

## **University Policy 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.

### **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 of the different types of infractions.

### **Grounds of 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.
- The dismissal letter must 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
- 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.
  - The exit interview/clearance certificate will be provided to the employee.
  - Employees who are eligible for retirement may elect to retire from the University. Eligible Employees may retire with full benefits at the age of sixty-five (65).

### **Final Pay Check**

Employees will receive the final paycheck on the next appropriate pay date or within 30 days of separation. All leave used will be deducted before the final pay check is generated for the terminated employee. The pay date will be contingent upon the time period 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.

## **Exit Interview**

All employees who separate from Claflin University must:

- ✓ Attend an exit interview meeting with the Director of Human Resources or designee. (Terminated employees may be given the option of a personal exit interview, telephone interview, or completing the exit interview form and returning 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:

- Appeals Process Employees must be notified of their rights to grieve the termination decision. Probationary employees shall not have the right to appeal the termination
- Questions regarding this process may be directed to the Office of Human Resources
- 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 Pay Check Expected due date
- Retirement Plan Teachers Insurance and Annuity Association College Retirement Equities Fund (TIAA/CREF) 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

The offenses set on the following page 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 of	Termination

more without notifying supervisor (considered abandonment of position)	
Operation of a University vehicle of 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 Job**

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

\*A misdemeanor crime of domestic violence" means an offense that: (1) is a 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.

