



Rowan College of South Jersey

Administrative Procedure: 7009

EMPLOYEE CONDUCT AND WORK RULES

To ensure orderly operations and the best possible work environment, the College expects employees to follow rules of conduct that will promote respect and protect the interests and safety of all members of the College community. All employees are expected to wear a College photo ID or name badge during work hours.

Employees are expected to dress in accordance with accepted social and business standards in keeping with job responsibilities. Business casual is the standard for the academic year.

It is not possible to list all of the forms of behavior that are considered unacceptable in the workplace. Committing any violations will be considered sufficient grounds for disciplinary action, ranging from a verbal warning to immediate discharge depending on the seriousness and the frequency of the offense. Some examples of violations include:

- Patterns of absence or tardiness;
- Contributing to disorderly or unsanitary conditions;
- Disregard of business dress code standard;
- Failure to report for accepted overtime work without a justifiable reason, or failure to properly notify the College of such absence;
- Idling or inattention during work hours;
- Improper use of College property or facilities including parking areas;
- Indecent or abusive language or gestures;
- Leaving assigned work area without permission;
- Parking in unauthorized area;
- Participating in any activity that interferes with normal operations, or attempting to influence or persuade others to engage in such activities;
- Posting or removing notices in work areas or on bulletin boards without prior approval of the College;
- Rude or discourteous behavior to a student, vendor, or fellow employee;
- Smoking in unauthorized areas;
- Disregard or violation of safety rules or common safety practices;
- Failure to adhere to College policy and administrative procedures;
- Gambling during working hours;

- Making, publishing, or distributing false, vicious, or malicious statements concerning any vendor, employee, student, supervisor of the College, College facilities, or any individual directly or indirectly related to the conduct of College business;
- Solicitation or distribution of unauthorized material during work time;
- Failure to comply with federal, state, or College mandated training and/or required reading;
- Drinking, being under the influence of alcohol, or a detected odor of alcohol on an employee's breath during working hours;
- Ingesting, being under the influence, or a detected odor of marijuana, hashish, or cannabis item on an employee during working hours;
- Insubordination, including the refusal to follow a supervisor's instructions;
- Off duty conduct that reflects adversely on the College and/or may affect job performance and/or may result in an arrest and/or indictment for conviction of any crime;
- Retaliating against a student, vendor, or fellow employee;
- Sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature that has the purpose or effect of interfering with an employee's work performance or creating an offensive work environment;
- Sleeping or giving the impression of sleeping during working hours;
- Engaging in sexual or romantic (amorous) relationships with those involving a direct report/supervisory level position. These concerns exist even where the relationship is considered consensual by both participants. Moreover, even when consensual, relationships involving individuals of different College status have the potential to have an adverse impact on others in the College community; and/or
- A sexual or romantic relationship between a faculty member or visiting faculty member and a person for whom the faculty member has professional responsibility (including, for example, as a teacher, adviser, evaluator, or supervisor) raises concerns such as conflict of interest, abuse of authority, and unfair treatment. These concerns exist even where the relationship is considered consensual by both participants. Moreover, even when consensual, relationships involving individuals of different College status have the potential to have an adverse impact on others in the College community. As members of a community characterized by multiple formal and informal hierarchies, it is incumbent on members of the Faculty not to abuse, nor to appear to abuse, the authority with which they are entrusted.

Depending on the nature of the violation, it may be necessary to skip the warning steps. Any violation classified as misconduct will result in immediate termination. Some examples include:

- Abusing, destroying, or defacing College premises;
- Carrying, possessing, or using firearms or any dangerous weapons at any time on College premises;
- Dishonesty or the failure to report an act or plan of dishonesty;
- Falsification of one's own timecard, and/or another employee's timecard;
- Falsification, misuse, removal, or unauthorized disclosure of confidential College information or records to outsiders, including, but not limited to employee, student, or vendor information;

- Fighting, making threats, assault, or any act of violence;
- The inappropriate use of cameras, cell phones, imaging, and digital devices which is prohibited in showers, restrooms, or other areas where privacy is expected;
- Possession, sale, distribution, use, or being under the influence of illegal drugs, legalized substances (e.g. alcohol, marijuana, hashish, cannabis item, etc), or a controlled substance at any time on College premises. An employee using a legal drug (prescription drug), which may affect behavior is required to report such use to the supervisor prior to starting work. If job performance is adversely affected, the supervisor may remove the employee from that shift. If the job performance is adversely affected, the supervisor shall contact Human Resources to have the employee removed and escorted by Security or personal contact; and/or
- Theft, attempted theft, or unauthorized possession or removal of College property or the property of others.

The disciplinary steps are intended to be a guide for employees and supervisors. No disciplinary action should be imposed on any employee without the consultation of HR.

