

# TUSCULUM COLLEGE

## Employee Handbook



Approved by the  
Tusculum College Board of Trustees  
May 19, 2012

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<b>Intent of the Employee Handbook</b>			
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The intent of this manual is to identify and communicate the employment policies and procedures of Tusculum College (“Tusculum College” or the “College”) to its employees. These policies and procedures are generally applicable to all employees including full-time, part-time and temporary members of the staff, faculty, and administration, as well as contract workers, unless this Handbook or another written document states otherwise.

No provision of this Handbook shall be construed as an employment agreement or contract. Employment with Tusculum College is “at will” and nothing in this Handbook shall be considered as a promise of employment for a definite duration. Any agreement of employment for a specified period of time or contrary to this Handbook, shall be in writing and signed by the employee and by the Vice President of Academic Affairs and/or President of Tusculum College.

These policies and procedures are subject to revision at any time without notice and as made necessary by applicable law, changing circumstances and/or to reflect the best interest of our students, employees and community. It is the responsibility of an employee to bring to Tusculum’s attention any questions or difficulties in understanding the content or administration of these policies. Tusculum College welcomes any comments you may have regarding revision to the Handbook. Such questions, difficulties and comments should be directed to the Director of Personnel Services.

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<b>Mission Statement &amp; Vision</b>			
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### **Mission Statement**

Tusculum College provides a liberal arts education in a Judeo-Christian and civic arts environment, with pathways for career preparation, personal development and civic engagement.

### **Vision**

Tusculum College strives to actualize educational excellence and ongoing relevance through our third century by:

- Establishing transformative living and learning communities,
- Reflecting institutional integrity through aspirational leadership and academic innovation,
- Distinguishing Tusculum College alumni as leading citizen-scholars, and
- Maximizing individual, group, and community fiscal support and partnerships to promote innovation.

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<b>Statement of Values</b>			
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***Integrity:*** Encompassing honesty and trustworthiness, all members of the Tusculum Community value and live with integrity, respect and virtue in communications, relationships and actions.

***Education:*** We value a balanced education grounded in the civic and liberal arts and career preparedness. Our goal is for students to develop practical wisdom, global literacy, critical and independent thinking, and an appreciation for life-long learning, diversity and inclusion.

***Civic Responsibility:*** We value our unique heritage in the civic arts and the Judeo-Christian tradition, and seek to develop citizen-scholars who will serve their communities throughout the world. We develop students as leaders who problem solve with reflective judgment.

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<b>College Organization</b>			
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Tusculum College is incorporated in the State of Tennessee and its policies and procedures are formulated by the Board of Trustees. The Board of Trustees appoints the President of the college, who exercises discretionary authority over its daily operation and management. This process, as well as the powers of the various positions and governing bodies at Tusculum, is set forth in its Bylaws. A copy of the Bylaws can be obtained by contacting the President's office. The President's performance will be subject to annual review by a Committee appointed by the Board of Trustees.

The President appoints cabinet members to assist him or her in fulfillment of his or her duties overseeing the management and operation of the College. The President's cabinet members include the Vice President of Academic Affairs, the Vice President/Chief Financial Officer, the Vice President of Institutional Advancement, the Vice President of Enrollment Management, and the Vice President/Chief Technology Officer. The specific duties of each cabinet member are established by the President. The cabinet members' performance will be evaluated on a regular basis by the President.

An organizational chart setting forth the various positions of the College is located on the Tusculum College website under Human Resources. The organizational structure of the College has been designed to provide the proper administration of the College. Individual job descriptions are developed and modified as needed.

A list of committees governing various aspects of faculty members is contained in the Faculty Handbook. In addition, the Faculty Handbook sets forth additional policies and procedures applicable to Tusculum Faculty.

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<b>Equal Employment Opportunity</b>			
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The College will select new employees, and administer all terms and conditions of employment, so as not to discriminate on any basis prohibited by law and to provide equal employment opportunities for all qualified applicants and employees without regard to race, color, gender, religion, age, national origin, sexual orientation, military or veteran's status, genetic information, or disability. Decisions in all employment actions will be based on the individual's qualifications, job requirements, job performance, and job-related criteria, and made in conformance with all federal and state laws.

Employees are encouraged to bring questions related to this policy to the Director of Personnel Services. Any employee who has a complaint or report of employment discrimination has an immediate responsibility to report the problem to his or her Department Head or Vice President, or to the Director of Personnel Services or President. Anyone receiving such a complaint should report it to the Director of Personnel Services and/or President. See the College's "Sexual and Other Discriminatory Harassment" and "Disabilities and Reasonable Accommodations" policies for more information regarding discrimination and harassment policies and complaint procedures.

