

I. POLICY

We recognize that behavior is influenced by both legal and ethical considerations. SLCC employees are expected to comply with all laws and regulations to which they are subject. In addition, they are expected to adhere to the ethical guidelines outlined in this document as well as ethical standards adopted by their respective professional association. The purpose of this policy is to articulate the expectations of ethical behavior at SLCC and to outline the process by which employees will be held accountable.

Those bound by this policy and accompanying procedures include all SLCC employees, faculty, staff and administrators. They are responsible for adhering to the expectations and following the process as outlined in this policy. In addition, full-time faculty members are bound by parameters set forth in the Academic Freedom, Professional Responsibility and Tenure Policy. The Employee Conduct Policy does not override the tenure document.

To fulfill our responsibilities to our students and to one another, all employees of the college all faculty members (full and part-time), all staff members (full and part-time), and all administrators (full-time and contract) are responsible for ethical conduct in all they do as employees of and/or on behalf of SLCC. Each employee is responsible for:

- A. personal and professional integrity;
- B. respect for persons;
- C. accountability;
- D. fairness and sound judgment; and
- E. mutual respect for diversity—diversity of thought, 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.

We reject hatred, dishonesty, misuse of power and position, and discrimination based on differences as described in the last bullet. We recognize that when employees speak or write as citizens, they are free from institutional censorship or discipline, but as members of the SLCC community, employees may be judged

by their verbal and written statements. All employees should strive to be accurate, to respect the rights of others to express opposing views, and to clearly indicate when they are not representing SLCC.

Employees are also responsible to be familiar with SLCC policies and procedures in general and specifically with those that govern their area of responsibility. These and other documents providing the legal basis for this policy include but are not limited to the following:

- F. Academic Freedom, Professional Responsibility and Tenure Policy
- G. Code of Student Rights and Responsibilities.
- H. State of Utah standards for ethical conduct or laws pertaining to ethical conduct
- I. Utah State Higher Education Board of Regents policy and procedures
- J. SLCC Board of Trustees and policies and procedures

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.
- G. Unlawful Conduct and Penalties, Utah Code Ann. § 63G-6a-24.
- H. Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. §§ 67-16-1–15.
- I. Utah Criminal Code, Utah Code Ann. §§ 76-1-101–3118.
- J. Fleet Operations, Utah Admin. Code r. 27.
- K. Government Records Access Management Act Rules, Utah Admin. Code r. 784-1.

- L. Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review, Utah State Bd. of Regents r. 481.
- M. Equal Opportunity, Diversity and Nondiscrimination, Utah State Bd. of Regents r. 801.
- N. Minimum Requirements for Non-Faculty Staff Employment Grievances Policy, Utah State Bd. of Regents r. 831.
- O. Minimum Requirements for Disciplinary Sanctions and Termination of Staff Personnel, Utah State Bd. of Regents r. 841.
- P. Prohibiting Sexual Harassment, Utah Exec. Or. 2006-0012.

III. DEFINITIONS

See [Human Resources Definitions](#).

IV. PROCEDURES

A. Standards of Ethical Behavior

1. Adherence to Law

- a. Salt Lake Community College holds employees responsible for understanding and adhering to applicable laws, rules, regulations, and policies of governmental and institutional authorities, specifically as they pertain to unique college activities and situations.
- b. Failure to do so shall be grounds for disciplinary action, up to and including termination of employment.

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. (see Utah Code Ann. § 63G-2, Utah Admin. Code r. 784-1, and the Acceptable Use of Computing Resources and Academic Freedom, Professional Responsibility and Tenure policies).

3. Conflict 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. (see Utah Code Ann. §§ 67-16-4, 6, 7, 8, & 9; Utah Code Ann. § 76-8-202, § 76-8-401, 402, & 404; and the Conflict of Interest, External Employment & Consultations; and Academic Freedom, Professional Responsibility and Tenure policies)

- 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:

- (1) 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

- (2) operate a college vehicle while under the influence (see the Drug Free Workplace Policy)

5. Criminal Offense

- a. College employees may be subject to criminal proceedings and penalties if they intentionally or knowingly misappropriate anything of value belonging to the college that is in their custody or possession as a result of their employment in order to obtain a benefit or to harm another person.
- b. Alleged College employee misconduct of this nature will be referred to the appropriate law enforcement agency. (see the Conflict of Interest, External Employment, & Consultations Policy and Utah Code Ann. § 67-16-4; § 76-6-404; § 76-8-401, 402 & 404)

6. Criminal Offense Reporting

All employees are required to report any criminal charges filed or convictions, felony or misdemeanor, against themselves to their supervisor and to the Human Resources office within five working days.

