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| **5.2**  | **Employee Conduct and Discipline *(Adopted 6-1-1992; Revised 12-2-2002; Reaffirmed 4-15-2014)*** Standards for employee conduct are necessary for the efficient and effective operation of the College, for ensuring a professional image for the College, and for the benefit and safety of all employees. Failure to meet these standards may be grounds for discipline.  |

 **Procedures:**

 **5.2.1** **Expected Conduct *(Revised April 15, 2014)***

 All employees are expected to conduct themselves in a manner conducive to the efficient, effective, professional operation of the College. Such conduct includes:

1. Reporting to work punctually as scheduled and being at the proper work station ready for work at the assigned starting time.

1. Notifying the supervisor in advance of absence from work or inability to report on time, and following established department requirements for such notifications.

1. Wearing required protective clothing or devices for safety purposes and complying with all College safety regulations and procedures, including those established for labs and other instructional settings.

1. Complying with all College Policies.

1. Wearing clothing appropriate for the work being performed.

1. Maintaining an orderly work area.

1. Treating all students, fellow employees and others affiliated with the College, as well as visitors, in a courteous manner.

1. Refraining from conduct or communication deemed offensive, disrespectful or unprofessional.

 **5.2.2** **Prohibited Conduct** *(Revised 4-15-2014)*

 The following conduct is prohibited and will subject the individual involved to disciplinary action, including termination of employment.

1. Reporting to work under the influence of alcoholic beverages and/or controlled substances or selling, dispensing or unlawfully possessing alcoholic beverages and/or controlled substances on College premises or at College-sanctioned events.

1. Possession of firearms or other weapons on College property or at College-sanctioned events.

1. Threats, assault, and/or battery of a fellow employee, student, ~~or~~ visitor, or any other individual affiliated with the College.

1. Bullying which includes but is not limited to verbal, emotional or physical abuse, coercion and/or intimidation.

1. Slanderous or defamatory speech regarding a fellow employee, student, or any other individual affiliated with the College, as well as visitors to the College. This prohibition includes speech that is false, defamatory and malicious, spoken with a deliberate or reckless disregard of the truth, and with intention to damage another person or persons.

1. Theft, destruction, defacement or misuse of College property or of another employee's property.

1. Falsifying or altering any College record, ~~or~~ report, or timecard. Falsifying or misrepresenting any employment application materials, including, but not limited to, credentials, work or military experience, or references.

1. Failure to wear assigned safety equipment or failure to abide by safety rules and policies.

1. Engaging in any form of sexual harassment.

1. Failure to improve unsatisfactory performance.

1. Excessive absences or tardiness.

1. Failure to perform assigned duties.

1. Violation of federal or state laws, the policies of the Board of Trustees of The Junior College District of East Central Missouri, or conviction of a felony or crime involving moral turpitude.

1. Insubordination.

1. Discrimination on the basis of race, color, gender, ancestry, sexual orientation, age, religion, national origin, veteran status, genetic information or disability.

1. Violation of the College’s Information Technology Policy found on the College web site.

1. Other misconduct not specified above which is sufficiently serious and detrimental to the best interests of the College to warrant disciplinary action.

 **5.2.3** **Disciplinary Actions *(Revised 4-15-2014)***

 In most instances, work-related problems should be resolved at the employeesupervisor level. If an employee's conduct or performance necessitates corrective action, several actions fall within the purview of the supervisor. These may include informal counseling, verbal and written warnings, referral to the Employee Assistance Program (EAP), a performance improvement plan and/or recommendation for further discipline, including suspension or termination.

When considering discipline that includes a supervisor referral to the EAP, suspension or termination, the supervisor will work with the Division Vice President and Director of Human Resources. The Director of Human Resources shall provide leadership for the process in order to assure that discipline is imposed in accordance with personnel policies.

If necessary, the President of the College may assign the Director of Human Resources to conduct an investigation of the situation and make a written report regarding the circumstances and recommended action to the Division Vice President and the President of the College.

1. If the individual in question is the Director of Human Resources, the President of the College shall appoint a College official to investigate and submit a report to the President of the College.

1. If the individual in question is the President of the College, the President of the Board of Trustees shall appoint a representative to investigate and submit a report to the President of the Board of Trustees.

The College President will have final approval for the recommended disciplinary action, except in cases: (1) involving the College President, in which case disciplinary action shall be determined by the Board of Trustees or (2) requiring due process procedures, as defined below in section 5.2.4, in which case such procedures shall be followed.

