# PROGRESSIVE DISCIPLINE POLICY

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<th>Area:</th>
<th>Employee Relations</th>
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<td>Applies to:</td>
<td>All employees</td>
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<td>Sources:</td>
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<td>Policy Owner:</td>
<td>AVP for Human Resources</td>
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## I. Purpose
To provide a consistent and equitable process that allows supervisors to provide feedback to staff based on an employee’s performance.

## II. Policy
Georgia Southern University recognizes that counseling and discipline are corrective processes designed to give employees the opportunity to overcome work-related shortcomings, strengthen work performance, and achieve success, while maintaining standards of performance and minimizing disruption to the educational environment and University.

Employees shall perform their assigned duties and responsibilities, follow University and Board policies, and adhere to the laws of the State of Georgia and the United States. The employee’s immediate supervisor and unit administrator, with the support of Human Resources, will administer appropriate counseling and disciplinary actions resulting from unacceptable performance or conduct by employees. Such action will be fair, consistent, and in accordance with established personnel procedures.

Supervisors are responsible for achieving the goals set for the activities under their control. Therefore, it is incumbent upon all supervisors to address performance or conduct deficiencies by their employees. Subject to the rules in this policy, supervisors are given the discretion to choose the best available method to address unacceptable performance or conduct in light of the overall circumstances.

## III. Scope
This policy applies to University personnel. Faculty and other personnel hired under employment contracts are governed by the conditions of their contracts; other University disciplinary provisions may apply based on those contracts. Disciplinary actions for contract employees may be discussed with the Office of Legal Affairs. Contract employees are subject to the Special Circumstances described in Section V of this policy.
IV. Procedures for Progressive Employee Discipline

A. Each violation of employment policies, procedures or standards will be dealt with on an individual basis considering all the circumstances involved in the incident. In determining a level of discipline to be imposed, the supervisor should consider factors including but not limited to:

- The individual circumstances;
- The seriousness of the offense and/or performance deficiency;
- The impact on students, co-workers and the community, as well as the general image of Georgia Southern University;
- The prior discipline and/or performance record of the employee; and
- The treatment of other employees in similar circumstances (Human Resources can serve as a reference in determining equitable disciplinary actions across the University for similar infractions).

In individual cases, repeating a level, skipping a level, or even moving to immediate recommendation for termination of employment may be appropriate, depending on the performance or conduct deficiency. In other circumstances, the procedures listed below will be followed.

B. Initial Counseling (Informal Disciplinary Action)

Initial counseling is a discussion between the supervisor and the employee to address potential or minor performance and/or conduct deficiencies, and/or to clarify relevant policies, procedures, or practices.

The supervisor should document the initial counseling with a memo/email to the employee, with a copy for the supervisor’s file. The memo/email should contain the date of the discussion, a brief summary of the facts discussed, the supervisor’s expectations, and the employee’s response. The supervisor should have the employee sign and date the memo/email recording the discussion. If the employee refuses to sign the document, it does not negate the document and the supervisor will indicate on the form that the employee refused to sign.

If performance and/or conduct deficiencies persist, the supervisor may repeat this level of discipline or progress to the next level of discipline.

C. Written warning (Pre-disciplinary Action)

A written warning is a documented communication between the supervisor and the employee to address repeated or more serious performance and/or conduct deficiencies. A written warning may also be used where a prior initial counseling failed to resolve the issue. This allows the supervisor the opportunity to specify to the employee what they are doing wrong and what corrective steps are necessary. During the meeting, the supervisor will discuss the time frame for correcting the behavior and schedule a follow-up meeting when applicable.

The supervisor must document the written warning on the University’s Disciplinary Action Form, provide a copy to the employee, and keep a copy to the employee’s departmental personnel file. The form should include the date, a clear description of the performance and/or conduct deficiency that prompted the discipline, any prior discipline, the action taken by the supervisor, how the employee’s conduct or performance must change, and the consequences of continued deficiencies. The supervisor should have the employee sign and date the Disciplinary Action Form. The employee may provide written comments to be
included with the written warning in their file; employee comments must be submitted within five business days of receiving the written warning from their supervisor. If the employee refuses to sign the document, it does not negate the document and the supervisor will indicate on the form that the employee refused to sign. Also, the witness will sign the form only when the employee refuses to sign.

If performance and/or conduct deficiencies persist, the supervisor may repeat this level of discipline or progress to another level of discipline.

D. Final Written Warning (Formal Disciplinary Action)
When an employee has repetitive performance and/or conduct deficiencies, or when the infraction is serious, the supervisor will issue a final written warning. The supervisor should seek counsel with representatives of Human Resource prior to the administration of formal disciplinary actions.

The supervisor will meet with the employee to discuss the final written warning and corrective measures the employee needs to take to resolve the issue. Employees have the right to include written comments with the warning; employee comments must be submitted within five business days of receiving the final written warning from the supervisor. The final written warning communicates to the employee the urgency of correcting the performance and/or conduct deficiency.

