A. Purpose

To provide for an equitable and effective system for the administration of employee discipline.

B. Policy

Discipline can be positive or negative; it may involve encouragement, inspiration, training or imposition of negative sanctions. It has as its immediate purpose, the channeling of individual effort into effective and productive action.

The exercise of positive discipline requires foresight and planning, rather than merely reacting. It involves an evaluation of the human factor which, when combined with proper training, motivation and recognition of individual and group effort, results in self-discipline.

Disciplinary actions may range from a warning, where the immediate effect is on the individual, to termination, where the positive result is in the reassurance of other employees as to unacceptable limits of misconduct. In each case, care must be exercised to make the proper choice in obtaining a desired and just result.

In the administration of discipline, Supervisors must consider the totality of the circumstances surrounding the allegation of misconduct and the employee’s past record, in making a determination whether the original action or conduct which prompted the complaint was not only legal, but whether, under the circumstances, it was necessary and proper as well. The decision must resolve those factors with the individual's interest and probable effect of the disciplinary action upon the attainment of Department objectives.

Discipline in the law enforcement department is indispensable to the achievement of
Departmental goals and objectives. Discipline encompasses not punishment alone, but the entire field of teaching, directing, correcting and perfecting techniques and performances of the Department and its personnel. While loyalty and friendship are of utmost importance to the morale of the Department, misguided loyalty to a non-conforming member is destructive.

To be effective, discipline must not only be fair in its application, it must also follow within a reasonable time the act which it is intended to correct. Therefore, there must be prompt resolution of disciplinary cases.

Before finalizing the kind and degree of action to take, Human Resources Policy 45, Disciplinary Action and attached guidelines must be reviewed. Action taken by this Department must not conflict with Human Resources guidelines.

C. Procedure (CALEA 26.1.4.c)

The Department of Public Safety enjoys a public trust and its employees must adhere to the highest standards of conduct and job performance. Employees must exercise the highest level of professional and personal responsibility at all times. Employees must avoid both the fact and the appearance of conflict of interest and unprofessional conduct in discharging official business.

Employees will be afforded total access to the University's discipline policy through online computer systems within the Department. Hard copies of this policy may be reviewed in the Administrative Managers officer, or at the offices of Human Resources Management. The Medical University Human Resources Management Policy, titled "Disciplinary Action", policy #45, outlines the procedures and criteria for taking corrective action and will be the primary document around which this policy is based. This document will be referred to by all persons involved in the discipline process. (CALEA 26.1.1)

In addition to the specific guidelines found in Medical University Department of Human Resources Management Policy #45, the Department will comply with the following procedures:

1. It is not possible to list every specific act or omission, or combination of specific acts or omissions which can result in disciplinary action, but some of the more significant ones are found in the Department's Code of Conduct. Other infractions are included in the Medical University's Department of Human Resources Management Policy #45. (CALEA 26.1.1)

2. Generally, an employee's Supervisor is responsible for initiating disciplinary action when improper conduct is observed or following an infraction. A "Disciplinary Report", Medical University Form # OTC. 411218, Rev.3/92, will be used to document such actions. (CALEA 26.1.5)

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3. Supervisors are encouraged to use rewards as a form of positive discipline when deemed appropriate. When corrective action is successful, the Supervisor may commend the employee and acknowledge the improvement. Additionally, the Department has established a program to provide official recognition to those employees who bring high degrees of honor to themselves and the Department. The Awards Program criteria should be referred to by Supervisors when applicable. (CALEA 26.1.2)

4. If a Supervisor observes improper conduct of an employee not directly under his/her supervision, it shall be the responsibility of that Supervisor to inform the offending employee's Supervisor for disciplinary action. (CALEA 26.1.5)

D. Training (CALEA 26.1.4.a)

1. Training should be used to correct most minor violations of policies, procedures, rules, or regulations. The training may be personalized and performed by the supervisor or FTI and directed toward the specific deficiency without utilizing punitive disciplinary measures.

2. Supervisors who require training as a function of discipline should document this action in case of future violations by the employee. The Supervisor will forward a copy of this record to the Department Training Officer.

E. Counseling (CALEA 26.1.4.b)

1. Counseling is assistance given employees with problems and may be preventive or corrective in nature. It may focus on changing behaviors or work methods. It may focus on the necessity for a person to behave differently in preparation for responsibilities and challenges, or focus on a disciplinary problem which may be handled in a positive manner.

