

OWENS COMMUNITY COLLEGE INTERNAL OPERATING PROCEDURES

Standards of Conduct and Disciplinary Process

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PROCEDURES AND GUIDELINES

The purpose of these procedures is for all individuals employed by Owens Community College to be advised of the standards of conduct and the disciplinary measures that will be taken in response to employee violation of those standards and to ensure predictability and uniformity in the disciplinary process. Disciplinary action will be used to compel compliance with the College's expectations when an employee's conduct or performance is below acceptable levels.

The policy and procedures apply to all full and part-time employees unless specifically excluded or limited by the explicit provisions of a collective bargaining agreement.

CONDUCT

In order to ensure that all College employees understand, and thus comply with the College's standards of conduct, the following defines the College's expectations with respect to professional behavior.

Employees are expected to accept certain responsibilities, exhibit acceptable personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights of others, but also demands that employees refrain from any behavior that might be harmful to themselves, their co-workers, and/or the College or that might be viewed unfavorably by the public at large.

1. The types of performance-related behaviors considered inappropriate may generally include, but are not limited to, the following:
 - a. Incompetency
 - b. Inefficiency
 - c. Dishonesty
 - d. Immoral conduct
 - e. Discourteous treatment of the public
 - f. Neglect of duty, insubordination, failure to follow orders of those in a position of authority (e.g. safety & security, police, fire, etc.)
 - g. Unjustifiable poor attendance, chronic tardiness, or unauthorized departure from work
 - h. Violation of or refusal to follow any College policy or procedure
 - i. Any other failure of expected performance not covered above

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2. The types of conduct considered inappropriate may generally include, but are not limited to, the following:
 - a. Threatening, attempting, or committing physical violence against any person
 - b. Discrimination against any protected class (race, gender, religion, sexual orientation, gender identity, etc.), sexual misconduct or harassment, workplace harassment, bullying, or retaliation against another employee for actions taken by that person to bring a problem to the attention of the institution
 - c. Endangering the personal health, safety, and welfare of himself/herself or any other person
 - d. Soliciting, encouraging, engaging, or consummating an inappropriate relationship with a minor or a student over which the employee has either real or perceived control or influence.
 - e. Sale or abuse of a controlled substance
 - f. A felony conviction even if the conduct may not result in a criminal charge, indictment, prosecution or conviction
 - g. Failing to report to the Vice President of Human Resources that he/she has been indicted, arrested or charged with a crime that is a misdemeanor or felony (this does not include minor misdemeanors including traffic violations)
 - h. Using confidential student, family, or work-related information in a non-professional way (e.g. gossip, malicious talk or disparagement)
 - i. Falsifying, willfully omitting, altering, confiscating, destroying, or using College documents, records or computer and computer hardware and/or computer software instruments with the intent to defraud
 - j. Using inappropriate language or gestures that are degrading or abusive to any person
 - k. Unauthorized use of College supplies or equipment including computer equipment, resources and networks for personal purposes
 - l. Preventing, impeding or disrupting, or attempting to prevent, impede or disrupt any College activity
 - m. Failing to account for college funds, co-mingling of funds with personal funds or checking accounts; submitting fraudulent requests for reimbursement of expenses
 - n. Gambling for money or other things of value on or in College property
 - o. Violation of or refusal to follow any College policy or procedure
 - p. Any other failure of good conduct not covered above

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DISCIPLINE

1. Owens Community College uses a progressive disciplinary policy. The use of progressive discipline assumes that typically there is an opportunity for performance-related behavior or conduct to improve.
2. The fundamental features of the progressive disciplinary system are the general predictability of the discipline and discretionary authority to vary the penalty (either reducing or increasing its severity) in light of the surrounding circumstances. The presence of aggravating circumstances may result in escalation to either the suspension and/or termination stage of the disciplinary process and does not require use of the progressive disciplinary approach. The College reviews each incident of inappropriate behavior or conduct on a case-by-case basis and reserves the right to impose appropriate discipline.
3. If imposing discipline is deemed necessary and appropriate, the following progressive steps are utilized by the College for most types of infractions:
 - a. Verbal Reprimand Reduced to Writing - A verbal warning is given by the supervisor, or their designee, in a meeting during which the employee is informed of the specific offense and what is expected of him or her in the future.
 - b. Written Reprimand - If an employee has failed to correct the behavior, which has been brought to his or her attention through a verbal reprimand, or the behavior warrants discipline beyond a verbal reprimand, a written reprimand may be imposed.
 - c. Suspension - Depending upon the offense and/or previous disciplinary action, an employee may be suspended with or without pay for one or more days.
 - d. Discharge - If the employee behavior continues to be unacceptable, or is considered egregious, the employee may be discharged.
4. Process for Verbal Reprimand Reduced to Writing or Written Reprimand
 - a. The disciplinary documentation template should be utilized for documenting all disciplinary action. The Disciplinary Report Form is located on the HR Intranet at https://intranet.owens.edu/hr/forms/disciplinary_report_form.pdf.
 - b. Verbal Reprimand Reduced to Writing. A written document confirming the content of the verbal reprimand is sent to Human Resources (HR) and is placed in the employee personnel file.

