

I. POLICY

To fulfill Salt Lake Community College's mission to support and engage students in educational pathways that lead to successful transfer or meaningful employment, all college employees are responsible for appropriate and ethical conduct in all they do as employees of or on behalf of SLCC.

The following procedures articulate the expectations of appropriate and ethical conduct at SLCC.

II. REFERENCES

- A. Copyright Act, 17 U.S.C. §§ 101-810.
- B. Digital Millennium Copyright Act, 17 U.S.C. §§ 901-1401; 28 U.S.C. § 4001.
- C. Family Education Rights and Privacy Act (FERPA), 34 C.F.R. § 99.
- D. Health Insurance Portability and Accountability Act (HIPAA), 45 C.F.R. §§ 160, 164.
- E. Technology, Education, and Copyright Harmonization Act (TEACH), 116 Stat. 1758 § 13301.
- F. Government Records Access and Management Act (GRAMA), Utah Code Ann. §§ 63G-2-101–901. Unlawful Conduct and Penalties, Utah Code Ann. § 63G-6a-24.
- G. Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. §§ 67-16-1–15.
- H. Utah Public Employees Healthy Workplace Act, U.C.A. §§ 67-26-101–301
- I. Workplace Harassment Prevention, Utah Administrative Code R477-15-1
- J. Fleet Operations, Utah Admin. Code r. 27.
- K. Utah Code Ann. §§ 67-16-4, 6, 7, 8, & 9
- L. Utah Code Ann. § 76-8-202, § 76-8-401, 402, & 404
- M. Utah Code Ann. § 63G-2,
- N. Utah Admin. Code r. 784-1

III. DEFINITIONS

Date of last cabinet review: March 24, 2020

The originator of this policy & procedure is Human Resources. Questions regarding this policy may be directed to the originator by calling 801-957-4210.

See Human Resources Definitions.

IV. PROCEDURES

A. Personal Accountability

All SLCC employees are responsible and accountable for personal and professional integrity, respect and fairness for others, and sound judgment in carrying out their responsibilities.

B. Standards of Conduct

1. Adherence to Laws, Rules, Regulations, and Policies

- a. Salt Lake Community College employees are responsible for understanding and adhering to applicable laws, rules, regulations, and college policies.
- b. Employees who violate applicable laws, rules, regulations, and college policies may be subject to corrective action, up to and including termination.

2. Communication Systems

- a. Employees are to use institutionally funded communication systems of any type for institutional benefit.
- b. All employees shall comply with SLCC policy regarding personal communication systems paid with institutional funds.
- c. Digital electronic files or any communications made through college equipment are college property and may be subject at any time to information requests and college acquisition or review by the college.

3. Conflicts of Interest

- a. Employees shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity that substantially conflicts with the proper discharge of the employees' duties to the college.
- b. Any potential conflict must be disclosed at the earliest possible time to the immediate supervisor as required by SLCC's Conflict of Interest Policy, the Academic Freedom, Professional Responsibility and Tenure Policy, and state law

c. Self-Dealing

No employee shall transact any business in an official capacity with any business entity of which the employee is an officer, agent, or member or in which the employee owns a substantial interest.

d. Personal Investment

Employees shall not make personal investments that could reasonably be expected to create a conflict between the employee's private interest and their college interest.

e. Outside Employment

Employees shall not accept outside or dual employment or compensation that could reasonably be expected to impair the employee's independence or judgment in the performance of their college duties.

f. Benefiting others

Employees shall not use non-public information or positions to secure special privileges or exemptions for others.

4. Controlled Substances and Alcohol Use

a. An employee may not:

- i. manufacture, dispense, possess, use, distribute, or be under the influence of an illegal controlled substance or alcohol during work hours or on state property except where legally permissible; or
- ii. operate a college vehicle while under the influence.

5. Criminal Misappropriation

- a. College employees who knowingly misappropriate anything of value that belongs to the college may be subject to criminal prosecution.
- b. The college will refer such misappropriations to the appropriate law enforcement agency.

6. Criminal Offense Reporting

- a. Employees are required to report any criminal charges filed against them or criminal convictions to their supervisor and Human Resources within five working days.

7. Communication Systems

- a. Employees must use college-funded communication systems for conducting college business.
- b. All employees shall comply with the SLCC College Travel Policy regarding personal communication systems paid with college funds.
- c. Digital electronic files or any communications made with college equipment are college property. They may be subject to records requests or review by the college at any time.

