



# Eastern Kentucky University

## Policy and Regulation Library

Human Resources Regulation: 8.3.3HRR

Responsible Office(s): Office of Human Resources

Effective: March 4, 2021

Next Review Date: March 4, 2026

## Human Resources Regulation: 8.3.3HRR Employee Conduct

### Statement

Eastern Kentucky University seeks to create an environment in which employees are civil, collegial, and respectful of individuals and individual differences. The University expects all employees to conduct themselves in such a way as to contribute to this environment. The intent of this Policy is to prevent improper conduct or, alternatively, stop and/or redress improper conduct as quickly as possible in a consistently fair manner while protecting academic freedom and advancing the mission and values of the University. Retaliation is prohibited.

Employees may pursue complaints of violations of this Policy through the appropriate grievance process. The University may also investigate and pursue possible violations of this Policy as well as disciplinary action without the filing of a formal grievance.

Matters implicating Policy 1.4.1, Discrimination and Harassment, shall be referred to the Office of Institutional Equity.

### Entities Affected

All University employees

### Procedures

#### Progressive Discipline

The University is an employment-at-will workplace. At-will employment is an employment relationship that may be terminated at any time by either the employee or the University. Unless other contractual obligations apply, using Progressive Discipline is at the sole discretion of the University. Tenured faculty may also see Policy 4.6.16, Dismissal of Faculty, which provides the process by which tenured faculty may be dismissed.

Unsatisfactory work performance occurs when overall job performance does not meet the University's minimum standards. When an employee's job performance is not satisfactory, the University may employ a system of Progressive Discipline. Generally, this discipline system is intended to provide employees with notice of unsatisfactory work performance and an opportunity to improve that performance to a satisfactory level through coaching or corrective action. The University is never obligated to utilize Progressive Discipline or corrective action. If corrective action is used and sufficient improvement is not demonstrated, additional measures of Progressive Discipline may be used, up to and including termination.

## **Work Rules for Employees**

The following four categories of behavior are set forth to inform all employees of examples of personal misconduct that could result in disciplinary action, ranging from, for example, verbal reprimand to immediate termination of employment, depending upon the specific form of conduct, the severity of the offense, and the number and dates of infractions. All disciplinary actions shall be appropriately documented and may be subject to the appropriate grievance policy. Supervisors are encouraged to work with Human Resources when implementing Progressive Discipline. While possible non-compliance under this Policy is reviewed, the appropriate supervisor, in consultation with Human Resources, may impose Interim Measures for the duration of the review.

The decision to terminate employment is subject to review, prior to termination, for reasonable grounds and recommendation of an appropriate level of discipline by Human Resources. Terminations are not grievable.

This Policy prohibits Retaliation against any person who reports possible non-compliance. Administrative actions taken by the University in response to Reports of non-compliance do not constitute Retaliation, and nothing in this policy is intended to interfere with legitimate employment, academic, or business decisions that are unrelated to the underlying complaint of Retaliation.

## **Gross Misconduct**

Grounds for immediate dismissal for misconduct, after due consideration to the nature and severity of the action or problem, include, but are not limited to the following. Acts of gross misconduct noted with an asterisk may result in the employee being ineligible for participation in COBRA benefits following termination.

- Insubordination, which includes, but is not limited to unwillingness or refusal to perform assigned duties and follow job instructions;
- Falsification of University documents or records, including, but not limited to, the application for employment as well as time records; \*
- Any act undertaken while in the employee's official university capacity that serves to defame or malign the reputation of the university;
- Dishonesty on the job;

- Theft; \*
- Imperiling the safety of University employees or the public; \*
- Possession of a firearm on University property other than staff employees authorized to possess a firearm such as police or military personnel in violation of the Weapons on Campus policy; \*
- Gambling on University property;
- Negligent destruction of University property;
- Illicit drug use, or the influence thereof, or the unauthorized use or consumption of, while on the job or while on University property;
- Alcohol use, or the influence thereof, or the unauthorized use or consumption of, while on the job or while on University property, except as otherwise noted in Policy 9.1.1, Service, Sale, and Consumption of Alcoholic Beverages;
- Acts that constitute a violation of local, state, or federal law on University property;
- Incarceration following a conviction of a misdemeanor or felony by a court of competent jurisdiction, which results in missing at least five (5) consecutive working days;
- Job Abandonment;
- Any action or creation or participation in a situation that recklessly or intentionally endangers mental or physical health;
- Bullying or other Harmful Conduct;
- Retaliation, as prohibited by Policy 1.4.1, Discrimination and Harassment;
- Fighting and/or physical assault on University property while on the job; \*
- Improper and unauthorized use of University Pro-card;
- Violation of the Policy 1.4.1, Discrimination and Harassment;
- Threatening, attempting, or doing bodily harm to another person; \*
- Threatening, intimidating, interfering with or using abusive language towards others; \* and
- Any act of violence. \*

The following sets of rules are set forth by Eastern Kentucky University to inform all employees of personal conduct considered unacceptable as a university employee. These rules are established so the University can attain its objectives in an orderly and efficient manner and are not intended to restrict the right of employees but rather to advise employees of prohibited conduct. Grounds for Progressive Discipline, after due consideration to the nature and severity of the action or problem, include, but are not limited to the following:

