

**UNIFORM CONDUCT STANDARDS**

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**A. PURPOSE**

The conduct standards policy is established to provide uniform standards concerning work-related behaviors, which define and convey the expectations of the college to its employees.

Nothing herein is intended to imply that any standard or expectation is all inclusive. Standards are intended to identify recurring or common deviations from acceptable work-related behaviors in an effort to create and maintain a high level of professional conduct.

**B. POLICY**

UA Cossatot will establish a work climate that promotes productivity. Management will communicate job expectations and behavioral expectations to all employees.

Management is expected to initiate corrective measures when an employee deviates from acceptable behaviors that impact the work environment or job functions. These corrective measures typically will be progressive in nature and supervisory actions shall be fair and consistent and shall be administered in an objective manner.

Progressive discipline shall be utilized for all deviations from these conduct standards unless documented circumstances clearly warrant other actions. These variances from the progressive discipline philosophy may be due to mitigating, extenuating or aggravating circumstances which may indicate a lesser or greater level of discipline. If other actions are warranted, University of Arkansas Board of Trustees Policy 405.4 shall be followed as a method of disciplinary action. If the employee encounters a problem with compliance with these standards, they should immediately notify management.

Utilization of this procedure by management to manage the work environment does not create any expectation of continued employment, but provides management and employees guidelines on behavioral expectations.

**C. SCOPE**

This policy shall apply to all employees of UA Cossatot.

**D. RESPONSIBILITIES**

**EMPLOYEES**

- Shall become familiar with and understand the conduct standards
- Shall avoid deviation from the conduct standards
- Shall participate in good faith in any administrative investigation

- Shall report to supervisory personnel any condition(s), circumstance(s), unclear instruction(s) or procedures which may affect or prevent satisfactory compliance with the conduct standards
- Shall comply with any corrective action plans or instructions following a deviation from these standards

## SUPERVISORS/MANAGEMENT

- Shall ensure that all employees have received a copy of the conduct standards (and any subsequent revisions). This will include education of employees concerning explanation of the rules, why the rules are important and conveyance of expectations
- Shall obtain a signed acknowledgement of receipt of a copy of the conduct standards from each employee
- Shall monitor employee behaviors to determine deviations from the conduct standards
- Shall determine any discipline to be assessed, based upon these procedural guidelines and the effect, if any, of mitigating, extenuating or aggravating circumstances
- Shall document each disciplinary action, to include specific and factual detail, cause for the action, including applicable standard(s), plus justification for deviation from the standard, if appropriate
- Shall specify, if appropriate, the conduct expected in the future and the next level of discipline should the behavior reoccur

## E. DEFINITIONS

- Progressive Discipline – A system of discipline which links certain types of offenses to specific levels of discipline and allows for variations due to mitigating, extenuating or aggravating circumstances. Disciplinary levels range from written warning to termination. In some instances, verbal/oral warnings may be considered as disciplinary actions. Absent special circumstances, repetition of an offense is accompanied by an automatic progression to the next higher or more severe level of discipline. Progressive discipline emphasizes problem solving and increasing communication of expected behaviors before disciplinary action is taken.
- Corrective Action – Actions taken by a supervisor in order to correct and/or improve an employee's behavior of non-compliance with the conduct standards
- Disciplinary Actions – Formalized actions taken by a supervisor in response to an employee's behavior. Actions range from written warning to termination. Such action is supported with documentation. Some actions may be utilized in combination with other, i.e. a written warning, plus a period of suspension.
- Infraction – Violation of a specific work rule, policy or procedure committed by an act of omission or commission. Employee is aware of the consequences of violations of the rules, policies or procedure.
- Letter of Clarification – Written documentation to preserve an informal discussion between the supervisor and employee regarding a work-related behavior.

Often referred to as a “counseling” or “memo of understanding.” This document is not a disciplinary action. Such a letter of clarification may serve as the foundation for future disciplinary actions if unacceptable work-related behaviors are not corrected or recur.

- Minor Infraction – Incidents of inappropriate behavior that indicate corrective action is necessary. Although behavior is inappropriate, it has not escalated to a more severe level. Employee must have multiple occurrences of same or similar behaviors to warrant escalation of disciplinary levels.
- Major Infraction – Incidences of behavior which may be characterized as jeopardizing the order of the work environment, which are more severe in nature than minor infractions. An accumulation of two or more of these types of offenses will generally lead to termination. Certain types of major infractions are of such a serious nature as to warrant immediate termination.
- Mitigating/Aggravating Circumstances – Factors corresponding to the actual unacceptable work related behavior that also may be outside the control of the employee. Supervisors must determine based on the sum total of circumstances, the impact or effect of any mitigating, extenuating or aggravating factors. Such variances should be documented to verify deviation from the standards of conduct.

