

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

All College District personnel shall recognize and respect the rights of students, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the College District and shall respect the position and authority of their supervisors.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels and shall not be insubordinate or disrespectful. [See DGBA]

**Code of Conduct**

The Code of Conduct shall apply to all faculty members, staff, and volunteers both while they are on the premises of the College District and when they are away representing the College District or attending a College District function.

As a community college and public entity, it shall be necessary to prescribe certain behaviors relative to the desired type of educational climate and workplace. The goal shall be to promote a safe, orderly, efficient, and effective educational institution with an ideal work climate for all employees.

The following list identifies conduct and behaviors prohibited of all employees. There are some offenses, though not listed, that would be so clearly wrong that no specific reference is necessary. Infractions may result in corrective action, including immediate discharge, as determined by the College District at its discretion.

An employee shall not:

1. Solicit, accept, or agree to accept any benefit, gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties, or that the employee knows or should know is being offered with the intent to influence official conduct. Any gift from an external business or individual valued at \$100 or more shall be deemed to violate this provision, regardless of the intent of the source of the gift.
2. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the employee's official powers or performed official duties in favor of another.
3. Disclose confidential information, information that is excluded from public disclosure under the Texas Public Information Act, or information that has been ordered sealed by a court that was acquired by reason of the employee's official position, or accept other employment, including self-employment, or engage in a business, charity, nonprofit organization, or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential

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information, information that is excluded from public disclosure under the Texas Public Information Act, or information that has been ordered sealed by a court that was acquired by reason of the employee's official position.

4. Accept employment, including self-employment, or compensation or engage in a business, charity, nonprofit organization, or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of official duties.
5. Make personal investments, or have a personal or financial interest, that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest.
6. Utilize College District time, property, facilities, or equipment for any purpose other than official College District business, unless such use is reasonable and incidental and does not result in any direct cost to the College District, interfere with official duties, or interfere with College District functions.
7. Utilize the employee's official position or College District-issued items, such as a badge, to obtain financial gain or privileges, or to avoid consequences of illegal acts.
8. Knowingly make misleading statements, either oral or written, or provide false information in the course of official College District business.
9. Knowingly make false and damaging statements about the College District, its students, or employees, regardless of the means and environment in which the statements are made.
10. Deliberately refuse to follow a job-related directive or assignment that is legal and does not violate safety rules or regulations.
11. Engage in any political activity while on College District time or utilize College District resources for any political activity.
12. Use the employee's own public office for private gain.

An employee shall:

1. Perform the employee's official duties in a lawful, professional, and ethical manner benefiting the College District;

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2. Report any conduct or activity that is in violation of this ethics policy to his or her immediate supervisor and the executive director of human resources within three calendar days of the conduct or activity taking place;
3. Endeavor to avoid any actions that would create the appearance that the employee is violating the law or the ethical standards of the College District; and
4. Maintain a positive and professional work atmosphere by acting and communicating in a manner where the employee gets along with guests, students, faculty, and staff at both the campus and at any time while the employee is representing the College District.

**Violations**

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCC, DIAA, and DM series]

**Electronic Media**

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

The College District's social media policy is approved by the Board.

**Record Retention**

An employee shall comply with the College District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CIA and GCB]

**Personal Use**

Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or College District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

**Computer and  
Network Acceptable  
Use**

Employees shall be provided personal computers and access to the campus network as an integral part of the teaching process and/or the performance of their duties. Prohibited conduct regarding the use of a computer includes, but is not limited to, theft or abuse of computer time; unauthorized entry into a file to use, read, change the contents of, or for any other purpose; unauthorized

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transfer of a file; use of another individual's identification and password; use of computing facilities or equipment to send, receive, or transport obscene, abusive, or pornographic messages or images; overloading or making the computing facilities nonfunctional (virus); and breaking into the computing facilities (hacking).

**Safety Requirements**

All employees shall adhere to College District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

**Alcohol and Drugs**

The Board expects all employees to discharge their duties free from the influence of controlled substances and thereby maintain a working environment free of the problems associated with the use and abuse of controlled substances.

A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be provided each employee upon employment.

Employees shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on College District property or at College District-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any glue, aerosol paint, or any other chemical substance for inhalation that can be abused.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance or alcohol.

Public intoxication, driving under the influence of alcohol, or the violation of any alcohol or drug laws, whether on or off duty is prohibited. Therefore, while it is recognized that employees may choose to consume alcohol, it is expected that employees will drink responsibly.

