Policy

UNIVERSITY POLICY: HR-22.00-2004/07

TO: University of West Florida Community

FROM: Dr. John Cavanaugh, President

SUBJECT: Standards of Conduct

Responsible Office/Executive: Executive Vice President and Human Resources

Policy/Purpose: University of West Florida employees are expected to adhere to specified professional standards in the performance of their duties and comply with Federal and State laws and regulations, as well as UWF rules, policies, and procedures.

CONTENTS:

(1) Conduct
(2) Standards of Professional Conduct and Violations of Professional Conduct
(3) Letter of Counseling
(4) Standards for Disciplinary Actions
(5) Alcoholism, Drug Addiction, and Alcohol and Drug Abuse
(6) UWF Standards for Disciplinary Action Table

(1) Conduct

(a) All UWF employees are expected to conduct themselves in a professional manner, adhere to the University's Code of Ethics and comply with the Standards of Professional Conduct as outlined in this Policy.

(b) Conduct which constitutes a violation of Standards of Professional Conduct are outlined in (2) below.

(c) The University of West Florida will take corrective action when an employee has violated Standards of Professional Conduct.

(2) Standards of Professional Conduct and Violations of Professional Conduct

(a) Time Management, Work Effort, and Work Station

1. Professional Standard - Employees shall manage their work time for maximum efficiency and effectiveness.

2. Examples of Violations

a. Excessive Tardiness or Unexcused Tardiness - when an employee does not adhere to established and approved work hours and/or develops a pattern of tardiness that adversely affects an employee's work or the work of others or that is inconsistent with the position description, University rules, policies, or procedures.

b. Excessive Absenteeism - frequent absences from work, whether necessary or excusable. A pattern of absences by an employee such as recurring absences on the day preceding or following the employee's regular days off, or absences on the same day of

each week or month, shall be considered excessive.

c. Loafing, Dozing, or Sleeping While at Work - loafing includes wasting time, chatting, and horseplay as well as non-work related activities such as reading non-work related books and other materials, visiting non-work related internet sites, conducting personal business over the telephone or e-mail, completing unauthorized course work assignments, writing personal letters, or playing computer games during the employee's work hours.

d. Unauthorized Absence from Work Station or Duty Assignment - failure of the employee to obtain permission from the supervisor to leave or be away from the work station.

e. Unauthorized Leave - failure of the employee to obtain approval from the supervisor to take any kind of paid or unpaid leave.

f. Strike or Concerted Activity - as defined in Florida law.

g. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(b) Performance of Duties

1. Professional Standard - employees shall perform the duties and responsibilities assigned by the supervisor.

2. Examples of Violations

a. Use of Poor Judgment - an employee's failure to consider the consequences of his or her actions and/or verbal and written communication.

b. Failure to Follow Instructions - includes failure to carry out oral or written work assignment or instructions within a reasonable time or by a specified deadline.

c. Negligence - carelessness, lack of care, caution or attention, diligence, or discretion.

d. Insubordination - including, but not limited to, deliberate refusal, failure, or delay in carrying out any proper order, work assignment, instruction, or policy; disrespectful conduct or language toward an authority.

e. Lying - statements, written or oral, that are deliberately misleading, inaccurate, or incorrect.

f. Falsification of Records - deliberate misrepresentation or fraud on official documents such as an employment application, travel records, leave records, or work records.

g. Use or Abuse of Alcohol or Reporting to Work under the Influence of Alcohol - reporting to work under influence of alcohol or use of alcohol on the job. Note: An employee reporting to work under the influence of alcohol or who uses alcohol on the job shall be sent home, placed on leave without pay, and appropriately disciplined.

h. Failure to Report Revocation or Suspension of Driver's License - failure to report the revocation or suspension of a driver's license where driving is a job-related function or the employee has access to University owned vehicles.

i. Divulging or Mishandling of Confidential Information - the act of divulging confidential information or disseminating, releasing, altering, defacing or removing any department record without proper authorization.

j. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(c) Property Rights

1. Professional Standard - employees shall respect the rights of the University, and of others, in the use and benefits of property. Unauthorized use, misuse and abuse of University property are strictly prohibited.

