement (TEA) Termination

- Unless the authorization for temporary work is extended, the employee will be terminated at the end of the approved period.
- Employees may be terminated before the completion of a temporary assignment for the following reasons:
 - ✦ The employee is found to be incapable of performing the duties of the temporary assignment;
 - ✦ The temporary work is no longer needed;
 - ✦ Funding is no longer available for the temporary assignment, or
 - ✦ The employee has displayed unacceptable standards of conduct;
 - ✦ The employee abandoned the position (failure to report to work without notification for 3 days or more).

Exit Interview

All employees who separate from Claflin University must:

- Attend an exit interview meeting with an HR professional. (Terminated employees may be given the option of a personal exit interview, telephone interview, or completing the exit interview form and returning it to the Office of Human Resources).
- Complete the exit interview process.
- Return all University property, including but not limited to, office/building keys, cellular telephones, identification cards, computer equipment, credit cards, uniforms, special equipment, etc.

University Responsibility

All separating employees must be informed of their rights and eligibility. It is the responsibility of the University to discuss and provide employees with the following benefits, payroll, and personnel information:

- Employees must be notified of their rights to grieve the termination decision through the Appeals Process. Probationary employees shall not have the right to appeal the termination.
- Leave Payment Submission of all outstanding leave forms should be directed to the Office of Human Resources by the supervisor. All

unauthorized absences will be charged to vacation leave or leave without pay. Leave without pay will apply if the employee has exhausted his/her vacation leave Payment of vacation leave balance (not to exceed the maximum hours approved) Payment of applicable overtime

- Final Paycheck Expected due date
 - Retirement Plan Teachers Insurance and Annuity Association College Retirement Equities Fund (TIAA) 403b and Supplemental Annuity
 - Other Retiree Benefits (if applicable)
 - Group Insurance Health, dental, vision, group life/accident insurance, etc...
 - Miscellaneous Payroll Deductions
 - Information Systems Access (delete access from Jenzabar)
- Coordinate employee access termination with Information Technology

Final Paycheck

Employees will receive their final paycheck on the next appropriate pay date or within 30 days of separation. All leave used will be deducted before the final paycheck is generated for the terminated employee. The pay date will be contingent upon the time between the effective date of termination and the next pay date. The Payroll Office must be provided with sufficient time to process any leave time used and the vacation leave balance. All money owed to the University for unauthorized leave, excessive leave, or other debts will be deducted from the final paycheck in accordance with the Policy on Debt Collection and Recovery.

- All approved leave will be deducted and vacation leave will be used for all unauthorized absences. Leave without pay will apply if the employee does not have vacation leave, and the employee's paycheck will be appropriately docked.

Types of Offenses and Disciplinary Action

The offenses listed are not all-inclusive and are intended to serve only as a guide by outlining examples of unacceptable job performance, gross misconduct, and inappropriate employee behavior for which disciplinary action may be warranted. Other offenses which may occur and are considered unacceptable will be treated in a manner consistent with the provisions of these actions. The appropriate discipline shall be determined based upon a thorough review and evaluation of the facts and particular circumstances of the offense. The nature and/or severity of the offense will be the determining factor in the disciplinary action decision.

OFFENSE	DISCIPLINARY ACTION
Failure to report to work for three days or more without notifying supervisor (considered abandonment of position)	Termination
Operation of a University vehicle or equipment without a required, valid driver's license	Termination
Possession or use of alcoholic beverages or illegal drugs on the job or at a University sponsored activity, or intent to distribute illegal drugs on or off the job	Termination
Theft, falsifying any records, or unauthorized removal of University records or property, or the property of other persons	Termination
Unauthorized possession or use of firearms, dangerous weapons, or explosives on the job	Termination
Conduct such that the 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	Suspension to Termination
Failure to report to work without notifying the supervisor for up to two days	Reprimand to Suspension
Reporting to work under the influence of alcohol or illegal drugs	Suspension to Termination
*Arrested or indicted for alleged violation of Federal or state criminal laws	Suspension to Termination
*Conviction of Federal or state criminal laws other than minor traffic offenses	Written Reprimand to Termination
Inadequate or unsatisfactory work performance	Written Reprimand to Termination

Insubordinate or refusal to accept an assignment or follow instructions from an authorized supervisor	Written Reprimand to Termination
Willful violation of written rules, regulations, or policies	Written Reprimand to Termination
Sexual Harassment	Written Reprimand to Termination
Sleeping while on duty	Written Reprimand to Termination
Unauthorized leave (leave requested but denied)	Written Reprimand to Suspension

*Arrests and convictions will be handled on an individual basis by the Provost, appropriate Vice President, President, and the Office of Human Resources. When an employee is arrested for any offense other than a minor traffic violation, an investigation should immediately be conducted to determine if the offense is included in these guidelines and if the University should take any disciplinary action. The investigative findings may result in a suspension to termination action.

Suspension Pending Investigation

When there is reason to believe that an employee may be guilty of an act of a severe nature, and it is determined that it would be in the best interest of all concerned to remove the employee from the premises, the employee may be suspended immediately pending the outcome of an internal investigation.

Termination Due to Circumstances Which Prevent Employees From Performing Their Jobs

Employees are expected to abide by all policies promulgated by the University.

It is the responsibility of employees to notify their supervisors of any conditions or circumstances that may prevent them from satisfactorily performing their duties and assuming full accountability for their positions. Employees who are unable to meet the working conditions of their employment due to circumstances such as those listed below may be removed under these provisions. Reasons include:

- Loss of driver’s license that is a requirement for the position
- Loss of license or certification required for the position
- Incarceration for an extended period
- Conviction of a misdemeanor crime of domestic violence for employees whose jobs require: (a) carrying a firearm or (b) authorization to carry a firearm

RECORDKEEPING

The Office of Human Resources at Claflin University will be responsible for maintaining all applicable documentation.

COMPLIANCE WITH POLICY

This policy shall be governed in accordance with the following:

RELATED POLICY

Vacation Leave

Documentation (Tools and Forms) available on HR website –
Claflin.edu/about/offices-services/policies-and-procedures

REVIEW DATE – November 2021