The supervisor must issue the final written warning to the employee via the University’s Disciplinary Action Form, provide a copy to the employee, with a copy to the employee’s departmental personnel file, and a copy must be forwarded to the employee’s personnel file in Human Resources. The form should include the date; a clear description of the performance and/or conduct deficiency that prompted the discipline; a reference to any policy, procedure, or performance standard implicated; a description of any prior discipline; the action taken by the supervisor; how the employee’s conduct or performance must change; the consequences of continued deficiencies up to and including termination; and the supervisor’s signature. The supervisor should have the employee sign and date the Disciplinary Action Form. If the employee refuses to sign the document, it does not negate the document and the supervisor will indicate on the form that the employee refused to sign. Also, the witness will sign the form only when the employee refuses to sign.

If performance and/or conduct deficiencies persist, the supervisor may repeat this level of discipline or progress to the next level of discipline.

E. Suspension (Formal Disciplinary Action)
For major offenses or where prior discipline failed to correct the performance or conduct deficiencies, a recommendation for suspension may be appropriate. It shall be within the discretion of the Chief Human Resources Officer (CHRO) or designee and the respective Vice-President to suspend any employee with or without pay.

Before preparing such a recommendation, the supervisor must consult with the CHRO or designee. Suspension without pay may be used for disciplinary purposes provided no termination proceeding has been initiated.

The effective date of a suspension must not be sooner than five working days from the date the employee receives their written notification. This delay allows the employee to appeal the
suspension to the next higher authority. There is no formal process for this appeal; the employee may simply request that the next authority reverse the decision. Although a supervisor may take action based on an oral appeal, they may require the employee to put their appeal in writing. Information regarding the ability to appeal must be included in the suspension documentation provided to the employee.

If performance and/or conduct deficiencies persist after the completion of a suspension, the supervisor may repeat this level of discipline or recommend terminating the employee.

F. Demotions
A demotion is a decrease in the duties and responsibilities assigned to an employee and a downward change in their classification and salary range. A supervisor must consult with the CHRO or designee prior to demoting any employee. An employee subject to demotion shall be informed in writing of the reasons for the action taken. The effective date of a demotion shall be five days following the notification. An employee affected by a demotion may appeal to the next level of authority within five working days of the notification of the action.

G. Imposing Discipline on Absent Employees
In the event that an employee is absent from work without prior authorization, any provisions of this policy which require personal notice or meetings with an employee may be satisfied by sending the required written notices by email and standard mail to the employee's home address as listed in Georgia Southern Human Resources records. In such cases, the effective date of a suspension should be six business days from the date the notification is mailed (allowing one day for delivery and five days for the employee to appeal). The effective date of a termination should be the date the notification is mailed.

H. Termination (See BOR Policy 8.3.9 for Discipline and Removal of Faculty Members)
Before any employee will be terminated from the University, a meeting between the supervisor and the CHRO or designee must be held to review the recommendation. Since Human Resources is responsible for providing equitable treatment of employees throughout the University and has a broad-based knowledge of similar infractions and sanctions, the supervisors are highly encouraged to consider Human Resources' recommendation.

I. Record Keeping
All written materials related to informal or pre-disciplinary actions (counseling and written warnings) should be maintained in the departmental employee files. All written material related to formal disciplinary actions (final written warnings, suspensions, demotions, terminations) should be forwarded to Human Resources for inclusion in the disciplined employee's records, with the supervisor retaining a copy for the departmental records.

J. Appeals (Terminations, Suspensions or Demotions Only)
An employee who believes their demotion, suspension or termination violates a University or USG policy may pursue an appeal in accordance with the University's Appeals Policy.

V. Special Circumstances (applies to all University employees, including Faculty and other personnel hired under employment contracts)

A. Arrests and Off-Duty Conduct
Employees may be disciplined for performance or conduct that is within the scope of their employment, or for conduct which has a sufficient negative impact on or in connection to Georgia Southern. The decision on whether conduct outside the scope of employment constitutes an adequate basis for imposing discipline should be made by the supervisor in consultation with the CHRO or designee and the Office of Legal Affairs.

If an employee is arrested for any act on campus, the Director of Public Safety shall report the details of the incident to the CHRO or designee for review.

Please see the Employee Criminal Charges and Convictions Policy for requirements of all employees who are charged with a crime (other than a minor traffic offense) or who are convicted of a crime (other than a minor traffic offense). Human Resources, with counsel from the Office of Legal Affairs, will review the nature of the charge/conviction and make a determination of any actions taken regarding the employee’s employment status.

Also, if the arrest or conviction results in the employee missing work, the supervisor and Human Resources may work with the employee to determine the appropriate use of leave time.

B. Drug Offenses
An employee who, prior to arrest for an offense involving a controlled substance, marijuana, or a dangerous drug, voluntarily discloses use of such substance to their immediate supervisor and is receiving or agrees to receive treatment under an approved drug abuse and education program may be retained by the University under the conditions set forth in BOR 8.2.17 Voluntary Disclosure of Drug Use. Please also see the University’s Drug Policy for additional information.

C. Emergencies
Notwithstanding any other provision in this policy, any employee who poses a threat to any person or property at Georgia Southern is immediately subject to any level of disciplinary action, including termination, after consultation with the CHRO or designee.

In emergency situations, the supervisor may place an employee on paid administrative leave until a thorough investigation is completed after consultation with the CHRO or designee. Such forced absences from work should be kept as short as possible and should only exceed ten working days with the permission of the CHRO or designee. After considering the results of the investigation, the supervisor and Human Resources should determine what, if any, discipline is warranted.