

EMPLOYEE CODE OF CONDUCT & DISCIPLINARY ACTION

PURPOSE

The purpose of this policy is to establish expectations regarding the behavior and code of conduct for all Edison State employees and to provide established guidelines for disciplinary action and potential penalties.

POLICY STATEMENT

It is the policy of Edison State Community College (the “College”) that employees shall demonstrate a high level of personal integrity at all times and maintain exceptional ethical standards, and avoid perceived conflicts, as outlined in the Ohio Ethics Laws. All employees of state-assisted colleges, including Edison State Community College, are covered by Chapters 102 (*Ethics*) and 2921 (*Offenses Against Justice and Public Administration*) of the Ohio Revised Code.

EMPLOYEE CORE VALUES

Employees are expected to exemplify the following College Employee Core Values Statements in their behavior and conduct:

- We are accountable to ourselves and to each other to strive for excellence.
- I will maintain integrity to promote trust and cooperation.
- My interactions will express respect for equality and diversity of all.
- I will be adaptable and responsive in an ever-changing world.
- My actions will promote a positive environment.
- We will be responsible stewards of our resources.

CONFLICTS OF INTEREST

Employees must exercise care to avoid conflicts of interest. Employees of the College are prohibited from acting primarily in self-interest or furthering their private interests by virtue of their position with the College or through their employment responsibilities. An employee’s primary responsibility is to the College and this responsibility should take precedence over all other working relationships. An employee’s external interests should not compromise their ability to act in the best interest of the College and must not bring the College into disrepute.

Misuse of Official Position

College employees are prohibited from using or authorizing the use of the authority or influence of their position to secure anything of value for the employee or the employee’s immediate family. This includes soliciting or accepting anything of value that has the appearance of a substantial and improper influence upon the employee with respect to the duties of their position, using their position to advance the interest of their private business, and engaging in outside occupation or business that has the potential of creating a conflict of interest with their duties as a College employee. Use of facilities, resources or paid time from Edison State to conduct private business is prohibited as well as the selling of services or property that are part of the employee’s duties to provide as a College employee.

Acceptance of Gifts and Supplemental Compensation

College employees are prohibited from accepting, soliciting, or utilizing their employment to secure anything of value from an improper source that could have a substantial and improper influence on the

performance of the employee's duties. Small gifts in minimal quantities may be acceptable in the event that, collectively, the gifts do not present an appearance of impropriety.

College employees may not accept as compensation any item of any value for the performance of their public duties. This includes honoraria for speech performance, written publications, or public or private events, meetings, conferences, etc. unless the honoraria is completely unrelated to the employee's duties as an employee of Edison State or provided by an interested source.

Hiring/Supervisory Practices

College employees are prohibited from using the authority or influence of their position to secure employment, benefits, promotions, preferential treatment, or College admission for a person related by blood or marriage, for business associates, for others with whom they have a significant relationship, or for those with whom they are currently having a romantic and/or sexual relationship.

College employees shall not supervise, either directly or through the indirect reporting structure, any person related by blood or marriage, business associates, others with whom they have a significant relationship, or those with whom they are currently having a romantic and/or sexual relationship.

When a situation contrary to this policy arises through marriage or the development of a significant or romantic and/or sexual relationship, the parties must report the situation to the Chief Human Resources Officer who will work with them to resolve the conflict through options of departmental transfer, restructure of reporting lines, or resignation of one of the parties.

Employees who have not self-reported and are determined to have violated this policy shall be subject to disciplinary action in accordance with this policy.

College Employee Relationships with Students

The policies and procedures of Edison State Community College are established to preserve the academic mission of the College. Romantic and/or sexual relationships with students by those with supervisory authority over that student undermines that mission and creates a disparity in power. Such a disparity in power makes coercion possible, even where there is no explicit or intended threat, because considerations of the College employee's authority may influence a student's consent to a relationship. Additionally, the termination or initiation of such relationships may lead to sexual harassment or be characterized by conduct that may be perceived as sexual harassment. Romantic and/or sexual relationships are not acceptable between College employees and any student over which they have substantial authority. Examples include but are not limited to a student's grades, progress, assessments, academic schedule, degree completion, participation in athletics or student organizations, employment, student evaluations, disciplinary sanctions, finances (including but not limited to scholarships and financial aid), judgments related to academic status, enrollment or matriculation.