Supervisor's Guidance

The purpose for this administrative procedure is to ensure equitable treatment of employees in disciplinary actions. This administrative procedure applies to any and all employee conduct that the College, in its sole discretion, determines must be addressed by discipline. Of course, no discipline policy can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the College takes a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding discipline.

Policy and administrative procedure require supervisors to request the guidance of HR **prior** to any formal disciplinary action. Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the College's policies, practices, or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. Equally important, the College need not resort to progressive discipline, but may take whatever action it deems necessary to address the issue at hand. This may mean that more or less severe discipline is imposed in a given situation. Likewise, some policies like *7011 Harassment and Discrimination* and *7013 Sexual Misconduct and Rights of Victims* contain specific discipline procedures.

Progressive discipline may be issued on employees even when the conduct that leads to more serious discipline is not the same that resulted in less severe discipline. That is, violations of different rules will be considered the same as repeated violations of the same rule for purposes of progressive action.

The College will normally adhere to the following progressive disciplinary process:

Verbal Warning: an informal disciplinary action for violations is taken after ascertaining the facts and providing an opportunity for the employee to respond. Alternatively, the warning may take the form of a memo or email with acknowledgement and is maintained by the supervisor. A copy is **not** placed in the employee's personnel file.

Written Warning: a formal disciplinary action taken for violations or repeat violation(s) where a verbal warning had been given. The employee will have an opportunity to meet with the supervisor, HR representative, and an association representative, if applicable and requested by the employee. A copy of the written warning is filed in the employee's personnel file. Written warnings may be appealed according to Board policy or negotiated agreements. (See policy and administrative procedure, *7203 Grievances*)

Suspension: a formal disciplinary action has taken place in which an employee is on a non-pay status. An employee may be placed on suspension with pay, if an investigation is required. While a suspension is generally a progressive disciplinary step, dependent upon the severity of the infraction, a suspension may be imposed for the first offense. Suspensions may be appealed according to Board policy or negotiated agreements. (See policy and administrative procedure, *7203 Grievances*)

Termination: the most severe disciplinary action terminating the individual's status as an employee and may be based on the employee's actions **on** or **off the job**, depending on the adverse effects on the College. An employee will be terminated when he/she engages in conduct that justifies termination or does not correct the matter that had resulted in less severe discipline. Additionally, termination may be based on actions **before** appointment which reflect upon the employee's suitability for employment and which were not divulged or made known to the appointing officials at the time of appointment. Terminations may be appealed according to board policy or negotiated agreements. (See policy and administrative procedure, *7203 Grievances*)

While the College will generally take disciplinary action in a progressive manner, it reserves the right, in its sole discretion, to decide whether and what disciplinary action will be taken in a given situation.

Guidance for Terminations (Guidance of a representative from HR is required.)

- a. An employee may be given advance written notice of the proposed action that will be submitted to the Board of Trustees for approval. Terminations may be appealed according to Board policy or negotiated agreements. (See policy and administrative procedure, *7203 Grievances*.)
- b. The notice must state any and all reasons for the proposed action specifically and in detail. Normally, not more than one year of an employee's past disciplinary record may be considered in determining the severity of an adverse action except when past discipline is directly related to the current charges and establishes a pattern of abuse.

- c. All material relied on to support the reasons for the proposed action must be assembled and made available to the employee for review.
- d. The employee must be informed of the right to appeal the action or of the right to grieve using the negotiated grievance procedure, if applicable. (See policy and administrative procedure, *7203 Grievances*)
- e. A reasonable amount of time must be allowed for the employee to secure affidavits and prepare a reply. There is no formula for determining what a reasonable time is. A maximum time to reply in terms of work hours should be stated in the proposal. It can be extended on approval of a written request from the employee.
- f. The employee must be given an opportunity to make any pleas which may sway the decision. It is not proper to restrict the employee to responding solely to the reasons given for proposing the action. The employee may plead extenuating circumstances or make any other representation.
- g. If the employee replies, the reply must be considered before the proposed action is submitted to the Board of Trustees.
- h. The official who hears the employee's personal reply must have the authority to submit the final action to the Board of Trustees for approval.
- i. The final action cannot be more severe than the action that was proposed, but may be less severe.
- j. The final decision must be approved by the Board of Trustees. HR must prepare a RICE notice and ensure delivery to the employee at least 48 hours prior to the Board of Trustees meeting.

Area: Human Resources
Approved: 07/01/19, 02/08/22, 9/22/22, 12/13/22
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President's Authorization: _____



References:

Rowan College of South Jersey Board of Trustees Policy Manual, *7009 Employee Conduct and Work Rules; 7011 Harassment and Discrimination; 7013 Sexual Misconduct and The Rights of Victims; 7017 Conscientious Employee Protection – Whistleblower; 7203 Grievances; and 7307 Employee Performance Appraisal and Salary Administration.*

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