**Exceptions**

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;

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2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use;
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian;
4. Cultivates, possesses, transports, or sells hemp as authorized by law; or
5. Possesses, sells, or distributes Dextromethorphan.

The College President is authorized by the Board to permit the serving and consumption of alcohol at appropriate College District functions.

Notice

Each employee shall be given a copy of the College District's notice regarding a drug-free workplace. [See DI(EXHIBIT)]

**Arrests, Indictments, Convictions, and Other Adjudications**

An employee shall notify his or her immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, Class A or Class B misdemeanor, or any offense involving moral turpitude. Police department employees should notify the chief of police per department policy.

Moral Turpitude

Moral turpitude includes but is not limited to:

1. Dishonesty, fraud, deceit, theft, or misrepresentation;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Any form of sexual harassment, sexual violence, or sexual assault;
5. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
6. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
7. Acts constituting abuse under the Texas Family Code.

**Tobacco-free Workplace**

Except as otherwise stated herein, the College District prohibits the use of all tobacco products, including but not limited to, cigarettes,

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electronic cigarettes, smokeless tobacco of any kind, cigars and cigarillos, hookah-smoked products, pipes, oral tobacco, nasal tobacco, as well as any product intended to mimic tobacco products that contains tobacco flavoring or that delivers nicotine other than for the purpose of cessation (collectively "tobacco") on all property owned, leased, occupied, or controlled by the College District. This shall include all buildings, vehicles, grounds, sidewalks, and streets considered campus property.

Employees employed prior to January 1, 2014, ("pre-2014 employees") may use tobacco products outside in designated areas during breaks. Pre-2014 employees in uniform, whether issued by Tyler Junior College (TJC) or provided by the employee, shall not use tobacco products in plain sight of the public, students, or others. This policy applies to all College District property but does not supersede departmental policies that may be more restrictive regarding uniformed employees. Using tobacco products while in uniform outside of designated areas is a violation of this policy and detracts from the College District's mission and commitment to the communities it serves. Tobacco use by pre-2014 employees should only occur in designated areas and while on break from any College District duties. When using tobacco products in designated areas, cigarette butts or other traces of litter or tobacco use shall not be left on the ground or anywhere else. Any litter shall be disposed of properly in the receptacles provided for that purpose. No additional breaks beyond those allowed under the College District's break policy may be taken for the purpose of using tobacco products.

Each pre-2014 employee is expected to abide by this policy in all respects while at work, whether on or off College District premises, at a work-related site, or while in transit between work locations or assignments, as well as while the employee is off duty, if the employee is on College District premises or in vehicles owned, leased, or rented by Tyler Junior College. Being permitted to use tobacco products during breaks is a privilege, and such use must not interfere with the pre-2014 employee's work, fitness for duty, or professional appearance. If that privilege is abused, it may be withdrawn altogether and may be grounds for discipline, up to termination.

The provisions set forth above regarding tobacco products being allowed in designated areas do not apply to any employee hired on or after January 1, 2014.

An employee shall not give or sell tobacco products or e-cigarettes to a person in violation of law.

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The progressive disciplinary procedure set forth in DL(REGULATION) may be applied for all violations of the tobacco-free workplace regardless of whether the employee is a noncontractual or contractual employee. The College District reserves the right to terminate any employee for the same violations.

An employee seeking assistance or related educational materials shall contact the office of human resources.

**Tobacco-free Hiring**

Effective January 1, 2014, the College District shall cease hiring tobacco users in its efforts to improve the overall health of its workforce and to reduce health-care costs borne by the taxpayers. This policy shall apply to all contract and noncontract employees hired after the effective date, whether full-time, part-time, or temporary; at work and during nonworking hours; and to any and all tobacco products and nicotine delivery devices including cigarettes, electronic cigarettes, smokeless tobacco of any kind, cigars and cigarillos, hookah-smoked products, pipes, oral tobacco, nasal tobacco, as well as any product intended to mimic tobacco products that contains tobacco flavoring or that delivers nicotine other than for the purpose of cessation (collectively "tobacco"). Persons applying for employment with the College District shall be required to complete an attestation as to their tobacco usage as part of the application process.

The College President or designee may make an exception to this provision for the hiring of someone who is part-time and who would actively work for the College District for a short or temporary period of time. Any exceptions may be based on extenuating circumstances, the lack of availability of qualified candidates and/or particular expertise in a certain area, and what is determined to be in the best interest of the College District.