7. Employee/Student Relationships

No employee shall engage in an amorous and/or sexual relationship with a student over whom the employee has evaluative, counseling, or supervisory responsibilities. (see the Sexual Harassment Avoidance; Consensual Relations, and Academic Freedom, Professional Responsibility and Tenure policies, and the Governor's Executive Order, dated December 13, 2006)

8. Employee Work Time

Employee work time is a thing of value belonging to the college. Employees may not use work time for non-work related activities except those that are minimal and non-disruptive, such as making an appointment or receiving a short personal call. The college expects employees to perform college work during their normal work hours and to leave personal activities for non-work hours. (see the Hours of Work and Scheduling and Academic Freedom, Professional Responsibility and Tenure policies; and Utah Code Ann. § 76-6-404)

9. Equal Treatment

- 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. (see the Affirmative Action/Equal Opportunity Policy; Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Equal Pay Act of 1963; the Civil Rights Act of 1991, the Americans with Disabilities Act, 1990; the Federal Executive Order 11246 (1965) and the Vietnam Era Veterans Readjustment Act of 1974)

10. Equipment and Supplies:

- a. Equipment

- (1) College issued office/instructional equipment is provided for the conduct of college activities.
- (2) However, personal use of college equipment is permitted as long as the use does not conflict with any state or federal laws and meets the following three conditions, based on the light of day test: (see the Acceptable Use of College Computing Resources, and the Conflict of Interest, External Employment, & Consultations policies)
 - (a) There is no additional accrued cost to the college as a result of this use;
 - (b) The use does not interfere with nor interrupt college operations; and
 - (c) The use is not for substantial personal profit and/or gain or for the promotion of non-college sponsored commercial ventures. (see Utah Code Ann. § 76-6-404, § 76-8-404, §§ 67-16-4 & 9)

- b. Supplies

- (1) Employees are to use college purchased supplies, photocopies and other consumables for institutional purposes only and not for personal or private purposes.
- (2) Supplies are considered things of value. (see the Acceptable Use of College Computing Resources Policy; Utah Code Ann. § 76-6-404)

11. 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. (see the Procurement Policy)

12. Gifts

Employees shall not accept, directly or indirectly, any gift, favor, service, or other things of value under circumstances from which it might be reasonably inferred, or which the employees know or have reason to believe, that it is offered for the purpose of influencing the discharge of their duties to the College. (see Utah Code Ann. § 67-16-5)

13. Improper use of College Human and Facility Resources

- a. The college prohibits personnel from using college staff on college time to carry out work for non-college enterprises in which either the employee or a person with a relationship to that employee has a financial or other interest. (see Utah Code Ann § 67-16-4 (1) (b); § 76-6-404)
- b. The college prohibits any non-business use of college resources or facilities. This includes surplus material/equipment, which must be disposed of according to college policy. (see the Academic Freedom, Professional Responsibility and Tenure Policy; Utah Code Ann. §§ 67-16-4, 8 & 9 and Utah Code Ann. §§ 76-8-201, 402, & 404)

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. (see the College Procurement Policy and Utah Code Ann. § 76-6-404, §§ 76-8-401, 402, and 404)

15. Liability for Property Loss

When institutional property disappears or sustains damage as a result of gross negligence by an employee, such person may be liable for the loss sustained by the institution. (Utah Code Ann. § 76-6-404, §§ 76-8-401–404)

16. Misuse of Position

Employees shall not use, or allow to be used, their college position(s) or employment, or any information not generally available to members of the public which the employee receives in the course of their employment to

secure financial gain, authorized privileges, advantages or employment for themselves, their immediate family members, or others with whom the employees associate. (see the Conflict of Interest, External Employment, & Consultations and Academic Freedom, Professional Responsibility and Tenure policies, and Utah Code Ann. § 67-16-5; §§ 67-16-4; §§ 76-8-201, 202, 203; §§ 76-8-402 & 404)

17. Non-public information

- a. Employees shall not disclose non-public, confidential, or otherwise sensitive information or use such information for their personal benefit.
- b. College employees shall maintain in strict confidence and security all information in her/his possession about the institution or its constituent parts that by institutional policy or law is considered to be confidential or otherwise restricted. (see Utah Code Ann. §§ 67-16-4, §§ 76-8-412 & 413; § 63G-2 and Utah Admin. Code r. 784-1, GRAMA, HIPAA, and FERPA)

18. Political Involvement

- a. Unless provided for by job description, under the direction of the college president, or for an educational purpose consistent with the college mission, an employee shall not use institutional time, funds, equipment, or other resources to work on a political campaign or influence the passage or defeat of legislation.
- b. As private citizens, SLCC employees may support political ideas of their choosing.
- c. As SLCC employees they may support certain political ideas that align with the college mission, but under no circumstances should employees support, as a representative of the college, specific candidates or political organizations.

19. Purchases From/By Employees:

- a. The college may not purchase equipment, real or intellectual property from an employee unless approved by the college president or appropriate vice president in consultation with the college purchasing agent. Similarly, no employee may without appropriate approval purchase equipment, property or services from the institution or outside vendor through which the employee may benefit personally where such employee participated in the college's decision to sell such property.