2. Examples of Violations

a. Unauthorized Use of University Property - using a University boat for personal recreation, making personal long distance telephone calls charged to a department telephone, using University property such as copying machines, computers, or typewriters for personal business, or using a University vehicle for personal errands. University equipment may be used for official purposes off-campus. Forms are available from the Property Section, in the Financial Accounting Services Office, to obtain approval for such use.

b. Misuse or Abuse of University Property or Equipment - improper use of equipment, reckless driving or handling of a University motor vehicle or boat, using personal computer or the Internet/Intranet/E-mail in violation of law or University policies.

c. Theft - stealing property belonging to the University, co-workers, contractors, or others while at work or in work situations

d. Negligence Resulting in Damage - instances of carelessness, lack of care, attention, etc., which result in damage to equipment or property or expense to the University.

e. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(d) Personal Rights

1. Professional Standard - employees shall respect the personal rights of others. Employees should refrain from discourteous language or actions directed toward any member of the University community or the public.

2. Examples of violations

a. Rudeness - impolite, offensive, or uncooperative language or actions toward the University community or the public.

b. Threatening or Abusive Language - defamation of character or remarks, offensive language, slander, insults, or threats toward others.

c. Threatening or Abusive Actions - fighting, physical abuse, incidents in which serious harm is threatened.

d. Threatening or Abusive Actions Involving a Weapon - fighting, physical abuse, or incidents in which harm is threatened with a weapon.

e. Discrimination or Sexual Harassment – violation of University policies prohibiting discrimination and harassment against protected classes.

f. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(e) Safety Practices

1. Professional Standard - employees shall conduct themselves in a manner which protects people and property from unsafe actions. Employees shall adhere to applicable laws, rules, and policies regarding safety, as well as pertinent manufacturers' safety precautions.

2. Examples of Violations

a. Horseplay - rough or boisterous play or pranks which do or may cause injury or demean others or adversely affect productivity or morale.

b. Violation or Disregard of Safety Practices - careless operation or handling of equipment or deliberate disregard of operating procedures.

c. Possession of Weapons – all weapons are prohibited on University property or in work-related situations unless specifically authorized for the performance of work assignments.

d. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(f) Upholding Laws, Rules, and Ordinances

1. Professional Standard - employees shall obey all Federal and State laws and municipal ordinances while conducting University related activities, using University vehicles (land, air, and water), or on University property. These standards may apply to non-work situations where the action adversely affects the employee's ability to continue to perform his or her assigned duties, or the University's ability to carry out its mission. Failure to do so subjects the employee to disciplinary action as well as penalties under the law.

2. Examples of Violations

a. Conviction of a Felony - as defined by Florida law.

b. Conviction of a Misdemeanor - as defined by Florida law .

c. Discrimination or Harassment with Respect to Employment - on the basis of race, color, gender, age, disability, religion, national origin.

d. Giving or Accepting a Bribe - for grades or services or other benefits.

e. Political Campaigning - during work hours, coercing employees to support or contribute to a political issue, candidate, or party

f. Other Statutory Prohibitions - such as embezzlement; gambling; possession, sale or distribution of illegal drugs; exceeding speed limits; violating local ordinances or Federal regulations.

g. Conflict of Interest - conflicting contractual relationships, solicitation or acceptance of gifts, or doing business with one's agency.

h. Misuse of Position - abuse of powers of authority that accompany the position for personal reasons, such as to assist friends or family for financial gain.

i. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(g) Compliance with UWF Rules, Regulations, Policies, and Procedures

1. Professional Standard - employees shall know and follow the written rules, regulations, policies, and procedures which apply to an employee's area of responsibility, as well as all University rules, regulations, policies and procedures.

2. Examples of Violations

a. Use, possession, sale, distribution of drugs on campus or at University activities.

b. Failure to file a Report of Outside Activity.

c. Unauthorized distribution or solicitation.

d. Violation of University rules, regulations, policies or procedures.

e. Discrimination or Harassment - on the basis of race, color, gender, age, disability, religion, national origin, marital status, sexual orientation, or political affiliation.

f. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(3) Letter of Counseling – Supervisor may as appropriate use corrective consultation, or a letter of counseling, to ensure that the subordinate understands rules and standards, assignments, policies, procedures. A Letter of Counseling is **not** considered disciplinary action and will not be placed in the employee's official personnel file.

(4) Standards of Disciplinary Actions

(a) The University prescribes to a principle of progressive discipline, where appropriate, for violation of professional standards.

(b) The UWF Standards for Disciplinary Action Table, as set forth in (6), is a **guide** and is not intended to cover every possible offense. It is not all inclusive; it is representative.

1. Penalties for disciplinary offenses shall, in general, range from the minimum to the maximum indicated. Depending on mitigating or aggravating factors, a penalty outside the general range may be imposed.

