

**SOUTHWEST TENNESSEE COMMUNITY COLLEGE****SUBJECT: Conduct and Behavior****EFFECTIVE DATE: July 1, 2000; Revised January 1, 2006; Revised February 17, 2012;****Revised May 3, 2023; Revised January 22, 2024 (updating job title)****Purpose**

The purpose of this policy is to memorialize expectations for employees of Southwest Tennessee Community College (“Southwest” or “the College”) to demonstrate the highest degree of integrity, responsibility, and professional conduct at all times.

**Introduction**

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 action that might: 1) be harmful to the employee, other employees, students, or the College; 2) cause unfavorable reactions from current or potential students or service recipients.

Together with Southwest Policy [5:00:00:00/41](#), Code of Conduct, and other Southwest [policies](#), as well as Tennessee Board of Regents (TBR) [policies](#), the College intends to help employees understand what is acceptable conduct.

**Policy****Probationary Period**

A probationary period of six (6) months of observable performance exists for all newly appointed employees. During this period, employment may be terminated without prior notice. The College reserves the right to impose a probationary period at any time during an employee’s term of employment, during which advance notice of termination is not required. Note that Tennessee is an Employment At-Will state, which means that the College may terminate employment at any time without a reason. Termination will not, however, be based solely on an employee’s inclusion in a protected class.

**Criminal Charges**

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.

\*Spring of 2023, three (3) policies were merged. The three policies are: 5:00:00:00/9 Conduct and Behavior, 5:00:00:00/12 Key Control System, and 5:01:00:00/46 Dress and Grooming. The title and policy number for Conduct and Behavior were retained for the merged policy.

Underlying conduct is more relevant than the classification of the crime as a misdemeanor or felony. 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, an impaired driving charge in which an employee is operating a 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 leader of Human Resources. 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 will be appropriately disciplined or terminated. 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, 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 as soon as possible after an employee is placed on administrative leave.

Employees must advise their immediate supervisors and the leader of Human Resources of the resolution of a criminal matter. If a criminal charge is not resolved within six (6) months of the original charge, the appropriate Senior Staff member, the leader of the Human Resources department, and the Tennessee Board of Professional Responsibility's Office of the General Counsel will review the status of the criminal proceeding to determine what action will be taken regarding the employee's employment status.

#### Workplace Violence

Violent or threatening behavior is not tolerated in the workplace. Employees are responsible for advising management, the Police Services/Public Safety department, or the Human Resources department of actual or reasonably perceived serious violent situations. Southwest policies [5:01:00:01/26](#), Prevention of Workplace Violence, and [5:00:00:00/15](#), Anti-Harassment and Anti-Bullying provide additional regulations in this regard.

#### Dress and Grooming

As public servants of the State of Tennessee, employees are expected to maintain a standard of dress and grooming that reflects good taste and common sense. Southwest employees will refrain from extremes and fads, dress in styles appropriate for their office or working conditions, and present themselves in a respectful manner.

Southwest employees are expected to be well-groomed by a reasonable person standard. If employees have questions about appropriate work attire, they may speak with their supervisor or a leader in the Human Resources department. Specific dress codes may be established for some work units and departments.

#### Keys to Southwest Property

Supervisors will determine to which employees keys will be issued based on need. Supervisors will be able to articulate why they requested the issuance of specific keys to their direct reports. Employees

are responsible for keys entrusted to them. All College keys shall be made and issued by the Physical Plant department. Keys must not be duplicated by other sources for any reason.

Requests for exceptions to this provision due to special situations, (i.e., off-campus locations, rented space, use of combination door locks, etc.), must be provided to the Chief of Administrative Services in writing explaining the special situation and procedures that will be followed to maximize security. All exceptions approved by the Chief of Administrative Services will be maintained in the Physical Plant department.

If keys are lost or stolen, a report must be immediately filed with the Physical Plant department. Employees separating from the College must return all issued keys on or before their last day of employment. Failure to do so could result in legal action by the College.

#### Recording Conversations

Recording employees' conversations, meetings, or other interactions without their knowledge is prohibited, unless approved and implemented by departmental guidelines or the recording is made by Campus Police personnel in the course of an investigation. Failure of employees to adhere to this rule could be considered insubordination.

#### Violations

Violation of College policies and regulations may constitute misconduct for which an employee faces reprimand. All alleged violations should be thoroughly investigated and documented. Disciplinary decisions should be based on a logical analysis of the evidence.

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

- Violation of the College's Code of Conduct Policy
- Violation of the College's 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 (3) 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)

#### Investigation/Review of Facts

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. Investigations should be completed as soon as possible after notification of an alleged violation.

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, reckless, technical, or inadvertent and whether it was done with malice, 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 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 and Paid Administrative Leave

In instances where, after consultation with the appropriate Senior Staff member, as well as the leader of the Human Resources department, it is necessary to remove the parties involved in an 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.

If an employee will be placed on suspension during an investigation, notice of the suspension must be provided to the employee in writing. A suspended employee will be relieved of duties and are directed to have no contact with any College employee other than those conducting the investigation. Unauthorized conduct will be considered insubordination and may result in separate disciplinary action.

#### Written Notice of Disciplinary Action

Disciplinary action should be initiated as soon as possible after a violation is determined. 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

#### Verbal Warning

A verbal warning provides oral communication to an employee regarding a matter that is a minor infraction, first offense, or similar violation that the supervisor believes does not warrant more severe action. No notice of a verbal warning is placed in an employee's Human Resources file, however, the supervisor should maintain a record of it for cumulative discipline purposes.

#### Letter of Concern

A letter of concern provides an employee notice of a minor non-recurrent violation of policy

that warrants more attention than a verbal warning. This notification is advisory in nature and has no immediate punitive ramifications. It 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. A letter of concern is not placed in an employee's Human Resources file but will be maintained in the supervisor's file for the employee.

#### Reprimand

A letter of reprimand provides an employee notice of a significant or repeated minor violation of policy. It is punitive in nature. A letter of reprimand becomes a part of the employee's permanent record in Human Resources and makes the employee ineligible to apply for positions within the College for a period of six (6) months.

#### Letter of Reprimand with Disciplinary Suspension

A severe violation of policy may result in a letter of reprimand accompanied by a disciplinary suspension without pay. In such a case, the employee can be suspended without pay for up to five (5) workdays with the concurrence of the appropriate Senior Staff leader and the leader of the Human Resources department. The President must approve disciplinary suspensions exceeding five (5) workdays.

#### Demotion or Transfer

In concert with the issuance of a letter of reprimand, an employee may also be demoted or transferred to a position for which the employee currently meets the published minimum qualifications. The nature of the infraction will be one that renders the employee no longer suitable for the current position. The President must approve demotions and transfers.

#### Termination

Severe policy violations or failure to correct behavioral deficiencies can result in an employee's termination. The receipt of three (3) reprimands within a twelve-month period will normally result in termination. The decision not to 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 Senior Staff leader. Decisions to terminate will be made by the President in consultation with the appropriate Senior Staff leader and the leader of the Human Resources department.

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, [5:02:03:00/30](#).

#### Responsible

Source of Policy: N/A

Administrator: VP of HR

Related Policy: 5:00:00:00/41

TBR Policy Reference: \_\_\_\_\_

Approved: 

Date: January 22, 2024

President