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<b>Job Posting, Transfers &amp; Promotions</b>			
Reference Number 2.02	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 2

It is the policy of the College to fill job vacancies for staff positions by transfer and/or promotion from within if qualified employees are available, and provided such transfers and/or promotions are consistent with all equal opportunity and any other relevant policies of the College. See the Faculty Handbook for procedures related to faculty promotion and filling job vacancies for faculty positions.

### **Vacancies filled from inside the Department**

A department Director and/or Vice President may generally fill a job opening within the department without posting or advertising the position. The Director must first prepare the required paperwork (Form 14, Employment Change Request), and send it to the Vice President, along with the job description, for approval. If the Vice President approves the need for filling the position, the paperwork must be sent to the Vice President/Chief Financial Officer (VP/CFO) and President for their approval. Once approved by the VP/CFO and President, the approval will be sent to the Director of Personnel Services for preparation of all necessary paperwork. The transfer and/or promotion of the employee will be effective upon written notification from Human Resources.

An employee interested in applying for a transfer and/or promotion to a job opening within his or her department, should contact his or her Director. An employee must have been in his or her current position for at least 90 days prior to applying for a new position within the College.

### **Vacancies filled from outside the Department**

If the vacancy is not filled within the department, it must be posted and open to the general public. The Director must request to open the position by preparing the required paperwork (Form 13, Employee Search Requisition) and forwarding it, along with the job description, to the Vice President for approval. If the Vice President approves the need for the position, the paperwork must be sent to the VP/CFO and the President for final approval. If approved by the VP/CFO and President, the approval will be sent to the Director of Personnel Services for review and preparation of all necessary postings and advertisement.

The position will be posted by Human Resources on the Tusculum College website ([www.tusculum.edu](http://www.tusculum.edu)). All applicants, including Tusculum employees, must direct their applications or resumes to the Human Resources department. While Tusculum College prefers to promote from within, it will select the best qualified applicant after a fair search and comprehensive evaluation.

If a Tusculum College employee is selected for transfer, the Director must prepare the required paperwork (Form 14, Employment Change Request), and send it to the Vice President, along with the job description, for approval. If the Vice President approves the transfer, the paperwork must be sent to the VP/CFO and President for their approval. The VP/CFO and/or President may deny any transfer and/or promotion based on financial or budgetary issues, or for any reason related to the more efficient and effective operation of the College. Once approved by the VP/CFO and President, the approval will be sent to the Director of Personnel Services for preparation of all necessary paperwork. The transfer and/or promotion of the employee will be effective upon written notification from Human Resources.

If an external candidate is selected, the Director must prepare the required paperwork (Form 16, Employment Requisition) and attach the resume/application, and send it to the Vice President, for approval. If the Vice President approves the hiring of the candidate, the paperwork must be sent to the VP/CFO and President for their approval. Once approved by the VP/CFO and President, the approval will be sent to the Director of Personnel Services for preparation of all necessary paperwork. The employment of the candidate will be effective upon written notification from Human Resources.

## **Promotion**

A department Director and/or Vice President may promote a staff employee. The Director must first prepare the required paperwork (Form 14, Employment Change Request) with financial budget and reasoning for promotion and send it to the Vice President, along with the job description, for approval. If the Vice President approves the need for the promotion, the paperwork must be sent to the VP/CFO and President for their approval. Once approved by the VP/CFO and President, the approval will be sent to the Director of Personnel Services for preparation of all necessary paperwork. The promotion of the employee will be effective upon written notification from Human Resources.

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<b>Employment Authorization Verification</b>			
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In accordance with the Immigration Reform and Control Act of 1986 (IRCA), and all other applicable Federal and State laws, Tusculum College does not employ individuals who are not authorized to work in the United States. Further, the College will not continue to employ any individual whose legal right to work in the United States has been terminated or has expired.

Consistent with IRCA, the College will require documentation of every new employee's identification and work authorization. All job offers extended to successful applicants are made contingent upon proper completion and receipt of USCIS Form I-9 Employment Eligibility Verification, along with submission of the required, supporting documentation.

The Form I-9 is provided to new employees by the Human Resources department on or before the first day of work. New employees must complete Section One of the Form I-9 on or before his or her first day of work. New employees must provide the required documentation listed on the back of the Form I-9 within three (3) business days of his or her first day of work. Failure to do so will result in immediate termination of employment.

In addition, and in accordance with Tennessee law, the College is, in addition to completion of the I-9 documentation, entering I-9 information of all newly hired employees into the federal E-Verify employment verification system.