- b. This includes the purchase of surplus college property. (see Procurement Policy and Utah Code Ann. §§ 67-16-4 & 9; and, Utah Code Ann. § 76-8-201)
- c. Purchases made using institutional funds must comply with established purchasing policies and guidelines issued by the Business and Purchasing offices. (see Purchasing Policy and Low Dollar Guidelines) (see Utah Code Ann. §§ 67-16-8 & 9; § 63G-6a)

20. Private Information

Information or data contained in education or employment records maintained by the college that would disclose individually identifiable information about a student or employee is considered private information, with the following exceptions:

- a. Students may access their own grades.
 - (1) Student information identified as directory information under FERPA may be disclosed without prior permission from students, unless the students have requested that their information not be disclosed.
 - (2) Directory information includes:
 - (a) students name(s);
 - (b) birth date;
 - (c) enrollment status;
 - (d) dates of attendance;
 - (e) degrees awarded;
 - (f) dates of graduation;
 - (g) honors;
 - (h) major field of study;
 - (i) most recent previous school attended; and
 - (j) participation in activities/sports
- b. Employees may access their own personnel files.

- (1) Information about employees and/or students identified in GRAMA as public information may be disclosed, without prior permission, by the GRAMA Coordinator.
- (2) Questions about what information is considered public should be directed to the college's GRAMA coordinator. Public information includes:
 - (a) Name;
 - (b) location of office; and
 - (c) work phone number.
- (3) All requests by third parties (including all federal and state government entities as well as private or public businesses) for information from college education or employee records must be made in writing to the SLCC GRAMA coordinator (as per Utah Admin. Code r. 784-1), and will be disclosed only in accordance with a variety of state and federal privacy laws.

21. Sexual Harassment

- a. Sexual harassment is unacceptable at Salt Lake Community College.
- b. Such unacceptable behavior is defined in the college's Sexual Harassment Avoidance Policy and may include, but is not limited to:
 - (1) a pattern of unwelcome verbal or non-consensual physical conduct of a sexual nature;
 - (2) all acts of indecent public display, voyeurism, exhibitionism, lewdness;
 - (3) other acts of a sexual nature defined and prohibited by the Utah Criminal Code including §§ 76-9-702(1) & (2); §§ 76-10-1227 & 1228.
- c. Pornographic materials, as defined by the Utah Code Ann. § 76-10-1203 through 1205, may not be downloaded or viewed on any college computer whether on- or off-site.
- d. In accordance with college policy, suspected or alleged incidents of sexual harassment should be reported to the immediate supervisor and/or the college Office of Equal Employment Opportunity (EEO) within one working day.
- e. Any reporting delay may implicate or create a personal liability for an employee who may not be directly involved in the incident. (see the Sexual

Harassment Avoidance, and Acceptable Use of College Computing Resources policies, and the Governor's Executive Order Prohibiting Sexual Harassment, December 13, 2006)

22. Sexual Misconduct

- a. All acts of indecent public display, voyeurism, exhibitionism, lewdness or other acts of a sexual nature defined and prohibited by the Utah Criminal Code, even if consensual, are prohibited at all college sites and campuses.
- b. Incidents of sexual misconduct should be reported to the immediate supervisor and/or the college EEO office within one working day.
- c. Any reporting delay may implicate or create a personal liability for an employee who may not be directly involved in the incident.
- d. Pornographic materials, as defined by the Utah Code Ann. § 76-10-1203 through 1205, may not be downloaded or viewed on any college computer or using other college owned data resources/systems whether on- or off-site.
- e. Incidents should be reported to the immediate supervisor or the college EEO officer within one working day.
- f. Any reporting delay may implicate or create a personal liability for an employee who may not be directly involved in the incident. (see the Sexual Harassment Avoidance, and Acceptable Use of College Computing Resources policies, and the Governor's Executive Order Prohibiting Sexual Harassment, December 13, 2006)

23. Software

- a. Employees are to use software licensed to the college for institutional purposes and not for personal commercial gain except where an extended use license is allowed.
- b. Personal use of college equipment is permitted as long as the use does not conflict with any state or federal laws or with the software license agreement.
- c. Users must meet the following three conditions, based on the light of day test: (see the Acceptable Use of College Computing Resources and the Conflict of Interest, External Employment, & Consultations policies)
 - (a) There is no additional accrued cost to the college as a result of this use;

(b) The use does not interfere with nor interrupt college operations;
and

(c) The use is not for substantial personal profit and/or gain or for the promotion of non-college sponsored commercial ventures. (see Utah Code Ann. § 67-16-4)

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)

25. Taping or Recording of Employee Communications and Meetings

- a. Employees are prohibited from taping or recording communications between employees and/or other persons at the college.
- b. Designated administrative meetings and hearings at the college, including but not limited to, board of trustees, Faculty Senate, employee and student hearings, may be taped or recorded so long as recording devices are in plain view and everyone in attendance is aware that communications are being recorded.
- c. Administrative systems, such as voice mail, are also permitted.
- d. This section does not apply to monitoring or tape recording pursuant to a court order or other legitimate law enforcement activities.

B. Procedures for Resolution

1. Alleged violations of this policy and procedure should be reported to the nearest supervisor not involved in the activity.
2. Supervisors are responsible for prompt investigation of alleged conduct and where violations have been found, supervisory personnel must take corrective action. Please contact Human Resources for more information.

Date of last cabinet review: October 18, 2016

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