## F. GENERAL CONDUCT STANDARDS

The following standards are not all-inclusive, but are intended to be illustrative of the minimum expectations for acceptable work related behavior. They also are intended to provide for some flexibility in administration, based upon necessity. Examples are provided for illustrative purposes and should not be considered all-inclusive.

### Attendance

- a. Employees shall report to work as scheduled.
- b. If employees cannot report as scheduled:
  - Employees shall arrange planned absences, including reporting to work late or leaving early, in advance with their supervisor
  - Employee shall report unexpected absences, of any nature, to their supervisor as promptly as possible

### Overtime

Employees shall work overtime hours only as directed by their supervisors or management, as specified in the college’s FLSA policy and/or compensatory time policy. Non-exempt employees (as defined by FLSA policies) shall not work overtime without advance authorization from their supervisors.

### Compliance with Policies

Employees are expected to abide by all policies promulgated by the college, the Office of Personnel Management and Governor’s Policy Directives. Advance notice of disciplinary action is required, except in instances when the employee’s

continued presence may be harmful to the employee, other employees, clients and/or patients, inmates and/or students, or it is impossible to continue business with the employee present, or the employee's presence may constitute negligence in regard to the college's duties.

#### Circumstances Affecting Work Related Behavior

- a. Employees shall report to their supervisors any conditions or circumstances that prevent satisfactory compliance with conduct standards
- b. An employee unable to meet job requirements such as those listed below may be removed from employment under this section:
  - Loss of driver's license required for performance of job duties
  - Incarceration for a period exceeding seventy-two (72) hours
  - Loss of required professional license or certification to perform job duties

#### Unacceptable Behaviors

The offenses set forth below are not all-inclusive, but are intended as examples of unacceptable behaviors for which specific disciplinary actions may be warranted. Accordingly, any offense, which, in the judgment of the college Chancellor undermines the effectiveness of the college activities, may be considered unacceptable and treated in a manner consistent with the provisions of this section. The offenses listed below are organized into three groups according to the severity of the behavior, with Group 1 being the least severe.

#### Group 1

Disciplinary actions for specific offenses in Group 1 generally result in the issuance of a written notice as the necessary action. A Letter of Clarification may precede the first official written notice. Such documentation shall be determined by the supervisor and may serve as the foundation for any disciplinary action. Upon accumulation of three (3) active Written Notices for Group 1 offenses, the employee normally should be suspended without pay for three (3) to five (5) workdays. A fourth active Written Notice for a Group 1 offense should normally result in discharge. In the event of mitigating or extenuating circumstances, transfer, suspension or demotion may be justified as an alternative. Suspension under this category should be no more than thirty (30) working days.

#### Types of Offenses

- a. Excessive absences or excessive tardiness
- b. Abuse of state time, including, for example, unauthorized time away from the work area, use of state time for personal business, and abuse of sick leave
- c. Inadequate or unsatisfactory work performance
- d. Disruptive behaviors

- e. Failure to follow Social Media Guidelines

## Group 2

This category of offenses includes acts and behavior, which may be considered more severe in nature than Group 1 offenses, and as such, an accumulation of two (2) Group 2 offenses normally may warrant removal. The disciplinary action for a Group 2 offense is the issuance of a Written Notice or a Written Notice and up to ten (10) work days suspension without pay. A Letter of Clarification may precede the first official written notice. Such documentation shall be determined by the supervisor and may serve as the foundation for disciplinary action.

Group 2 Written Notices are cumulative, meaning that a second active Group 2 Written Notice normally may result in discharge. A Group 2 Written Notice following three (3) active Group 1 Written Notices normally should result in discharge.

## Types of Offenses

- a. Failure to follow a supervisor's instructions, perform assigned work, or otherwise comply with established written policy
- b. Violating a safety rule where there is not a threat of bodily harm
- c. Leaving the work site during work hours without authorization
- d. Unauthorized or negligent misuse of state property or records including, but not limited to computers and software, telecommunication devices, equipment, or motor vehicles
- e. Unauthorized use or misuse of state property or records
- f. Refusal to work overtime hours as required
- g. Violation of Drug Free Workplace policies of the college and the Governor's Policy Directives, Violation of anti-discrimination, equal employment opportunity policies, depending upon the nature of the violation
- h. Violation of Sexual Harassment prevention policies, depending upon the nature of the violation
- i. Sleeping during work hours
- j. Directing obscene or abusive language towards another employee or student.