#### Work Performance

- Failure to comply with University policy;
- Loafing, loitering, and/or sleeping on the job;
- Engaging in unauthorized business;
- Unauthorized disclosure of confidential information or records;
- Knowingly providing false information to other state agencies or University employees or administrators responsible for record-keeping;

- Failure to provide accurate and complete information whenever such information is required by an authorized person;
- Failure to comply with health, safety, and sanitation requirements, rules, and regulations;
- Negligence in the performance of assigned duties;
- Discourteous or rude behavior toward other employees, students, visitors, or the general public;
- Failure to follow job instructions;
- Failure to perform duties in a timely, competent, and responsible manner;
- Conviction of any crime or behavior of any nature which reflects adversely on the University;
- Making false or malicious statements concerning other employees, supervisors, or students of the University;
- Use of tobacco products in violation of applicable University policy;
- Inappropriate dress or lack of personal hygiene which adversely affects the proper performance of duties or constitutes a health or safety hazard; and
- Unauthorized or improper use or possession of uniforms, identification cards, badges, or permits;

#### Attendance and Punctuality

- Failure to report promptly at the starting time of a shift or leaving before the scheduled quitting time without specific approval of the supervisor;
- Excessive absenteeism and/or tardiness;
- Failure to observe the time limits and scheduling of lunch or rest periods;
- Working overtime without the specific approval of the supervisor; and
- Failure to notify the supervisor promptly of absence or tardiness, including advance notice when anticipated.

#### Use of University Property

- Unauthorized or improper use of University property or equipment, including vehicles, telephones, computers, or mail;
- Unauthorized use of University resources for personal financial gain;
- Unauthorized possession or removal of University or another person's private property;
- Unauthorized posting, or removing notices, or signs from bulletin boards or other approved locations;
- Unauthorized use, lending, borrowing, or duplicating of University keys; and
- Unauthorized entry to University property, including unauthorized entry outside of assigned hours of work or entry to restricted areas.

## Definitions

- **Bullying:** Bullying is repeated unwelcome behavior that involves a real or perceived power imbalance that a reasonable person would find hostile, threatening, intimidating, or humiliating, or that isolates the targeted individual(s). Expectations for satisfactory job performance, performance reviews, and evaluation or feedback on job performance do not constitute Bullying. Bullying may take, but is not limited to, one or more of the following forms:
  - Cyberbullying;
  - Exclusion or isolation in the workplace;
  - Unwarranted physical contact; and/or
  - Verbal abuse.
- **Harmful Conduct:** Conduct or behaviors (including nonverbal) that a reasonable person would find hostile, threatening, intimidating, or humiliating.
- **Interim Measures:** Temporary arrangements made by the University pending review of noncompliance. These may include, but are not limited to:
  - Obtaining an agreement between the parties;
  - Physically separating the parties;
  - Changing reporting lines;
  - Referring the parties to counseling and coaching programs; and/or
  - Conducting or mandating targeted educational and training programs.
- **Job Abandonment:** When an employee fails to report to work without notice for three (3) consecutive days on which the employee is scheduled to work.
- **Laws, Regulations, and Policies:** Federal or state laws, administrative regulations, and University policies, regulations, or procedures.
- **Progressive Discipline:** A process for addressing job-related behavior that does not meet performance standards using increasingly severe measures. For illustrative purposes, Progressive Discipline may include oral warnings, written corrective action, probations, suspensions, and terminations. However, any of these steps may be omitted, depending on the severity or frequency of the infraction.
- **Report:** Disclosure of possible non-compliance with Laws, Regulations, and Policies.
- **Reporter:** Any University Community Member who possesses a reasonable, good faith belief that possible non-compliance with Laws, Regulations, and Policies has occurred and who make a Report.

- **Retaliation:** Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by applicable civil rights law and/or this Policy, or because the individual has made a Report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable civil rights law and/or this Policy.

Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination or harassment, but arise out of the same facts or circumstances as a Report or Complaint of prohibited conduct, or a Report or Complaint of prohibited conduct, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

Retaliation does not include the exercise of rights protected under the First Amendment, good faith actions lawfully pursued in response to an allegation of a violation of this Policy, or charging an individual with a code of conduct violation for making a materially or deliberately false statement or accusation in the course of a proceeding under this Policy, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Retaliation can be committed by or against any individual or group of individuals, including a Respondent or Complainant. Retaliation is still prohibited even when there is a finding of no responsibility for the allegation.

- **University Community Member:** All faculty, staff, students, and Board of Regents members, as well as anyone doing business for or with the University.

## Responsibilities

- Office of Human Resources
  - Responsible for providing oversight, guidance, and coordination of this Policy.
- Employees
  - Required to adhere to this Policy and other policies of the University and to perform their job in a professional and productive manner.
- Supervisors
  - Responsible for providing leadership to assigned employees and accountable for dealing with issues related to work performance or employee misconduct that affect the productivity and/or efficiency of the work setting.

## Violations of the Policy

Violations of this Policy shall be addressed in accordance with the procedures established above.

## Regulation Adoption Review and Approval

### Regulation Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
March 4, 2021	Board of Regents	Adopted