2. Supervisors should counsel an employee when any of the following problems exist:
   a. the employee has an existing problem;
   b. the employee is experiencing difficulty understanding or adjusting to matters which are job related;
   c. he/she has violated directives;
   d. the employee has affected interpersonal relationships with co-workers; and/or

3. Supervisors should refer an employee to the Medical University's Employee Assistance Program (EAP) for professional counseling for personal problems.
affecting their job performance. The EAP provides confidential services to all employees as an employee benefit and is administered through the Institute of Psychiatry.

4. All counseling should be documented by the Supervisor in the event the counseling is ineffective. In such cases, formal disciplinary action may be taken.

F. Authority

1. Supervisors in charge of a specific work location/assignment who find the conduct of a lower ranking employee to be that which warrants disciplinary action are authorized and responsible for taking such action up to and including written reprimands. If the inappropriate conduct/behavior is so excessive as to warrant consideration of immediate suspension or termination, the employee will be relieved of duties and ordered to leave the work site, returning for duty as advised by the Supervisor. The Director or his designee will be immediately notified of such action. (CALEA 26.1.5, 52.2.7)

2. Only the Director or the Patrol Commander has the authority to suspend, demote, or terminate an employee. The Director has final disciplinary authority and responsibility for all Department employees. (CALEA 26.1.5)

G. Notification of Termination

1. If misconduct results in termination, the affected employee will be given a written notice of dismissal. The written notice will be addressed to the employee and signed by the Command Staff Supervisor. A copy of the notice will be placed in the employee's official personnel file and must include the heading or label “Employee Separation Notice” (MISCO 16B). In addition to the written notification of dismissal, the employee is entitled to the following information: (CALEA 26.1.7.a)

   a. Previous disciplinary steps relating to violation of policies and/or rules, misconduct or other actions necessitating dismissal;

   b. the right to appeal the dismissal through the Medical University Grievance Procedures and a copy of the University Grievance Policy (if the employee has occupied an FTE position and has completed the one year probationary period.);

   c. the opportunity to explain the conduct and that he/she may add such explanation to the notice of dismissal;

   d. the reason for dismissal and the effective date of the dismissal, allowing the employee to provide a written explanation, should happen before the decision is made to terminate; (CALEA 26.1.7.b)
2. Upon notification of separation, the following information may be obtained from the Department of Human Resources:
   a. a statement of the status of fringe/retirement benefits; (CALEA 26.1.7.c)
   b. a statement relative to the content of the employee's employment record relating to the dismissal.

H. Records and Supporting Documents

1. Records and supporting documents of all disciplinary action will be retained by the Department of Human Resources Management, with copies in the active employee's personnel file located in the Accreditation Manager’s office. Unless otherwise approved by the Director, such records will remain in the employee's file indefinitely. (CALEA 26.1.8)

2. In addition to above distribution, a copy of ALL disciplinary reports and reports of counseling sessions will be provided to the Patrol Commander.

I. Appeals

Employees receiving disciplinary action have appeal rights available to them as outlined in the University's Grievance Policy and additionally mentioned in the Department's Grievance Policy. (CALEA 26.1.6)

J. Unlawful Harassment/Sexual Harassment Policy (CALEA 26.1.3)

The Medical University of South Carolina and the Department of Public Safety will not tolerate the sexual harassment of any member of the Medical University community by any other member. In addition to those relationships expressly forbidden by Medical University policy, consensual relationships between employees in which one party exercises administrative control over the other are deemed unwise and are strongly discouraged. If a charge of sexual harassment is lodged regarding a once-consenting relationship, the burden may be on the alleged offender to prove sexual harassment did not occur. The Medical University's Sexual Harassment Policy is available to all employees for review at any time. Supervisors are required to attend training seminars concerning this policy as provided by Human Resources Management.

Unlawful Harassment: Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment when:
Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

1. Incidents of sexual harassment will be handled in the following manner:

   a. Any Supervisor who observes casual, inappropriate, unprofessional, or questionable behavior or comments, including the use of profanity, by any member of this department will immediately make an on-the-spot correction. Normally, if no one wishes to make a complaint, further action is not required, for the first offense. For second and subsequent offenses, action should be taken in accordance with this policy and Human Resources Policy on discipline.

   b. If any employee submits a sexual harassment complaint the Supervisor must take the following action:

      1) Request the complainant to prepare a written statement. If the complainant declines to submit a written statement, the supervisor will submit a report to the Director explaining what the Supervisor knows about the incident. This report must be accomplished as soon as possible.