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- c. **Written Reprimand.** The supervisor, or their designee, is responsible for drafting the written reprimand, forwarding to HR, and sending a copy to their President's Cabinet member. Upon receipt, HR will consult with the supervisor, or their designee, regarding whether the discipline is appropriate and how to proceed. If agreed, the supervisor, or their designee, will meet with the employee to review the contents of the reprimand. The employee is required to sign the reprimand acknowledging receipt. The employee may submit a written response explaining the reasons for disagreeing with the contents of the reprimand. The signed reprimand and any response are to be sent to the Vice President of Human Resources and will be placed in the employee personnel file.
5. **Process for Suspension and Discharge**
 - a. The disciplinary documentation template should be utilized for documenting all disciplinary action. The Disciplinary Report Form is located on the HR Intranet at https://intranet.owens.edu/hr/forms/disciplinary_report_form.pdf.
 - b. The Disciplinary Report will be prepared by the supervisor. The report and all supporting documentation will be forwarded to the Vice President of Human Resources with a copy to their respective President's Cabinet member. The Vice President of Human Resources, or his/her designee, will consult with the supervisor regarding whether the discipline is appropriate and regarding how to proceed. If it is agreed to proceed with discipline, the supervisor, or their designee, will schedule a Pre-disciplinary (Pre-D) conference.
 - c. The Pre-D conference is the employee's opportunity to present any information that she/he believes the College should know prior to making a decision regarding discipline. The conference is not a formal hearing, but is an opportunity for the employee to be heard. It is within the College's discretion to determine whether an employee shall be afforded a Pre-D conference prior to the imposition of discipline. This in no way creates a right for such employee(s) to the above described procedures. Attendance at the Pre-D conference by the employee is voluntary.
 - d. Following the Pre-D conference, the College shall determine whether discipline is appropriate, and, if so, the level of that discipline. If a reprimand is deemed appropriate, the supervisor shall draft the reprimand and proceed as described above. If the College decides that a suspension or removal is warranted, the employee will be notified in writing of the action and the effective date of the action.

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6. Other Considerations
 - a. If during the disciplinary process, it is determined that the employee should not be disciplined, all reference to the incident shall be expunged from the employee's personnel file.
 - b. When the College deems necessary, an employee may be placed on paid administrative leave during which time an inquiry of the alleged misconduct may be undertaken. The College reserves the right to require the employee to remain available during the employee's regular working hours on days which the employee is placed on administrative leave, so that the College is able to reach the employee and complete the inquiry in an efficient manner.
 - c. A Day of Contemplation Option. An employee may be given a "once in a career" opportunity to stay home for one day, with pay, in order to decide whether or not he/she wants to continue employment with the institution or submit his/her resignation. During this day of contemplation, if the employee chooses to commit himself/herself to continued employment, the employee is expected to write a letter indicating that s/he accepts full responsibility for the perceived problem that exists and that the problem will be fixed, with no further discussions needed. This letter is kept outside of the personnel file, but with a clear understanding that if the employee violates his/her own agreement and commitment, the end result may be self-termination of employment. This step may also occur prior to any formal disciplinary actions, if appropriate.
 - d. Last Chance Agreement. Under certain circumstances, where it is believed that the employee should be given one "last chance" to modify performance or behavior prior to termination, regardless of the series of events or previous disciplinary action taken, a Last Chance Agreement may be imposed. A formal Last Chance Agreement is drafted by the supervisor and reviewed with the Vice President of Human Resources. Once finalized, it is presented to the employee and a copy is placed in the employee personnel file.

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HIGHER EDUCATION OPPORTUNITY ACT FINANCIAL AND ETHICAL CONSIDERATIONS

Per the requirements of the Higher Education Opportunity Act (HEOA), sub section (a)(25), Owens' Code of Conduct includes the following requirements:

1. Ban on Revenue-Sharing Arrangements

- a. Prohibition - The institution shall not enter into any revenue-sharing arrangement with any lender.
- b. Definition - For purposes of this paragraph, the term 'revenue-sharing arrangement' means an arrangement between an institution and a lender under which:
 - (i) a lender provides or issues a loan that is made, insured, or guaranteed under this title to students attending the institution or to the families of such students; and
 - (ii) the institution recommends the lender or the loan products of the lender and in exchange, the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the institution, an officer or employee of the institution, or an agent.