8. Romantic and Sexual Relations

- a. The college discourages romantic and sexual relationships between employees and between employees and students.
- b. Employees who become involved in a romantic or sexual relationship with another employee or student must immediately:
 - i. take fair and appropriate steps to eliminate any power differential or conflict of interest that exists or develops;
 - ii. ensure all parties involved consent to all activities; and
 - iii. inform their supervisors of any power differential or conflict of interest.
- c. An employee who has a romantic or sexual relationship with another employee shall not participate in decisions or evaluations that may lead to promotions, incentives, or other employment opportunities.
- d. Employees, in a position of special trust, who have a direct evaluative, counseling, or supervisory duties or responsibilities that allow them to exercise undue influence over a student shall not:
 - i. become involved in a romantic or sexual relationship with a subordinate student;
 - ii. share any sexually explicit or lewd communication or image with a subordinate student; or
 - iii. share any sexually explicit or lewd communication or image of a subordinate student.

9. Lewdness and Pornography

- a. All acts of indecent public display, voyeurism, exhibitionism, lewdness, or other acts of a sexual nature defined and prohibited by the Utah Code, even if consensual, are prohibited at all college sites and campuses.
- b. Employees must not view or download pornographic materials, as defined by the Utah Code, on any college computer or using other college-owned data resources or systems, whether on- or off-site.

- c. Employees should report lewdness or pornography incidents to their immediate supervisor or the director of EEO and Title IX within two working days.

10. Sexual or Gender-based Misconduct

- a. Sexual or gender-based misconduct is any unwanted sexual conduct or other verbal or physical conduct or communication related to a person's sexuality or gender. Sexual misconduct may be a single episode or repeated behavior where such conduct may contribute to an offensive, intimidating, or hostile working and learning environment. Sexual misconduct includes intentional conduct and conduct which results in adverse effects even though such adverse effects were unintended.

- b. All acts of sexual misconduct are prohibited at all college sites and campuses.
- c. Incidents of sexual misconduct should be reported to the immediate supervisor and/or the college EEO office within two working days.

11. Equal and Respectful Conduct

- a. College employees shall promote equal access and opportunity regarding employment, services and other activities within their job responsibilities without regard to race, color, national origin, age, sex, sexual orientation, gender identity, genetic information, disability religion, protected veteran status, expression of political or personal beliefs outside of the workplace, or any other status protected under applicable federal, state, or local law.
- b. In analysis, demeanor, and expression, college employees shall treat all people with respect.

12. Workplace Bullying

a. General

- i. Bullying that occurs outside of the workplace that directly impacts an employee's performance or work environment is considered workplace bullying for purposes of this policy.
- ii. Workplace bullying does not include a single act unless it is especially severe or extreme.
- iii. Workplace bullying does not include:
 - 1. the sharing of developmental, critical, performance-related feedback;
 - 2. occasional disagreement or conflict over workplace concerns;
 - 3. differences in management or work style; communication challenges created by personality differences;
 - 4. professional disagreements over work processes, or supervisors who are managing responsibilities in a manner that is in line with college policies and goals.

b. Workplace Bullying Reporting

- i. An employee, witness, supervisor, or another party may report bullying by completing the online form or report the behavior directly to Employee Relations through email, in person, or over the phone.

- ii. Workplace bullying complaints must be made within 90 calendar days of the most recent alleged behavior. Workplace bullying complaints outside of 90 calendar days will follow the procedures in section IV.12.d of this policy.
- iii. The director of Employee Relations or designee will discuss the allegation with the reporting employee and consider the employee's desired action for resolution and offer appropriate resolution options.
- iv. If the director of Employee Relations or designee determines that the bullying behaviors may violate the Employee Discrimination or Sexual Harassment Policy, or the behavior violates a law, the director will contact the director of EEO & Title IX or the executive director of Public Safety, as appropriate.
- v. If the director of Employee Relations or designee determines that a formal investigation is necessary, the director or designee will follow the investigation process outlined in the employment discrimination policy.
- vi. If the director or designee determines that workplace bullying was more likely than not to have occurred, Employee Relations will work with the responding employee's supervisor or the next level supervisor not involved in the complaint on appropriate corrective action.

c. Workplace Bullying Training

- i. The college will provide all employees training on the prevention, processes, and resources related to workplace bullying annually.
- ii. Supervisors are responsible for ensuring employees complete the training.

d. Procedures for Resolution

- i. Employees should report violations of this policy and procedure to the nearest supervisor not involved in the activity.
- ii. Supervisors are responsible for prompt investigation of the alleged conduct.
- iii. When a supervisor finds that a violation has occurred, the supervisor must take appropriate corrective action.

