

**STANDARDS OF CONDUCT,
EMPLOYEE TERMINATIONS, LAYOFFS, AND RESIGNATIONS**

ARTICLE NUMBER: 316

LAST APPROVED: September 8, 2008, May 2, 2016, February 5, 2018, December 3, 2018

REFERENCE: 305.E, 316.3, 316.4, 317

STATEMENT: 316.1

For the purpose of this Policy statement, "College" shall be defined to mean the Tillamook Bay Community College Board of Education and or its designee(s).

STANDARDS OF CONDUCT: 316.2

In order to promote individual development and the common good, the College has outlined the following standards to guide employees on how to conduct themselves when dealing with others in an academic institution. The College is committed to a learning environment that fosters respect, integrity, professional behavior, and fair and impartial treatment of students and staff in serving the educational needs of the community.

- A. Respect for all persons.
- B. Honesty in actions and speech.
- C. Fairness and justice in the treatment of all.
- D. A pervasive sense of integrity and promise-keeping.
- E. A commitment to:
 - a. Intellectual and moral development
 - b. Quality
 - c. Individual empowerment
 - d. The Community College philosophy
 - e. The College
- F. Openness in communication.
- G. Belief in diversity within an environment of collegiality and professionalism.

CONFLICT OF INTEREST: 316.3

It is the policy of the College that conflicts of interest should be avoided where possible, or otherwise disclosed to your supervisor for appropriate action. A conflict of interest exists if an

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employee has the ability to use his or her position with the College to secure a personal benefit for themselves, a family member, a close personal friend, etc. For example, a conflict of interest arises if the employee is in a position to influence a business decision of the College in a way that could result in a financial benefit to the employee. Supervisors and employees are expected to use good judgment to identify possible conflicts of interest and deal with them appropriately.

Consensual sexual or mutually recognized romantic or dating relationships pose an apparent or actual conflict of interest if one of the parties in the relationship has responsibility for supervising, evaluating, directing or overseeing the other, or has the power to directly influence the other person's educational or employment status.

The conflict of interest these relationships pose can undermine both the integrity of the supervisory or evaluative relationship and the College's commitment to a positive educational/employment environment. If these relationships exist, the person of greater authority or power will bear the primary burden of accountability in ensuring that the relationship is consensual, and that he or she exercises no supervisory or evaluative function over the other person in the relationship.

The President shall assure that College procedures regarding consensual sexual or mutually recognized romantic or dating relationships between employees and with students are clearly stated and consistently administered.

DISCIPLINARY STANDARDS: 316.4

- A. The College believes that most employees prefer to work in an environment in which serious or repeated violations of the College's standards are not permitted. With that in mind, the infractions listed in 316.5 and 316. below describe behaviors which conflict with the College's accepted standards of conduct and warrant disciplinary action.
- B. The College believes these infractions are clear and require little explanation. However, if an employee has any questions, he/she may consult his/her supervisor or the Director of Human Resources. Obviously, every possible infraction cannot be listed. Conduct not specifically mentioned will be disciplined according to the standards followed for what the College feels is the most equivalent type of conduct listed.
- C. Aside from the College's right and an employee's right to terminate the relationship at any time and for any reason, the College may issue verbal or written warnings, suspend, demote, or take other disciplinary action against employees for violation of rules or policies as the College deems appropriate.

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- D. Each situation will be evaluated according to the circumstances involved, and the type of discipline administered may vary from that listed in each group based upon the College's determination of the seriousness of the offense.
- E. An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. The College will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate.
- F. Nothing in this policy is intended to alter an employee's "at-will" status of employment. Employment may be terminated by the employee or the College at any time and for any reason, unless expressly stated otherwise in a written contract or employment agreement signed by the President of the College.
- G. If an employee believes he/she has been unfairly disciplined, the employee may use the grievance procedure in Article 317.