      2) If the complaint is received during non-duty hours, notify the Patrol Commander by telephone.

      3) All information pertaining to the complaint must be kept confidential.

   c. Upon receipt of a complaint the Director will, depending on the situation, may handle the complaint in house or refer it to Human Resources for further investigation.

   d. If the complaint is resolved in house, all actions taken must be documented and reported to Human Resources.

   e. If the complaint involves the complainants Supervisor, the complainant shall forward his/her complaint to the next level in the chain of command.

2. Incidents of unlawful harassment will be handled in the same manner as a sexual
K. Levels of Negative Disciplinary Sanctions

Levels of negative Disciplinary Sanctions are listed in the Medical University of South Carolina Human Resources Management Policy Manual. The following are additions for Department Personnel:

1. Members of the Public Safety Department shall strictly obey and execute promptly and in good faith, the lawful orders of their supervisors.

2. Supervisors shall not injure subordinates by dominant or irresponsible conduct, or by abusive language.

3. Supervisors shall sustain their subordinates, whenever they can do so, consistently and avoid censoring them in the presence of others.

4. Members shall promptly report to their Supervisors any complaint received by them against any member of the Department.

5. Members shall not violate any law of the United States or the State of South Carolina.

6. Supervisors shall thoroughly investigate and take proper action whenever a complaint is made against a member of the Department, and shall file, through official channels, a complete report of the complaint.

7. Subordinates may make a complaint and furnish facts on which charges may be instituted.

8. Supervisors shall render in writing, through official channels, an account of meritorious or praiseworthy action performed by a subordinate.

9. Members are encouraged to make suggestions, in writing, through regular channels for the improvement of the Department. Proper recognition and credit shall be given to the member making the suggestion. All suggestions will be promptly answered.

10. The authority to suspend, demote or discharge an employee is vested in the Chief of Public Safety or, in his absence, the Patrol Commander, after consultation with the Director, and Human Resources Management.

11. Copies of all documented Disciplinary Actions, except Oral Reprimands, will be forwarded to the Department of Human Resources Management.

12. All Disciplinary Action, imposed by this Department, must conform to the
requirements of Human Resources Management Disciplinary Action Policy # 45. Attachment 1 to this Policy reflects those offenses that are unique to the Department of Public Safety and the Disciplinary Action to be taken. In any event, before a suspension, demotion or termination, Human Resources Management must be consulted.

Attachments:

Attachment #1 Offenses Unique To Public Safety
**OFFENSES UNIQUE TO PUBLIC SAFETY**

<table>
<thead>
<tr>
<th>Offense or Job Deficiency</th>
<th>1st Offense</th>
<th>2nd Offense</th>
<th>3rdth Offense</th>
<th>4th Offense</th>
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</thead>
<tbody>
<tr>
<td>* Department and Conduct</td>
<td>Written Reprimand</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>* Excessive Use Of Force</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>* Firearms Safety Violations</td>
<td>Written Reprimand to Dismissal</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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</tr>
<tr>
<td>* Negligent or Improper Use of a Police Vehicle</td>
<td>Written Reprimand to Dismissal</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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</tr>
<tr>
<td>* Failure to Comply with Departmental Written Policy</td>
<td>Oral Reprimand</td>
<td>Written Reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
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<tr>
<td>Mis-use of a Firearm in the Line of Duty</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>Abuse of Police Authority</td>
<td>Oral Reprimand to Dismissal</td>
<td>Written Reprimand to Dismissal</td>
<td>Suspension to Dismissal</td>
<td>Dismissal</td>
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<tr>
<td>* Dishonesty</td>
<td>Written Reprimand to Suspension</td>
<td>Dismissal</td>
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<tr>
<td>Failure to Attend Required Training</td>
<td>Oral Reprimand</td>
<td>Written Reprimand</td>
<td>Suspension</td>
<td>Dismissal</td>
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<tr>
<td>Violation of Tobacco-Free Policy</td>
<td>Written Reprimand to Dismissal</td>
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1. This is not an all-inclusive list of offenses. Other unlisted, but similar, offenses will be resolved using this and Human Resources Policy #45 as a guide.
2. (*) In the event of a serious violation, the employee may be terminated immediately.
3. Demotion may be effected when in the best interest of the Department and/or the Medical University

**POLICY AND PROCEDURE # 13 Discipline**