

SOUTHWEST TENNESSEE COMMUNITY COLLEGE**SUBJECT:** Conduct and Behavior**EFFECTIVE DATE:** February 17, 2012**I. Policy**

Southwest Tennessee Community College expects all employees to demonstrate the highest degree of integrity, responsibility, and professional conduct at all times.

All employees are Southwest representatives whether on or off duty.

Acceptable conduct involves not only sincere respect for the rights and feelings of others, but also the assurance that personal conduct in both business and personal life avoids any action that might (1) be harmful to the employee, other employees, students, the College, or (2) cause any unfavorable reaction from current or potential students or service recipients.

Tape Recording Prohibited. Tape-recording supervisor/employee conversations, meetings, or other interactions is prohibited unless approved and implemented by departmental guidelines, or the tape recording is done by Campus Police personnel in the course of an investigation. Employees are required to adhere to the "no recording" rule. Failure to adhere may be considered insubordination as outlined below.

Workplace Violence. Violent or threatening behavior is not tolerated in the workplace. All employees are responsible for advising management, the Campus Police, or Human Resources of any actual or potentially serious or violent situations.

II. Misconduct

Southwest requires a high degree of personal integrity and responsibility of its employees. Violations of College or departmental rules may constitute misconduct for which an employee may be immediately suspended with pay, pending a complete investigation. All alleged violations should be thoroughly investigated and documented. Disciplinary decisions should be based on a logical analysis of the evidence.

Although the following list is not all-inclusive, the following specific violations may result in severe disciplinary action up to and including termination of employees.

- Violation of the College's Code of Conduct
- Violation of the Conflict of Interest Policy.
- Conviction of, or a plea of "no contest" to, a crime involving job-related conduct

- Failure to report to work for three consecutive days due to incarceration. Employees are not permitted time off for time spent in jail, therefore, supervisors must not approve leave requests for such absences.

Criminal Charges. All employees are responsible for notifying their immediate supervisor no later than the next business day if they have been charged, arrested, or indicted for any criminal (felony or misdemeanor) offense. Failure to do so will be considered insubordination and may result in disciplinary action up to and including termination. See *Job Relatedness of Criminal Charges* section of this policy.

III. Procedure

All actions by the College related to this policy shall be based on the findings of a thorough investigation into the facts supporting an alleged violation of this policy.

Investigation/Review of Facts. Investigations should be completed as soon as possible, but should not exceed five (5) workdays. Employees must be notified in writing when being placed on suspension.

In evaluating the results of an investigation or the facts precipitating the need for corrective action, the following factors should be considered:

- The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
- The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
- The employee's past disciplinary record;
- The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
- The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's work ability to perform assigned duties;
- Consistency of the penalty with those imposed upon other employees for the same or similar offenses;
- The notoriety of the offense or its impact upon the reputation of the College;
- The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
- The potential for the employee's rehabilitation;
- Mitigating circumstances surrounding the offense; and
- The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Investigative Suspension/Paid Administrative Leave. In instances where, after consultation with the appropriate Vice President and the Executive Director of Human

Resources, it is necessary to remove the parties involved in alleged policy violation, all parties directly involved are to be placed on paid suspension/administrative leave pending the outcome of an investigation of the facts supporting the allegation. The purpose of the suspension/administrative leave is to allow the College to conduct a fair and unbiased investigation, free of influence by involved parties.

Suspended employees will be relieved of all duties and are directed to have no contact with any College employee other than those conducting the investigation. Such contact will be considered insubordination and may result in separate disciplinary action.

IV. Disciplinary Action/Notifications

All disciplinary action should be initiated within 5 workdays of the incident (or completion of the investigation) resulting in the discipline. All disciplinary actions/notifications must include the following:

- The date of the infraction
- A summary of the facts supporting the discipline as determined through the investigation
- The specific policy and policy provision violated
- Where appropriate, a reference to the employee's right to grieve the discipline

Letter of Concern. The Letter of Concern provides an employee notice of a minor non-recurrent violation of policy. This notification is advisory in nature and has no immediate punitive ramifications. The Letter of Concern may, however, serve as the basis for more severe discipline or may be used to establish a pattern of behavior that warrants more severe discipline. Letters of Concern are to be maintained in the supervisor's employee file.

Reprimand. The letter of Reprimand provides an employee notice of significant or repeated minor violations of policy and is punitive in nature. A letter of Reprimand becomes a part of the employee's permanent record and makes the employee ineligible to apply for positions within the College for a period of six months.

Letter of Reprimand with Disciplinary Suspension. Severe violations of policy may result in a letter of Reprimand accompanied by a disciplinary suspension without pay. In such cases employees may be suspended without pay for up to five workdays with the concurrence of the appropriate Vice President and the Executive Director of Human Resources. The President must approve disciplinary suspensions exceeding five workdays.

Demotion/Transfer. In concert with the issuance of the letter of Reprimand, an employee may also be demoted or transferred to a position for which they currently meet the published minimum qualifications when the nature of the infraction makes the employee unsuitable for their current position. Demotions/Transfers occur solely at the discretion of the College.

Termination. Severe policy violations or failure to correct behavioral deficiencies may result in an employee's termination. **The receipt of three reprimands within a twelve-month period will normally result in termination. The decision to not recommend termination upon the receipt of a third disciplinary notification must be reviewed by Human Resources.** An employee's entire work history must be reviewed prior to a recommendation being made to the appropriate Vice President. Decisions to terminate will be made by the President in consultation with the appropriate Vice President and the Executive Director of Human Resources.

Employees terminated or placed on disciplinary suspension will be advised of their right to file a grievance under the College's Grievance and Complaint Policy.

V. Job-Relatedness of Criminal Charges Determination

The crime's classification (i.e., felony or misdemeanor) is not as important an issue as the underlying conduct itself. For example, crimes that are related to illegal use and possession of drugs are considered job-related based on College policy, regardless of whether the crime is classified as a felony or misdemeanor. However, a DUI charge in which an employee is in his private vehicle is not job-related unless the individual holds a position that requires driving a College vehicle. Crimes such as shoplifting and theft should be thoroughly evaluated for job-relatedness and discussed with the Human Resources staff. Each charge must be considered on a case-by-case basis.

If it is determined that the conduct underlying the criminal offense is job-related, and the employee either admits to engaging in the conduct or the evidence clearly establishes the employee engaged in the conduct, the employee is disciplined or terminated as appropriate.

If it is determined that the conduct underlying the criminal offense is job-related, but it cannot be concluded that the employee engaged in the conduct, then the employee's paid administrative leave is converted to a suspension without pay pending resolution of the charges against the employee or the acquisition of additional information that will allow management to make a final decision. This initial determination will be made within 5 days of the employee being placed on administrative leave.

It is the employee's responsibility to provide management with the disposition/resolution of the criminal matter. If the criminal charges are not resolved within six months of the original charge, the appropriate Vice President, the Executive Director of Human Resources, and the TBR Legal Department will review the status of the criminal proceeding to determine action to be taken regarding the employee's employment status.