VIOLATIONS OF SIGNIFICANCE: 316.5

- A. When a regular employee has committed a violation of significance, the employee will generally receive a written warning prior to termination. Employees on trial period or temporary employees will not generally be given a written warning prior to termination.
 - a. A warning for different violations or infractions may be combined to determine the type of discipline administered.
 - b. Written warnings will remain on an employee's record indefinitely, subject to Policy 305.E.
- B. These types of violations or infractions include, but are not limited to, the following:
 - a. Unsatisfactory, careless, inaccurate, unreliable, or otherwise poor work performance or productivity.
 - b. Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to notify the College of intended absence or tardiness or failure to comply with other reporting policies.
 - c. Interfering with or impeding any employee's work by talking or creating other distractions.
 - d. Performing other than College work during work hours without authorization.

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- e. Failure to follow safe working practices. (Note: When the College feels an employee has committed a serious safety violation, that employee is subject to immediate discharge).
- f. Failure to promptly report an accident or injury or cooperate in accident or injury investigations.
- g. Using College property for personal use, without advance approval.
- h. Discriminatory behavior or harassment of a racial, ethnic, sexual, disability related or religious natures, which in the College's view, is not serious enough to justify immediate discharge. This also includes discriminatory behavior resulting from a consensual sexual or mutually recognized romantic or dating relationship in which one of the parties has the power to directly influence the other person's educational or employment status.
- i. Being rude or otherwise uncooperative in dealing with co-workers, supervisors, students, or members of the public.
- j. Violating any College policy or practice which is presently in effect or subsequently issued.
- k. Violating one or more of the Standards of Conduct, or any other conduct which is, in the view of the College, sufficient to justify discipline.

VIOLATIONS OF GREATER SIGNIFICANCE: 316.6

- A. When an employee has committed a major violation, that employee is subject to immediate discharge or suspension.
- B. These types of infractions include, but are not limited to, the following:
 - a. Threatening, intimidating, coercing or assaulting another employee, supervisor, student, or member of the public.
 - b. Insubordination, including failure to follow any verbal or written job instructions issued by a person in a position of authority as determined by the College.

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- c. Provoking or instigating arguments, dissension or fights during working hours or on College premises or engaging in horseplay which results in injury or property damage.
 - d. Deliberately delaying or restricting the operations of the College, or inciting others to delay or restrict the operations of the College.
 - e. Destroying, or damaging College property, tools or equipment, or the property of others on College premises.
 - f. Falsifying any reports or records, such as applications, absence and sickness reports, or time records.
 - g. Dishonesty of any type.
 - h. Committing violations of safety rules or safe working habits which the College feels are repeated or serious.
 - i. Engaging in discriminatory behavior or harassment of a sexual, racial, ethnic, disability related, or religious nature which the College considers to be repeated or serious. This also includes discriminatory behavior resulting from a consensual sexual or mutually recognized romantic or dating relationship in which one of the parties has the power to directly influence the other person's educational or employment status.
 - j. Violation of the College's Drug and Alcohol Policy.
 - k. Violating any College policy presently in effect or subsequently issued which the College feels is serious enough to justify immediate discharge.
 - l. Violating the College's Standard of Conduct or any other conduct which is, in the view of the College, serious enough to justify discharge or suspension.

LAYOFFS: 316.7

- A. The work performed by the College is subject to work load fluctuations and the general economy of the community the College serves. Changes in scheduled work load and/or decreases in financial resources may affect staffing needs. In the event the College determines it is necessary to eliminate jobs or otherwise curtail operations, layoffs will be necessary.

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- B. The decision of individuals to be laid off will be made by the College based on its determination of overall needs and the relative skills and ability of the employees.
- C. Employees who are laid off do not have recall or reinstatement rights, except as required by law.

RESIGNATIONS: 316.8

- A. A resignation is defined as voluntary termination of employment by an employee.
- B. Employees who voluntarily resign their employment with the College should submit a written resignation to their department head or the Director of Human Resources. A brief statement of the reason for the resignation should be included in the written resignation.
- C. Employees who decide to leave the College are encouraged to provide as much notice as possible.

PAYMENT OF VACATION UPON TERMINATION OF EMPLOYMENT: 316.9

An employee, whose compensation is fully funded by the College General Fund and who leaves the College's employment will be paid all wages due and all accrued, unused vacation pay up to 160 hours, or at the discretion of the President.