13. Improper Use of Staff, Students, Facilities, Equipment, and Supplies

- a. In all circumstances, the college prohibits supervisors from using any college employee or student for non-college-related work in which either the employee or a person with a relationship to that employee has a financial or other interest.
- b. College facilities and equipment are to be used for conducting college activities; however, the incidental personal use of such property is permitted, provided that the use is lawful and that each of the following conditions is met:
 - i. there is no additional accrued cost to the college as a result of the use;
 - ii. the use does not interrupt nor interfere with college operations; and
 - iii. the use is not for substantial personal profit, gain, or the promotion of non-college sponsored commercial ventures.
- c. Under no circumstances are employees permitted to use college purchased supplies, including photocopies and other consumables, including surplus material or equipment for personal or private purposes.

14. Institutional Credit Cards:

- a. Employees shall not use the college-issued P-card intended for low dollar purchase for personal expenses unrelated to institutional business.
- b. Employees should review and follow the appropriate guidelines for purchases when using either the college purchase credit card or travel credit card.

15. Expense Claims

- a. Reimbursement requests for travel or other business expenses must be accurate and requested only for expenses related to official business.
- b. If possible, they should also be approved in advance. Under no circumstances will the college reimburse employees for alcoholic purchases.

16. Gifts

Employees must not accept, directly or indirectly, any gift, favor, service, or other things of value under circumstances that the employee knows or has reason to believe, or a reasonable person may infer is offered to influence the discharge of their duties to the college.

17. Liability for Property Loss

The college may hold an employee liable for college property that goes missing or sustains damage due to the employee's gross negligence.

18. Misuse of Position

Employees must not use or allow another to use their college position, employment to secure financial gain, privileges, advantages, or employment for themselves or others.

19. Political Involvement

Unless provided for by their job description, under the college president's direction, or for an educational purpose consistent with the college's mission, an employee must not:

- a. use institutional time, funds, equipment, or other resources to work on a political campaign or influence legislation; or
- b. represent the college in support of or opposition to legislation, a candidate, or political organization.

20. Purchases from or by Employees

- a. Unless approved by the college president or appropriate vice president in consultation with the college purchasing agent:
 - i. the college may not purchase equipment, real or intellectual property from an employee; and
 - ii. an employee may not purchase equipment, property, including surplus property, or services from the college or outside vendor when the employee participated in the college's decision to sell such property.

21. Private Information

- a. College employees shall maintain in strict confidence and security all information in their possession about the institution or its constituent parts that by college policy or law is considered confidential or otherwise restricted.
- b. Employees shall not disclose non-public, confidential, or otherwise sensitive information or use such information for personal benefit or the benefit of another.

22. Software

- a. Employees must use software licensed to the college for college business.
- b. Employees may not use software licensed to the college for personal, commercial gain except where an extended use license is allowed.

23. Recording Employee Communications and Meetings

- a. The college prohibits employees from secretly recording communications between employees and other college community members.
- b. Employees may record administrative meetings that are subject to the Utah Open and Public Meetings Act.
- c. Administrative systems, such as voice mail, are also permitted.
- d. This section does not apply to the monitoring or recording under a court order or other legitimate law enforcement activities.
- e. Grievances
 - i. Supervisors and employees may record formal grievance hearings in which they are participating.
 - ii. Everyone in attendance must be aware of the recording device and that it is recording.
 - iii. No parties to a mediation hearing may record it.

24. Vehicles

- a. No employee shall use any college vehicle for any purpose other than official business of the institution. College vehicles may be driven to attend college business only when all occupants are employees, students, or official guests.
- b. Spouses or children may not accompany employees or students in college vehicles to any destination.
- c. When spouses or others not directly associated with the college ride in a vehicle, the individual's personal vehicle or a rental vehicle should be used. (see the Motor Vehicle and Travel Reimbursement policies; Utah Code Ann. § 67-16-4; § 76-6-404; Utah Admin. Code r. 27-3-13)