Tobacco-free hiring went into effect on January 1, 2014. Employees employed on or after this date have attested to be non-tobacco users and must abide by this policy. If a current employee terminates employment and then reapplies after the effective date, or if the employee is hired into a full-time position from a part-time position after the effective date, the employee shall be subject to this provision. Current employees who are tobacco users are encouraged to enroll in a tobacco cessation program, which is offered under the group health insurance program.

If an employee to whom this provision applies begins using tobacco products after being hired and attesting to no tobacco use, he or she shall be required to self-report such usage to the College District. Self-reporting should occur to the employee's immediate supervisor and the executive director of human resources within three calendar days. Failure to do so may result in termination of

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employment. If, after self-reporting, the employee continues to use tobacco products and/or devices stated within this policy, the matter will be treated as a falsification of the tobacco attestation document, and the employee will be terminated.

If an applicant or employee falsifies his or her no tobacco attestation on an application, he or she shall be subject to termination. If the College District has a reasonable individualized suspicion that an employee who is subject to this provision is using tobacco products, the employee shall be required to submit to nicotine testing upon request by a College District official and shall be subject to termination if the test is positive.

If an applicant ceases to be a tobacco user, he or she may reapply for employment when the individual can truthfully attest that the individual has not used tobacco for the prior six-month period.

**Identification Cards**

All employees and students of the College District must obtain a TJC identification (ID) card. A valid TJC ID card must be properly displayed by employees and students whenever present on the College District campus. "Properly displayed" shall mean on an approved lanyard worn around the neck or an approved clip with the ID prominently displayed. Approval of any and all identification procedures or items will be made by the TJC Police Department. The TJC ID card shall be the property of the College District and must be surrendered upon demand if requested by a College District official. This and other policies of the College District shall be enforced by all employees of the College District.

The TJC ID card shall be intended for the sole use of the individual pictured and/or named on the card and shall not be shared with any other person or duplicated in any form or manner.

Violation of this policy by any student, faculty, or staff member may result in a citation issued by the TJC Police Department.

An employee who violates this provision shall be subject to a fine and/or disciplinary action including termination.

**Reporting Violations of Law**

Each employee shall report violations of law to his or her supervisor, a human resources representative, the appropriate vice president or provost, or the College President as soon as he or she may become aware of the same. Failure to make such a report may compromise the integrity of the College District, depending upon the severity of any concealment, and may subject the employee to disciplinary action, including termination of employment with the College District.

In instances in which the employee asserts that he or she is being suspended, terminated, or discriminated against on account of the



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good faith reporting of a violation of law, the employee has all rights and protections afforded by law and in particular under V.T.C.A., Government Code 554.001, et. seq., whereby such action is a form of unlawful retaliation. An employee claiming retaliation under this section shall exhaust all administrative remedies to correct an alleged injustice, including filing a resolution of employee concern form and following the appropriate procedures thereafter. [See DGBA(LOCAL)]

**No Weapons on Campus**

Weapons shall not be permitted on College District premises pursuant to law, except by licensed peace officers under current commission by the Board or individuals with a license to carry a concealed weapon.

**Consensual Relationships**

Consensual dating, romantic, or sexual relationships between employees, or an employee and a student, can create significant problems, conflicts of interest, and/or appearances of impropriety that impair the workplace or educational environment. The College District strongly discourages such relationships and any conduct that might reasonably be expected to lead to a dating, romantic, or sexual relationship.

Consensual dating, romantic, or sexual relationships between individuals in unequal positions are inherently problematic, may lead to potential claims of sexual or other harassment, and are potentially inconsistent with the College District's mission and purpose. A College District employee is prohibited from engaging in any consensual romantic or sexual relationship with:

1. A student or student-employee to whom the employee has responsibilities to teach, advise, coach, supervise, counsel, evaluate, or otherwise facilitate the student's academic career or any extracurricular activity; or
2. Any employee or member of the College District community in which he or she has any direct or indirect supervisory responsibilities.

A violation of this policy may be cause for disciplinary or corrective action up to and including termination of employment.

Complaints may be initiated by any student, employee, or other member of the College District community who is or has been in a romantic or sexual relationship or who is or has been the subject of overt romantic or sexual advances, or by third parties who allege they have been specifically adversely affected by such a relationship. [See DGBA and DIAA]

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**Unauthorized  
Recording**

No employee may record, by any means, a conversation of an employee or student unless all of the following criteria are met:

- There is a legitimate purpose for the recording;
- A recording device is in plain view; and
- There is written authorization from the supervisor of the employee who wishes to record the conversation.

Secret recordings shall be strictly prohibited unless authorized in writing by an authorized representative of the College District. A violation of this provision may result in disciplinary action, including termination.