2. The table lists first, second, and third offenses. Previously substantiated offenses can be considered when determining the severity of the penalty, and should be cited in any proposed action and described in sufficient detail. Any past offense may be considered in determining the penalty. When considering severity of penalties, factors for consideration may include:

a. The nature and seriousness of the offense and its relation to the employee's duties, position and responsibilities, including whether the offense was intentional, was committed maliciously or for gain, or has occurred before;

b. The employee's past disciplinary record;

c. The employee's past work record, such as length of service, performance on the job, dependability, character, etc;

d. The effect of the offense on the employee's ability to perform at a satisfactory level, its effect upon the supervisor's confidence in the employee's ability to perform assigned duties, and its impact on other employees in the work unit;

e. Consistency of the penalty with those imposed upon other employees;

f. Potential for the employee's rehabilitation.

(c) Types of Disciplinary Actions - the following types of disciplinary action shall be administered in accordance with this Policy:

1. Oral reprimand - this is the least severe type of disciplinary action. The purpose is to correct the employee's inappropriate behavior after counseling has been unsuccessful or if counseling is inappropriate. The appropriate supervisory authority shall:

a. Investigate reported or observed violation.

b. Consult with the Director of Human Resources to determine if the severity of the violation warrants an oral reprimand.

c. Initiate disciplinary action or corrective action as soon as possible.

d. Make the employee aware that disciplinary action is being taken and why. It is the supervisor's duty to impress the seriousness of the offense upon the employee.

e. Ensure that oral reprimands are brief, but complete, and should be documented by using an Oral Reprimand Form and include the professional standard violated, the date of

reprimand, and all factual information/circumstances concerning the event. After issuance, a copy of the oral reprimand is provided to Human Resources and placed in the employee's official personnel file.

2. Written reprimand - this is more severe than an oral reprimand. The purpose is to warn the employee in writing of a specific offense or deficiency in performance standards. The appropriate supervisory authority shall:

a. Investigate reported or observed violation.

b. Consult with the Department Head and the Director of Human Resources to determine if the severity of the violation warrants a written reprimand.

c. Initiate disciplinary action or corrective action as soon as possible.

d. Make the employee aware that disciplinary action is being taken and why. It is the supervisor's duty to impress the seriousness of the offense upon the employee.

e. Ensure that written reprimands are complete and include the professional standard violated, the date of reprimand, and all factual information/circumstances concerning the event. After issuance, a copy of the written reprimand is provided to Human Resources and placed in the employee's official personnel file.

3. Suspension - this is a severe form of discipline which shall be administered following one or more written reprimands, or for the first discipline for the commission of a serious offense. Suspension is defined as an action taken by the University to temporarily relieve the employee of duties and place the employee on leave without pay.

a. The appropriate supervisory authority shall:

(I) Investigate reported infraction including interviewing witnesses and the employee. The employee may be placed on administrative leave by the Director of Human Resources pending the outcome of the investigation.

(II) Determine that the severity or frequency of the violation warrants a suspension and discuss the proposed action with the Department Head and appropriate Vice President.

(III) Recommend the proposed action to the Director of Human Resources, including the number of days of the suspension and the rationale behind the decision to suspend the employee.

b. Predetermination - The Director of Human Resources begins the Predetermination Procedure by notifying the employee, in writing, of the proposed suspension. This Notice of Proposed Action shall be sent to the employee at employee's last known address at least 10 days prior to the date the action is to be taken. If the employee is available, the Notice of Proposed Action shall be hand-delivered to the employee and duly receipted by the employee. Otherwise, the Notice of Proposed Action shall be mailed to the employee by certified mail, return receipt requested. The mailed Notice shall constitute full and complete notice whether or not the employee refuses to accept or ignores the letter. If the mail is refused or ignored by the employee , such notice shall be deemed to be received two days after the date of mailing by the University.

(I) Contents of Notice - the Notice shall be signed by the Director of Human Resources or designee and shall include the following:

(A) The effective date of the University's proposed action;

(B) The specific charges or reasons for the action;

(C) A copy of the documents upon which the charges are based.

(D) A statement that the employee may, within five workdays of employee's receipt of the Notice, submit a written request for a conference at which the employee may make an oral

or written statement, or both, to refute or explain the charges or reasons for the action; and the name, address, and telephone number of the person to whom the request for a conference shall be directed;

(E) A statement that the requested conference must be held prior to the proposed effective date of the action, at a time and place to be determined by the Director of Human Resources or designee, normally during regular business hours and that the employee may bring one representative to advise and assist;

(F) A statement that the University desires to reduce the risk of error in taking the action against the employee and to avoid damaging the employee's reputation by untrue or erroneous charges, and therefore, the University is interested in receiving and considering the employee's response; and

(G) A copy or summary of the predetermination procedures shall be enclosed with the notice.