When a situation contrary to this policy arises due to the enrollment of a student with whom a romantic and/or sexual relationship already exists or through the development of such a relationship, the parties must report the situation to the Chief Human Resources Officer who will work with them to resolve the conflict through restructure of duties and/or class schedules. Failure to report such a relationship will be

treated as a major violation of College policy. Such conduct will subject College employees to disciplinary action up to and including termination.

Retaliation

No one shall suffer penalty or retaliation, including any actions that may dissuade a reasonable person from making or supporting a charge, or for reporting a relationship that violates this policy. Retaliation against any person for bringing forward or participating in any investigation of a complaint under this policy forms independent grounds for appropriate disciplinary action.

Confidentiality

Employees must respect the confidentiality of the College and are not permitted to use College resources or information that is not publicly available for the private benefit of any person.

INAPPROPRIATE CONDUCT

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace and subject to discipline. In addition to violations of the preceding examples of College Employee Core Values Statements and Conflicts of Interest, the following are additional examples of violations that may result in employee disciplinary action, up to and including termination:

1. Employees shall refrain from behavior that might be harmful to themselves or any other member of the College community, or the College.
2. Jeopardizing the safety or welfare of students another employee or employees, or the public. Examples include but are not limited to:
 - a. Provoking a fight, fighting or threatening violence
 - b. Negligent act or improper conduct that leads to harm or injury
 - c. Abuse of alcohol or controlled substances on College premises, at College events or activities, or while operating College equipment, that results in an accident, or harm, or injury, or harassment
3. Sexual exploitation
 - a. Prostituting another person;
 - b. Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity
 - c. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information
 - d. Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex)
 - e. Engaging in non-consensual voyeurism
 - f. Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status
 - g. Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals
 - h. Possessing, distributing, viewing or forcing others to view illegal pornography
4. Interfering with College operations
5. Theft, misappropriation, or unauthorized removal or possession of College property or the property of any other employee. Examples of College property include, but are not limited to College equipment, College supplies, College funds and other College resources.
6. Falsifying timekeeping records or employment records, or any other College documents.

7. Insubordination or other disrespectful or disruptive conduct. Examples include but are not limited to the following:
 - a. Refusal to follow a direct, valid work order or actively challenging or criticizing a superior's orders
 - b. Showing or displaying disrespect towards a supervisor, another employee, student or the public
 - c. Bullying another employee, a student or the public. Bullying behavior includes intimidation, coercion, aggression or abuse.
8. Violation of any safety, health, or security rule, policy or procedure or any other College policy, or procedure
9. Failure to meet standards of the profession.
10. Sleeping on the job.
11. Utilizing College resources or work hours to view or share pornographic materials or to use location-based social networking applications to solicit sexual relationships or view or share pornographic materials
12. Habitual tardiness, excessive unauthorized absenteeism, or abuse of sick leave or of a leave of absence.
13. Incompetence and/or failure to successfully correct performance
14. Misrepresentation of formal credentials or job-related experience;
15. Conviction of a felony or major misdemeanor;
16. Any other reason of similar seriousness or magnitude.

Administrative Leave & Internal Investigation

An employee may be placed on administrative leave with pay when the College determines, at its discretion, a violation of College policy, the health or safety of any College employee, student or person, or College property could be adversely affected. Notification is normally made by the Chief Human Resources Officer. The College may determine necessary to conduct an internal investigation to review the circumstances and facts surrounding an employee's alleged misconduct. Employees who fail to cooperate with the College's internal investigations may receive disciplinary action up to and including termination. During the administrative leave, the employee's access to College facilities, property, and resources may be restricted or denied.

DISCIPLINARY ACTION

Disciplinary action is intended to provide an opportunity for correction of performance and/or behavior. While the College will attempt to observe the principle of progressive discipline, the severity of the discipline should ultimately reflect the seriousness of the infraction. For serious offenses, the College may implement a suspension without pay or immediately move to termination.

