ADMINISTRATIVE DIVISION – ACADEMIC AFFAIRS
POLICY NUMBER – ACAF 7.82
POLICY TITLE – FACULTY PROGRESSIVE DISCIPLINE
SCOPE OF POLICY – USC UPSTATE
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RESPONSIBLE OFFICER - PROVOST
ADMINISTRATIVE OFFICE – OFFICE OF THE PROVOST

PURPOSE

The University of South Carolina Upstate expects members of its community to demonstrate an unwavering commitment to the highest standards of ethical behavior as articulated in the USC Upstate Civility Policy, the AAUP Statement on Professional Ethics, and HR 1.02 University of South Carolina Ethics Policy. This policy establishes parameters for determining sanctions for faculty behaviors that do not meet these standards, following investigation and adjudication specific to the allegation.

DEFINITIONS

Administrative Reassignment: Modified duties assigned to a faculty member to separate them from the circumstances of the adjudicated behavior. Administrative reassignment may be used as an interim measure pending investigation or as a sanction.

Counseling or Oral Warning: A private discussion between the supervisor and employee to correct minor deficiencies in conduct or inappropriate workplace behavior.

Demotion: The assignment of an employee from one established position to a different established position having a lower State salary range or, for employees in positions without a State salary range, assignment of a lower rate of pay to the employee.

Faculty: All employees who hold a tenure-track or professional-track title as defined by university policy ACAF 1.06 Academic Titles for Faculty and Unclassified Academic Staff Positions.

Probation: Defined period of time during which a faculty member is not eligible for any non-mandated increase to base or non-base compensation.

Revocation of Tenure: Termination or dismissal of a tenured member of the faculty shall be only for cause and must follow the procedures for termination in the USC Upstate Faculty Manual.

Suspension: An enforced leave of absence without pay pending investigation of serious charges against an employee or for disciplinary purposes.

Termination for cause: Disciplinary action whereby the employee is separated from employment with the University of South Carolina Upstate due to the frequency or nature of their misconduct or inappropriate workplace behavior. The process outlined in Chapter 7 of the Faculty Manual must be followed for any termination for cause.

Unauthorized Use or Misappropriation of University Equipment or Property: Theft or unauthorized use of university equipment or property, or other misappropriation of university assets, including but not limited to cash, equipment, or supplies.

Workplace incivility: Workplace incivility is behavior or a pattern of behaviors that affect one or more colleagues in a manner that would cause a reasonable person to experience substantial emotional distress and/or interferes with their ability to work.

Workplace Violence: The act or threat of violence of any kind.

Written Reprimand: Official statement given to an employee documenting misconduct or inappropriate workplace behavior and identifying a timeline for necessary remedial actions.

POLICY

This document sets forth the University of South Carolina Upstate policy on disciplinary action and termination for cause for faculty employed by the university. It is intended to assist supervisors in taking consistent disciplinary action for similar instances of employee misconduct or inappropriate workplace behavior. This policy applies to faculty who are in FTE, research-grant or time-limited positions.

A. Scope of Allegations

Before any sanction can be imposed, any allegation of faculty behavior that is not consistent with the expectations of this university as articulated in the Faculty Manual and the various policies and procedures must be investigated following the process associated with that behavior. Examples of such behavior include but are not limited to those described the in the following documents:

- Faculty Manual Appendix X – Civility Policy and Professional Ethics
- Alcohol and Other Drugs University Policy
- BTRU 1.18 Conflict of Interest
- CR 1.00 USC Upstate Policy Against Discrimination, Harassment & Sexual Misconduct
- CR 2.00 Equal Opportunity and Affirmative Action
- HR 1.02 University of South Carolina Ethics Policy
- HR 1.27 Nepotism

- RSCH 1.00 Misconduct in Research and Scholarship
- UNIV 2.10 Prohibited Consensual Relationships

1. Available Assistance

Faculty and their supervisors are encouraged to seek resolution of workplace disputes through their supervisory line of authority first. However, if that option is

not realistic given the elements of the dispute, both faculty and their supervisors are encouraged to contact the Faculty Ombuds, the Office of the Provost, or Academic Affairs Human Resources as appropriate to the circumstances. Faculty and their supervisors may not be forbidden or discouraged from contacting any of these resources, nor may any retaliatory action be taken against any faculty member or supervisor for that reason.

2. Interim Measures

For serious allegations of the violation or deficiency, interim measures such as administrative reassignment or suspension may be assigned pending investigation to protect the complainant or the broader university community. Interim measures are to be short-lived actions taken during the period that an allegation is being investigated, and the issuance of interim measures is not a determination of responsibility by the university. Interim measures are intended to help the university protect community members from potential threats to health or safety. Any interim measures can be assigned only after consultation with and approval of the Office of the Provost in consultation with the Office of General Counsel.