2. Gift Ban

- a. Prohibition - No officer or employee of the institution who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or agent who has responsibilities with respect to education loans, shall solicit or accept any gift from a lender, guarantor, or servicer of education loans.
- b. Definition of Gift
 - (i) In General - In this paragraph, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount (\$20). The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.
 - (ii) Exceptions - The term 'gift' shall not include any of the following:
 - (I) Standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training.
 - (II) Food, refreshments, training, or informational material furnished to an officer or employee of an institution, or to an agent, as an integral part of a training session that is designed to improve the service of a lender, guarantor, or servicer of education loans to the institution, if such training contributes to the professional development of the officer, employee, or agent.
 - (III) Favorable terms, conditions, and borrower benefits on an education loan provided to a student employed by the institution

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if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

(IV) Entrance and exit counseling services provided to borrowers to meet the institution's responsibilities for entrance and exit counseling as required by subsections (b) and (l) of section 485, as long as:

(aa) the institution's staff are in control of the counseling, (whether in person or via electronic capabilities); and

(bb) such counseling does not promote the products or services of any specific lender.

(V) Philanthropic contributions to an institution from a lender, servicer, or guarantor of education loans that are unrelated to education loans or any contribution from any lender, guarantor, or servicer that is not made in exchange for any advantage related to education loans.

(VI) State education grants, scholarships, or financial aid funds administered by or on behalf of a State.

(iii) Rule for Gifts to Family Members- For purposes of this paragraph, a gift to a family member of an officer or employee of an institution, to a family member of an agent, or to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if:

(I) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

(II) officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

3. Contracting Arrangements Prohibited

- a. Prohibition - An officer or employee who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or an agent who has responsibilities with respect to education loans, shall not accept from any lender or affiliate of any lender any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender relating to education loans.
- b. Exceptions - Nothing in this subsection shall be construed as prohibiting:
 - (i) an officer or employee of an institution who is not employed in the institution's financial aid office and who does not otherwise have responsibilities with respect to education loans, or an agent who does not have responsibilities with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor or servicer of education loans;

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(ii) an officer or employee of the institution who is not employed in the institution's financial aid office but who has responsibility with respect to education loans as a result of a position held at the institution, or an agent who has responsibility with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans, if the institution has a written conflict of interest policy that clearly sets forth that officers, employees, or agents must recuse themselves from participating in any decision of the board regarding education loans at the institution; or

(iii) an officer, employee, or contractor of a lender, guarantor, or servicer of education loans from serving on a board of directors, or serving as a trustee, of an institution, if the institution has a written conflict of interest policy that the board member or trustee must recuse themselves from any decision regarding education loans at the institution.

4. Interaction with Borrowers - The institution shall not:
 - a. for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; or
 - b. refuse to certify, or delay certification of, any loan based on the borrower's selection of a particular lender or guaranty agency.

5. Prohibition on Offers of Funds for Private Loans
 - a. Prohibition - The institution shall not request or accept from any lender any offer of funds to be used for private education loans (as defined in section 140 of the Truth in Lending Act), including funds for an opportunity pool loan, to students in exchange for the institution providing concessions or promises regarding providing the lender with:
 - (i) a specified number of loans made, insured, or guaranteed under this title;
 - (ii) a specified loan volume of such loans; or
 - (iii) a preferred lender arrangement for such loans.
 - b. Definition of Opportunity Pool Loan- In this paragraph, the term 'opportunity pool loan' means a private education loan made by a lender to a student attending the institution or the family member of such a student that involves a payment, directly or indirectly by such institution of points, premiums, additional interest, or financial support to such lender for the purpose of such lender extending credit to the student or the family.

6. Ban on Staffing Assistance
 - a. Prohibition - The institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

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- b. Certain Assistance Permitted - Nothing in paragraph (1) shall be construed to prohibit the institution from requesting or accepting assistance from a lender related to:
 - (i) professional development training for financial aid administrators;
 - (ii) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials; or
 - (iii) staffing services on a short-term, nonrecurring basis to assist the institution with financial aid related functions during emergencies, including State-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the Secretary.

7. Advisory Board Compensation

Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender, guarantor, or group of lenders or guarantors, shall be prohibited from receiving anything of value from the lender, guarantor, or group of lenders or guarantors, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission, or group.

These procedures were developed for implementation by the Vice President of Human Resources.

Any changes to this procedure must be submitted to the Board Secretary for President's Cabinet review (except changes in contact information).

This procedure conforms to the policy that has been approved by the Board of Trustees on June 2, 2009, and filed with the State of Ohio Electronic Rule Filing with the policy effective date of June 13, 2009.

This procedure was updated with the section on Higher Education Opportunity Act.
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