Verbal Warning

A verbal warning is an oral conversation between the immediate supervisor and the employee. In some circumstances the verbal warning may also include the Chief Human Resources Officer. Verbal warnings are typically issued for first-time minor offenses. The verbal warning serves to inform the employee of the performance problem or infraction and to provide instruction to avoid future repetition of the problem. When the Chief Human Resources Officer is not directly involved, the supervisor is responsible for issuing and documenting a verbal warning.

Written Warning/Performance Improvement Plan

A written warning is a formal notice to the employee when the employee's performance or behavior is not corrected within a reasonable period or if the offense itself warrants discipline above a verbal

warning. The written warning, which may include a Performance Improvement Plan (the “Plan”), serves to formally document the problem or problems. Probation may be included. The length of the probation period and the content of the Plan are determined by the supervisor, in consultation with the Chief Human Resources Officer. The goal is for the employee to improve performance and/or conduct and to avoid a repeat of the problem in order to maintain employment with the College. The written warning is jointly issued by the immediate supervisor and the Chief Human Resources Officer. The employee is expected to sign an acknowledgement and understanding of the written warning. The written warning and employee acknowledgment are maintained in the employee’s personnel file in Human Resources.

Final Written Warning

A final written warning is viewed as more serious than a regular written warning and may be given without prior disciplinary action. A final warning includes a Performance Improvement Plan (the “Plan”) and may include probation. The length of the probation period and the content of the Plan are determined by the supervisor, in consultation with the Chief Human Resources Officer. A final written warning is considered a “last chance” opportunity to correct or improve performance to maintain employment and avoid termination. The written warning is jointly issued by the immediate supervisor and the Chief Human Resources Officer. The employee is expected to sign an acknowledgement and understanding of the final written warning. The final written warning and employee acknowledgment are maintained in the employee’s personnel file in Human Resources.

Termination

A termination action is reserved for serious offenses and/or deficiencies and when the opportunity for correction or improvement is not prudent or appropriate. The Chief Human Resources Officer is responsible for issuing the termination notice, which may be made orally or in writing. Depending upon the urgency, the employee’s immediate supervisor may not be present at the notification. The termination is effective immediately upon notification.

Suspension Without Pay

A suspension without pay is a higher-level form of discipline for a serious offense or performance deficiencies. The written notification of the suspension is jointly issued by the Chief Human Resources Officer and immediate supervisor. The notification includes the reason(s) for the disciplinary action and the period of time for the suspension. The disciplinary action typically begins immediately upon notice, but the employee will have an opportunity to respond in writing to the President of the College. Upon return to work, the employee will be subject to a Performance Improvement Plan that is determined by the supervisor, in consultation with the Chief Human Resources Officer. The employee may also be placed on probation. The suspension notification and employee acknowledgment are maintained in the employee’s personnel file in Human Resources.

Staff Appeal of Adverse Action

An employee who receives an adverse personnel action resulting in suspension, or demotion, or loss of pay, or an action of similar severity is entitled to utilize the Staff Appeal Procedure 3358-3-10.

DEFINITIONS

CONFLICT OF INTEREST

Conflict of interest exists when an individual has an external interest, financial or otherwise, that could impact

their conduct at the College. This may occur when the external interest provides, directly or indirectly, a motivation or incentive to influence the individual's conduct in exercising their employment responsibilities. This creates a risk that the individual's judgment or actions could be, or could be seen to be, unduly influenced by that external interest. "Conflict of interest" includes both actual and apparent conflicts of interest.

ANYTHING OF VALUE

Money, goods, personal property, and every other thing of value, including the promise of future employment, except items of nominal or *de minimis* value.

BUSINESS ASSOCIATES

Business associates are defined as parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.

SIGNIFICANT RELATIONSHIP

A significant relationship refers to those living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.

SUPERVISION

Supervision refers to the responsibility to influence and/or have oversight of another employee's hire, transfer, suspension, layoff, recall, promotion, discharge assignment, reward, compensation, discipline, or settlement of disciplinary grievances/appeals.

IMMEDIATE FAMILY

Means spouse, parent, step-parent, child, step-child, siblings, step-siblings grandparent, grandchild, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, or persons living in the employee's household, and other legal dependent, such as a foster child or legal ward or legal guardian or nearest blood relative.

SEXUAL EXPLOITATION

Occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited.

PERSONS AFFECTED

All Employees of Edison State Community College. Full-time faculty members are subject to the ESEA Contract.