3. Investigation

For allegations addressed in the documents in policy section A above, the investigation will follow the indicated procedures and reporting specific to that allegation.

B. Disciplinary Action

1. Unless exigent or other circumstances exist, prior to a decision being made to take disciplinary action, the faculty member who would be subject to the disciplinary action should be given notice of the alleged misconduct and an opportunity to be heard regarding the matter.

2. Disciplinary action should be conducted by progressive and constructive measures for the correction of employee misconduct or inappropriate workplace behavior.

3. Whenever practical, coaching and counseling should precede any disciplinary action.

4. For just cause, any faculty member may be counseled, warned, reprimanded, suspended, demoted or terminated whenever such action is considered necessary by the authorized chair and dean.

5. Faculty who have engaged in misconduct or inappropriate workplace behavior may be given the opportunity to improve before being terminated, depending on the level of the offense.

6. The circumstances surrounding the misconduct or inappropriate workplace behavior will normally suggest what disciplinary action should be taken. Circumstances to be considered include the severity of the misconduct or behavior, the number of times it has occurred, and any previous counseling or disciplinary actions taken.

7. If the recommended disciplinary action is oral warning or counseling the chair, associate dean, or dean may proceed without additional approvals. However, the Office of the Provost and Academic Affairs Human Resources are available for consultation as needed. All oral warnings and counseling should be documented in the faculty member's file and shared with Academic Affairs Human Resources for future reference.

8. If the recommended disciplinary action is a written reprimand, the action should also include the following steps:

    a. The dean presents all facts surrounding the incident(s) to the provost with a recommendation for discipline.

    b. If the provost agrees with the recommendation, a letter of written reprimand is drafted by the dean and shared with the provost and, if needed, the Office of General Counsel.

    c. If the provost disagrees with the recommendation, a justification for the disagreement will be documented in the faculty member's file. The provost will then either offer an alternative recommendation or recommend that the matter not proceed.

9. Any disciplinary action beyond a written reprimand should include the following steps:

    a. The dean presents all facts surrounding the incident(s) to the provost with a recommendation for discipline.

    b. If the provost agrees with the recommendation, the dean and provost will consult with the Office of General Counsel to receive feedback about the recommendation and based on this feedback, the recommendation will be implemented.

c. If the provost disagrees with the recommendation, after consulting with the Office of General Counsel, a justification for the disagreement will be documented in the faculty member's file. The provost will then either offer an alternative recommendation or recommend that the matter not proceed.

10. Documentation of disciplinary actions that are written reprimands or beyond should be signed and dated by the faculty member and the dean. The faculty member's signature on such documents denotes only receipt of the action and does not necessarily imply agreement with its contents. If the faculty member refuses to sign the disciplinary action, a notation of this will be made on the document. If possible, a witness should sign to acknowledge that the employee received the information but refused to sign the documentation. The documentation must be recorded in the respondent's Academic Affairs personnel file and reported to the entity that investigated the allegation, if outside the unit (e.g., Office of Civil Rights and Title IX).

11. Any disciplinary action that may be grieved through the Faculty Grievance Process as outlined in Chapter 6 of the Faculty Manual must be initiated in writing to the Chair of the Faculty Welfare Committee.

C. Types of Progressive Disciplinary Action

As stated in Chapter 6 of the Faculty Manual, "When misapplication of or failure to apply appropriate written and approved policies and procedures results in actions or decisions that adversely affect their employment, USC Upstate faculty members have the right to grieve these decisions."

1. Counseling or Oral Warning

An oral warning or counseling by the chair or dean is normally sufficient for the first occurrence of a minor offense. Counseling and oral warning should be documented in the faculty member's file in Academic Affairs Human Resources for future reference.

2. Written Reprimand

If a repetition of a first offense occurs, or if a more serious problem occurs, a written reprimand should be given to the employee. Written reprimands become part of the employee's file.

3. Probation

If a repetition of a first offense occurs, or if a more serious problem occurs, the written reprimand may include probation, typically defined as a period of time during which a faculty member's promotion and/or tenure may be delayed and the faculty member will not be eligible for any non-mandated increase to base or non-base compensation

including but not limited to TAPS funds, administrative supplements, summer teaching, course reallocations, internal grants, and sabbaticals.

4. Administrative reassignment

If repetition of an offense occurs for which a written reprimand has been given, or if misconduct or inappropriate workplace behavior occurs that is serious but for which suspension is not appropriate, the faculty member may be assigned different responsibilities, often requiring work in an alternative setting, for a defined period of time.