## Group 3

This category of offenses includes acts and behavior of such a serious nature that a first-time occurrence normally should warrant removal. This would require a Written Notice and discharge. If a Letter of Clarification has been issued for a previous offense, the supervisor shall use the letter as the foundation for the official written notice and discharge, as determined by the supervisor.

## Types of Offenses

- a. Absence in excess of three (3) consecutive workdays without proper notification of immediate supervisor or a satisfactory reason

- b. Willful falsification of any college records, including, but not limited to, (TR1) travel vouchers, petty cash vouchers, reports, insurance claims, time records, leave records, personnel records, student records, or other state records or reimbursement vouchers
- c. Willfully or negligently damaging or defacing state records, state property or property of other persons (including, but not limited to, employees, clients, supervisors, visitors, and/or students)
- d. Theft or unauthorized removal of state records, state property, or the property of other persons (including, but not limited to, employees, clients, supervisors, visitors, and/or students)
- e. Gambling on state property or gambling during working hours
- f. Fighting and/or other acts of physical violence
- g. Violating safety rules where there is a threat of physical harm
- h. Participating in any type of concerted interference with state operations including but not limited to terrorism or sabotage
- i. Unauthorized possession or use of firearms, dangerous weapons, or explosives
- j. Threatening or coercing persons associated with the college (including, but not limited to, employees, supervisors, clients, visitors and/or students)
- k. Criminal conviction for illegal conduct occurring on or off the job that clearly is of such a nature that to continue the employee in their position could constitute negligence in regard to the college's duties to the public, students, clients or other state employees
- l. Violation of the Drug Free Workplace policies of the college and Governor's Policy Directives, depending upon the nature of the violation
- m. Violation of the Sexual Harassment prevention policies, depending upon the nature of the violation
- n. Violation of the anti-discrimination, equal employment opportunity policies, depending upon the nature of the violation

### Corrective Action

Corrective Action should be implemented as soon as a supervisor becomes aware of an employee's unsatisfactory behavior or commission of an offense.

The supervisor has a choice of corrective actions or may utilize a combination of corrective actions if the situation warrants such actions. Examples of corrective actions include issuance of a Letter of Clarification (previously referred to as counseling or a memorandum of understanding) and/or referral to the college counselor or other professional assistance, and/or disciplinary action. Mitigating and/or extenuating circumstances may be a consideration.

### Timeliness Factors

Management should issue Written Notice as soon as possible after an employee's commission of an offense. Ideally, a Letter of Clarification will precede an official written notice.

The active life of a Written Notice is dependent upon the type of offense for which it is issued and is measured by the period for which it is “active”, as itemized below:

- A Written Notice for a Group 1 offense is active for one (1) year from its date of issuance to the employee.
- A Written Notice for a Group 2 offense is active for two (2) years from its date of issuance to the employee.
- A Written Notice for a Group 3 offense is active for three (3) years from its date of issuance to the employee.
- The active periods stated above may not be extended due to an employee’s absence.
- Written Notices that are no longer active shall not be considered in an employee’s accumulation of Written Notices, or in determining the appropriate disciplinary action for a new offense.

#### Retention of Written Notices

Written Notices shall be kept in the employee’s personnel files, except as follows: Removal of a Written Notice may occur if the college modifies or vacates the disciplinary action or if it is determined through the grievance process that the disciplinary action was too severe or was not justified.

#### Pay and Benefits during Suspension

- a. All suspensions are without pay. (Payroll records, etc., should be updated concerning such action, including suspension, demotion, transfer, discharges and reinstatement.) If an employee is suspended without pay pending the outcome of an investigation being conducted by the State Police and/or other federal, state, or local law enforcement agencies, and the findings are in favor of the employee, pay and benefits shall be restored by the college. NOTE: Exempt employees shall be suspended for no less than increments of five (5) working days.
- b. A suspended or terminated employee shall be responsible for full payment of any health insurance premiums due during the period of suspension or following the termination. If the employee's suspension is rescinded or the employee is reinstated following termination by the college, the college shall make appropriate refund(s) to the employee, provided, however that the reinstatement from suspension or the rescinding of the suspension included “with back pay and benefits”. If any type of reinstatement is made “without back pay”, the college shall not be required to reimburse the employee for any lost benefits, including insurance.
- c. If the suspended or terminated employee is reinstated to full employment and benefits, meaning reinstatement with back pay and benefits, the award of back pay shall, automatically, be offset by unemployment compensation received by the employee.

#### Utilization of the Grievance Procedure

Employees may, at their option, utilize the grievance procedure of the college. Please refer to the Employee Handbook for a copy of the grievance procedure.

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**Policy History:**

September 8, 2014  
August 20, 2014  
July 30, 2012  
March 28, 2011  
January 1, 2011  
November 17, 2003

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**PROCEDURE: NONE**