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<b>Background Checks</b>			
Reference Number 2.04	Board Approval 5/2012	Effective Date 10/1/2012	Page 1 of 1

In the interest of making sound hiring, transfer and promotion decisions, as well as adequately safeguarding the interests of Tusculum College, background investigations, including criminal, and credit checks, shall be conducted in connection with offers of employment. Background investigations may also be conducted in connection with an individual's consideration for transfer or promotion to another position, or, where appropriate to the position occupied by the individual, upon a periodic basis. Motor Vehicle Reports will be conducted individuals that operate Tusculum College's vehicles. When such investigations include the utilization of a consumer reporting agency to generate "consumer reports" as defined by the Fair Credit Reporting Act (FCRA), they shall be conducted in accordance with its requirements (Form 10 FCRA Disclosure and Form 18 FCRA Authorization and Release).

The College may also conduct investigations of current employees which are related to suspected misconduct or in connection with regulatory or other legal oversight of the College. If the College relies on a third party consumer reporting agency during any such investigation, its reports are not "consumer reports." If and when the College takes adverse action against an employee in connection with such an investigation, it will communicate the nature and substance of the information upon which it acts. Individuals who provide false or inaccurate information, whether written or oral, or who make material omissions in connection with an application for employment, or in connection with a possible transfer or promotion, may not be hired. Where such individual is already employed by the College, he or she may be terminated from employment.

All background investigations shall be conducted in a non-discriminatory fashion. The existence of a criminal conviction or bankruptcy filing is not an automatic bar to employment.

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<b>Performance Evaluations</b>			
Reference Number 2.05	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

To assist employees in the performance of their jobs, Tusculum acknowledges the importance of recognizing good performance and pointing out areas of needed improvement. In furtherance of this goal, Tusculum will conduct a formal performance evaluation of all staff member employees on an annual basis. To the extent possible, supervisors should attempt to complete evaluations by the end of July.

Performance evaluations will be prepared by the employee's supervisor based on factors such as job knowledge, work performance, productivity, quality of work, initiative, conduct, dependability, demeanor, record of attendance and tardiness, etc. (Form 4 Performance Appraisal/Annual Review).

The purpose of the employee performance evaluation is to identify areas of strength and weakness, improve work performance, and provide a basis on which decisions may be made concerning retention, promotion, merit increases, or special adjustments. Therefore, supervisors must be diligent not only in completing the evaluation, but in doing so in an honest and forthright manner, understanding that not drawing attention to issues or areas that require improvement is detrimental not only to the College, but also to the employee.

The appropriate Vice President will approve the performance evaluation prior to the supervisor reviewing the performance evaluation and recommendations with the employee. The evaluation should be signed by both parties and sent to the Human Resources department. A copy of the evaluation and any written response submitted by the employee will be placed in the employee's personnel file.

Faculty members will be evaluated based on the procedures outlined in the Faculty Handbook.

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<b>Employment-at-Will</b>			
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Employment with Tusculum College is on an “at-will” basis, meaning that either the College or the employee can end the employment relationship at any time, either with or without cause, and either with or without notice. The terms of at-will employment can only be modified by written agreement signed by the President or the Board of Trustees and the College employee.

Tusculum College utilizes an "probationary " period during the first sixty (60) days of employment. An employee's first sixty (60) days of employment are on a trial basis and are considered a continuation of the employment selection process. The sixty (60) day probationary period provides Tusculum College an opportunity to observe and evaluate the capacity of the employee, which includes the employee's ability to satisfactorily perform the essential functions of his or her job, and to observe and evaluate the employee's work habits and conduct, including attendance and the employee's relationship with co-workers and superiors. During the probationary period, the College may terminate the employment relationship immediately, with or without cause, and with or without notice. While this is the case in any "at will" employment relationship, Tusculum College generally follows a procedure of progressive discipline once an employee has completed the sixty (60) day orientation period. Likewise, the employee may also terminate his or her employment with the College at any time, with or without notice and with or without cause. This 60-day probationary period does not create a guaranteed term of employment and is not intended to alter or impact the "at will" nature of the relationship between the College and the employee.

Any provisions, policies or procedures contained in this Employee Handbook do not constitute a contract or otherwise binding commitment between Tusculum College and its employees.

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<b>Minimum Age Requirements</b>			
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Generally, Tusculum requires that its employees be at least eighteen (18) years old and have graduated from high school, or have the equivalent of a high school diploma. The College will make an exception for students employed in the College's Federal Work Study Program or if enrolled in a vocational training school or course, receiving training through a cooperative program or distributive education program.

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<b>Classification of Employees</b>			
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The Fair Labor Standards Act (FLSA) determines whether a particular employee is entitled to overtime for all hours worked in excess of forty (40) in any given work week. Particular positions within the College are either “exempt” from the requirement of payment of overtime or “non-exempt.” The classification of an employee is dependent upon the type of work he or she performs, and the amount and method of payment he or she receives. Some examples of “exempt” employees are professionals, executives, administrators, and certain highly compensated employees. Some examples of “non-exempt” employees are technical, safety, maintenance and administrative support staff. If you have questions regarding your FLSA categorization, please contact the Director of Personnel Services.