(II) Conference - if a conference is requested by the employee, it must be conducted by the Director of Human Resources or designee. The person(s) conducting the conference shall convene the conference at the time and place set by the University; identify all participants; and explain that the conference's purpose is to hear the employee's response to the charges, to afford the University an opportunity to re-evaluate its position after reviewing the information presented by the employee, and to thereafter affirm or alter the disciplinary action as may be warranted.

(A) The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee may bring one representative to assist or advise him/her, but discovery, cross-examination, and similar legal procedures are not permissible.

(B) The employee shall be permitted to submit relevant information, orally, in writing, or both, with the privilege being reserved to the University to give such information the weight it deems proper. The employee shall be informed that if he/she chooses to make no response, the University shall proceed with the suspension.

c. Decision - if the University determines after the conference that it shall proceed with the suspension of the employee, written notification of the suspension shall be sent to the employee at employee's last known address five calendar days in advance of the date of suspension, by personal delivery or by certified mail, return receipt requested.

d. Appeal - An employee's right to appeal will be processed pursuant to University rule.

e. During the period between the Notice of Proposed Action and the effective date of the action, one of the following options may be used by the University:

(I) Retain the employee in his/her usual duties;

(II) Temporarily assign the employee to other duties; or

(III) Place the employee on administrative leave with pay.

4. Dismissal - this is the final and most severe form of discipline that may be imposed on an employee and results in termination of the employee. An employee terminated under this Policy is not eligible for rehire by the University of West Florida.

a. The appropriate supervisory authority shall:

(I) Investigate reported infraction including interviewing witnesses and the employee. The employee may be placed on administrative leave by the Director of Human Resources pending the outcome of the investigation.

(II) Determine that the severity or frequency of the violation warrants a termination and discuss the proposed action with the Department Head and appropriate Vice President.

(III) Recommend the proposed action to the Director of Human Resources and the rationale behind the decision to dismiss the employee.

b. Predetermination - The Director of Human Resources begins the Predetermination Procedure by notifying the employee, in writing, of the proposed dismissal. This Notice of Proposed Action shall be sent to the employee at employee's last known address at least 10 days prior to the date the action is to be taken. If the employee is available, the Notice of Proposed Action shall be hand-delivered to the employee and duly receipted by the employee. Otherwise, the Notice of Proposed Action shall be mailed to the employee by certified mail, return receipt requested. The mailed Notice shall constitute full and complete notice whether or not the employee refuses to accept or ignores the letter. If the mail is refused or ignored by the employee, such notice shall be deemed to be received two days after the date of mailing by the University.

(I) Contents of Notice - the Notice shall be signed by the Director of Human Resources or designee and shall include the following:

(A) The effective date of the University's proposed action;

(B) The specific charges or reasons for the action;

(C) A copy of the documents upon which the charges are based.

(D) A statement that the employee may, within five workdays of employee's receipt of the Notice, submit a written request for a conference at which the employee may make an oral or written statement, or both, to refute or explain the charges or reasons for the action; and the name, address, and telephone number of the person to whom the request for a conference shall be directed;

(E) A statement that the requested conference must be held prior to the proposed effective date of the action, at a time and place to be determined by the Director of Human Resources or designee, normally during regular business hours and that the employee may bring one representative to advise and assist;

(F) A statement that the University desires to reduce the risk of error in taking the action against the employee and to avoid damaging the employee's reputation by untrue or erroneous charges, and therefore, the University is interested in receiving and considering the employee's response; and

(G) A copy or summary of the predetermination procedures shall be enclosed with the notice.

(II) Conference - if a conference is requested by the employee, it must be conducted by the Director of Human Resources or designee. The person(s) conducting the conference shall convene the conference at the time and place set by the University; identify all participants; and explain that the conference's purpose is to hear the employee's response to the charges, to afford the University an opportunity to re-evaluate its position after reviewing the information presented by the employee, and to thereafter affirm or alter the disciplinary action as may be warranted.

(A) The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee may bring one representative to assist or advise him/her, but discovery, cross-examination, and similar legal procedures are not permissible.