5. Demotion

The university does not support rank demotion for faculty, but a sanction could include removal of administrative appointment and/or salary adjustment outside of base.

a. If repetition of an offense occurs for which a written reprimand has been given, or if misconduct or inappropriate workplace behavior occurs that is serious but for which suspension is not appropriate, the faculty member may lose administrative appointments and/or salary adjustments outside of base.

b. Serious misconduct or inappropriate workplace behavior may be cause for demotion without prior disciplinary steps having been taken.

c. A demotion may be grieved through the university grievance procedure. Any disciplinary action that may be grieved must be reviewed by the provost prior to the action being taken unless the seriousness of the violation or deficiency calls for immediate action.

6. Suspension

a. If repetition of an offense occurs for which written reprimands have been given, or if misconduct or inappropriate workplace behavior occurs that is serious but for which termination is not appropriate, the faculty member may be suspended. Suspensions can be for a partial semester up to two full semesters in length.

b. Disciplinary suspension is without pay.

c. If the faculty member has been charged with a crime for which there is probable cause for arrest or which raises a reasonable concern or belief by the provost or the provost's designee, that the presence of the faculty member on the job would or could be harmful to the faculty member, other faculty or staff, students, or other members of the university community, or that the faculty member would be unable to properly perform the duties of their position, the faculty member may be suspended pending a thorough review by the university. In the event no wrongdoing by the faculty member is established, the employee is entitled to back pay, if applicable.

d. Suspension may be grieved through the university grievance procedure defined in the Faculty Manual.

e. Any disciplinary or performance-based action that may be grieved must be reviewed by the provost or provost's designee prior to the action being taken unless the seriousness of the violation or deficiency calls for immediate action.

7. Termination for cause

a. A faculty member may be terminated due to the frequency or severity of their misconduct or inappropriate workplace behavior.

b. Termination for cause may be grieved through the university grievance procedure. As stated above, any disciplinary or performance-based action that may be grieved must be reviewed by the provost prior to the action being taken.

c. For professional-track faculty (e.g., instructors and clinical faculty) and pre-tenure faculty, termination for cause requires, at minimum, a recommendation by the Faculty Welfare Committee Grievance Hearing Panel provided to the chancellor and approval by the chancellor.

d. For tenured faculty, termination for cause must follow the administrative termination procedure outlined in Chapter 7 of the faculty manual.

PROCEDURES

A. A faculty member found responsible for any form of misconduct can be recommended for any of the disciplinary actions identified in policy section C above, as appropriate to the severity and frequency of the misconduct.

B. A faculty member cannot appeal a sanction of oral warning, voluntary or mandated counseling or written reprimand.

C. A faculty member may appeal to the Faculty Welfare Committee Grievance Hearing Panel any sanction of probation, administrative reassignment, demotion, suspension without pay, or termination for cause.

1. If the Faculty Welfare Committee Grievance Hearing Panel approves the appeal of any sanction, it must recommend an alternative sanction appropriate to the finding of misconduct. This recommendation will go to the chancellor for a final decision.

2. If a sanction of suspension without pay is reversed upon appeal, the faculty member is entitled to any compensation withheld during the suspension.

3. A faculty member recommended for termination for cause will be suspended without pay pending any appeal of the termination. Other sanctions will be in effect during the appeal process.

D. The Faculty Welfare Committee Grievance Hearing Panel should review the appeal of sanction and respond following the timeline stated in Chapter 6 of the Faculty Manual.

E. Tenured faculty who are recommended for termination also have the right to a hearing of the Promotion and Tenure Committee as outlined in Chapter 7 of the faculty manual.

RELATED UNIVERSITY, STATE, AND FEDERAL POLICIES

ACAF 1.06 Academic Titles for Faculty and Unclassified Academic Staff Positions

USC Columbia ACAF 1.82 Faculty Progressive Discipline

BTRU 1.18 Conflict of Interest

CR 1.00 USC Upstate Policy Against Discrimination, Harassment & Sexual Misconduct

CR 2.00 Equal Opportunity and Affirmative Action

HR 1.02 University of South Carolina Ethics Policy

HR 1.27 Nepotism

HR 1.39 Disciplinary Action and Termination for Cause

RSCH 1.00 Misconduct in Research and Scholarship

UNIV 2.10 Prohibited Consensual Relationships

USC Upstate Faculty Manual Chapter 4 – Faculty Responsibilities

USC Upstate Faculty Manual Chapter 5 – Faculty Review

USC Upstate Faculty Manual Chapter 6 – Faculty Grievance Process

USC Upstate Faculty Manual Chapter 7 – Termination of Tenured Faculty

Faculty Manual Appendix X – Civility Policy and Professional Ethics

Alcohol and Other Drugs University Policy

HISTORY OF REVISIONS

- August 11, 2025 – New policy consistent with USC Columbia ACAF 1.82