In the interests of both the employee and the College, any investigation of potential disciplinary situations should be concluded expeditiously.

 Disciplinary action may include but is not limited to the following, depending on the severity of the infraction: verbal warning, written warning, demotion, suspension with or without pay, and termination.

1. **Verbal Warning** - A reasonable number of ~~oral~~ verbal warnings may be given, at the discretion of the supervisor. Such warnings shall be noted in writing and placed in the individual's personnel file in Human Resources.

1. **Written Warning** - A supervisor may issue a written warning, a copy of which will be sent to the employee along with a copy to the Director of Human Resources for the employee's personnel file.

1. **Suspension With or Without Pay** - Suspension with or without pay may be invoked for a time period deemed consistent with the seriousness of the offense and the circumstances. A decision to suspend requires approval by the Human Resources Director, Division Vice President and College President. Earned vacation or other leave may not be applied during an unpaid suspension nor will leave accrue during an unpaid/paid suspension. Notice will be given in writing with a copy to the employee's personnel file in Human Resources. If applicable, the College will follow the due process procedures established in 5.2.4.

1. **Termination -** Employees may be immediately terminated when the seriousness and nature of an offense warrants. A decision to terminate will be made by the supervisor, Division Vice President, Human Resources Director and College President. If applicable, the College will follow the due process procedures established in 5.2.4.

 **5.2.4 Due Process Procedures for Suspension or Termination of Contractual**

**Employees *(Revised 12-2-2002, 4-15-2014)***

1. Due process procedures for suspension or termination apply only to contractual employees, including full-time, faculty, administrators, and professional staff, and do not apply to at-will employees such as support staff and part-time instructors. These procedures also do not apply to (1) non-renewal of a limited term contract, (2) non-renewal of an annual contract, or (3) non-renewal of a continuous contract of a faculty member if such non-renewal is authorized by Policy 5.15.8C.

1. The President of the College has the discretion to initiate disciplinary action involving suspension or termination beginning at Step 2.

1. The following procedural steps are to be followed when a recommendation for suspension or termination is made. While legal requirements should be met, the intent of these is to establish simple steps that ensure fair treatment for all parties involved.

**Step 1:** **Attempt at Resolution -** If the President of the College agrees that the employee should be suspended or terminated, the President of the College or his/her designee shall meet with the employee and his/her representative to determine if a mutually agreeable disposition of the matter can be reached.

**Step 2:** **Formal Proceedings/Board of Trustees** - If no mutually agreeable disposition can be reached, formal proceedings shall be brought before the Board of Trustees. Such proceedings shall be initiated by the President of the College giving the employee written notice of a hearing and the charges which warrant suspension or termination. The employee in question shall remain in his/her position during the formal proceedings unless suspended by the President of the College. Such suspension shall be with pay unless the Board of Trustees decides otherwise.

* + 1. The notice shall provide that a hearing shall be held before the Board of Trustees on a particular day and at a certain time and place; that the individual in question may be present with or without a representative or attorney; and that he/she may present witnesses and other evidence on his/her behalf and may question witnesses presented by the College. The notice and charges must be received by the employee at least 10 days prior to the hearing.

* + 1. Should the individual in question not appear for the hearing, the disciplinary action proposed may be imposed by the Board without a hearing. Should the individual in question or his/her representative request additional time in which to prepare, the Board of Trustees, at its discretion, may grant such additional time and continue or postpone the hearing to another day and time.

* + 1. The hearing shall be conducted at the time and place called for in the notice or at the postponed time, if additional time is granted. The President of the Board of Trustees shall preside at the hearing unless the Board decides otherwise. Such hearing shall not be public and either party may ask that witnesses be present only during the time of their testimony. A recording shall be made of the hearing proceedings and a copy shall be made available to the employee whose discipline is in question.

* + 1. Formal legal rules of evidence need not be followed, and the Board President or other presiding officer shall determine what evidence may or may not be presented. The proper College official(s) or representative/attorney shall present the institution's position. The employee in question or his/her representative shall have the right to question any witness called by the College, just as the College’s representative may question any witness called by the employee.

* + 1. At any time during the proceedings, any member of the Board of Trustees may question any witness or call for a point of order to be clarified.

* + 1. After testimony has been presented and each side has concluded its presentation, the Board of Trustees shall retire to review all information submitted and render a determination. The decision, which shall be in writing, shall be made no more than 30 working days from the date of the Board hearing.

* + 1. The decision of the Board of Trustees shall be final.