(B) The employee shall be permitted to submit relevant information, orally, in writing, or both, with the privilege being reserved to the University to give such information the

weight it deems proper. The employee shall be informed that if he/she chooses to make no response, the University shall proceed with the termination.

c. Decision - if the University determines after the conference that it shall proceed with the termination of the employee, written notification of the termination shall be sent to the employee at employee's last known address five calendar days in advance of the date of termination, by personal delivery or by certified mail, return receipt requested.

d. Appeal - An employee's right to appeal will be processed pursuant to University rule.

e. During the period between the Notice of Proposed Action and the effective date of the action, one of the following options may be used by the University:

(I) Retain the employee in his/her usual duties;

(II) Temporarily assign the employee to other duties; or

(III) Place the employee on administrative leave with pay.

(5) Alcoholism, Drug Addiction, and Alcohol and Drug Abuse

(a) An employee's manifestation of alcoholism or habitual drunkenness will generally not be handled as a disciplinary problem unless the employee refuses to attempt to resolve the problem or efforts toward rehabilitation fail.

(b) Such an employee will be referred to the Employee Assistance Program (EAP), and the employee shall be asked to enroll in a treatment program. The employee may be placed on compulsory disability leave while in a treatment program if the employee has enough accrued leave credits; otherwise, the employee may be placed on leave without pay.

(c) If the employee refuses to attempt to resolve the problem, refuses to enroll in a treatment program, or the efforts fail, the employee shall be terminated from employment.

(6) UWF Standards for Disciplinary Action Table

		RECOMMENDED DISCIPLINARY ACTION			
Work Standards	**Examples of Offenses**	**1st Offense**	**2nd Offense**	**3rd Offense**	**4th Offense**
Time Mgmt., Work Effort, Work Station	Excessive Tardiness or Unexcused Tardiness	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal
	Excessive Absenteeism	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Loafing, Dozing, or Sleeping while at Work	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Unauthorized Absence from Work Station or Duty Assignment	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	

	Unauthorized Leave	Written Reprimand to Dismissal	Suspension to Dismissal	Dismissal	
	Strike or Concerted Activity	Dismissal			
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Performance of Duties	Use of Poor Judgment	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal
	Failure to Follow Instructions	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal
	Negligence	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal
	Insubordination	Written Reprimand to Dismissal	Suspension to Dismissal	Dismissal	
	Lying	Suspension to Dismissal	Dismissal		
	Falsification of Records	Dismissal			
	Use or Abuse of Alcohol or Reporting to Work Under the Influence of Alcohol	Suspension to Dismissal	Dismissal		
	Failure to Report Revocation or Suspension of Driver's License	Dismissal			
	Divulging Confidential Information	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Property Rights	Unauthorized Use of University Property	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	

	Misuse or Abuse of University Property or Equipment	Suspension to Dismissal	Dismissal		
	Theft	Suspension to Dismissal	Dismissal		
	Negligence Resulting in Damage	Written Reprimand to Dismissal	Dismissal		
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Personal Rights	Rudeness	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Dismissal	
	Threatening or Abusive Language	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Threatening or Abusive Actions	Written Reprimand to Suspension	Dismissal		
	Threatening or Abusive Actions Involving a Weapon	Dismissal			
	Discrimination or Sexual Harassment	Written Reprimand to Dismissal	Dismissal		
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Safety Practices	Horseplay	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Violation or Disregard of Safety Practices	Written Reprimand to Dismissal	Dismissal		
	Possession of Weapons	Suspension to Dismissal	Dismissal		
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Upholding Laws, Rules, and	Conviction of a Felony	Dismissal			

Ordinances	Conviction of a Misdemeanor	Written Reprimand to Dismissal	Dismissal		
	Discrimination or Harassment with Respect to Employment	Written Reprimand to Dismissal	Dismissal		
	Giving or Accepting a Bribe	Dismissal			
	Political Campaigning During Work Hours	Dismissal			
	Other Statutory Prohibitions	Written Reprimand to Dismissal	Dismissal		
	Conflict of Interest	Written Reprimand to Dismissal	Dismissal		
	Misuse of Position	Suspension to Dismissal	Dismissal		
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Violation of UWF Rules, Regulations, Policies or Procedures, or a Provision of Law (which includes statutes)	Use, Possession, Sale, Disbursement of Drugs on Campus or at University Activities	Dismissal			
	Failure to File a Report of Outside Activity	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Unauthorized Distribution or Solicitation	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Violation of University Rules, Regulations, Policies or Procedures	Written Reprimand to Dismissal	Dismissal		
	Discrimination or Harassment	Written Reprimand to Dismissal	Dismissal		

	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		

REFERENCES: 1001.74 FS. and relevant Collective Bargaining Agreements.

Approved By: Dr. John Cavanaugh Date: 7/1/2004

Dr. John Cavanaugh, President