The following is a list of the different categories of Tusculum College employees, along with a brief description.

**Regular Full-Time Staff Members** – primary duties involve administrative and technical support; regularly work a minimum of thirty-five (35) hours per week; maintain regular employment status; and are eligible to participate in all Tusculum employee benefits subject to the limitations contained in this Handbook or in the specific benefit policy documents.

**Regular Full-Time Faculty Members** – primary duties involve instructing and advising of students; work a specified time period as defined in the Faculty Handbook and the appointment letter; maintain regular employment status; and are eligible to participate in all Tusculum employee benefits subject to the limitations contained in this Handbook, the Faculty Handbook, or in the specific benefit policy documents.

**Three Quarter-Time (3/4) Staff Members** - primary duties involve administrative and technical support; regularly work thirty (30) hours per week for a year or regularly work forty (40) hours for 9 months of year.; and are eligible to participate in Tusculum employee medical plan benefits subject to the limitations contained in this Handbook or in the specific benefit policy documents.

**Regular Part-Time Staff** – primary duties involve administrative and technical support; regularly work less than twenty-nine (29) hours a week (infrequently working more than forty hours a week will not convert the employee to regular, full-time status); and are ineligible to participate in many, if not all, of Tusculum’s employee benefits as set forth in this Handbook.

**Temporary Workers** – (including Student Workers, Tutors, Mentors, Adjunct Faculty, Student Representatives, etc.) work for a set period of time or specific project, as established by the beginning and end date of employment set forth in the employment offer letter; and are ineligible to participate in many, if not all, of Tusculum’s employee benefits as set forth in this Handbook. Adjunct Faculty are temporary workers with less than a  $\frac{3}{4}$  teaching load for the Academic year. Contact the Director of Personnel Services or the Vice President of Academic Affairs for further information on adjunct faculty teaching load or qualifications.

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<b>Compensation</b>			
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### **Staff**

Compensation is initially established at the time of employment and will be communicated to the employee. Employees' compensation will be reviewed on a regular basis to determine whether adjustment is warranted based on an individual's performance and adherence to College rules, regulations and policies, the cost of living and market circumstances, the College's financial resources and budget priorities, and any other relevant factor. Additional information regarding the evaluation of staff members can be found in Section 2.05 "Performance Evaluations" of this Handbook.

### **Faculty**

Compensation is initially established at the time of employment and set forth in the Appointment Letter. Every reasonable effort will be made to maintain faculty salaries at a level competitive with those of comparable colleges and universities throughout the region.

A faculty member's salary will be examined annually to determine whether adjustment is warranted. In making such determination, the following general criteria will be considered in assessing faculty salary increases:

- (1) demonstrated competence and effectiveness in teaching;
- (2) active support of the mission of the College;
- (3) adherence to College rules, regulations and policies;
- (4) maintenance of professional conduct;
- (5) a record of continuing scholarship;
- (6) involvement in professional activities;
- (7) receipt of a promotion in academic rank;
- (8) results of any evaluation;
- (9) the College's financial resources and budget priorities;
- (10) the cost of living;
- (10) comparative salaries in the market; and
- (11) any other relevant factor.

More information regarding the evaluation of faculty can be found in the Tusculum College Faculty Handbook.

Based on the above-listed criteria, the School Director/Dean will evaluate each faculty member's salary on an annual basis. The School Director/Dean will forward a recommendation to, and review it with, the Vice President of Academic Affairs. The Vice President of Academic Affairs will consider the recommendation of the School Director/Dean, as well as the factors listed above, and make a recommendation to the President. The President will consider the recommendation in light of the factors above and give final approval. The Board of Trustees approves the College salary budget.

In addition to a salary, Faculty may be entitled to a stipend for performance of additional duties and/or holding additional responsibilities (e.g. School Director, Department or Program Chair). See the Faculty Handbook for information regarding such stipends.

### **Temporary Employees or Contract Labor**

The compensation to be paid to temporary employees (i.e. Adjunct Faculty, student workers, student representatives, etc.) is set forth in the individual's offer letter of employment.

All temporary employees or contract labor used by the College will be carried on the College payroll, paid through the Business Office, or carried on the payroll of an employment agency. No person may be paid directly out of petty cash or any other such fund. If you have any questions regarding payment, contact the Human Resources department.

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<b>Paychecks &amp; Deductions</b>			
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Paychecks will be issued as follows:

- Exempt salaried employees will be paid on a monthly basis, on the last business day of the month.
- Non-exempt employees (i.e. part-time and temporary employees) will be paid on a bi-weekly basis, on Friday.
- Adjunct Instructors will be paid the entire contracted amount within three (3) weeks of the end of class, or within three (3) weeks from when all College obligations are met as set forth in the offer letter, whichever is later.
- Student Workers will be paid monthly on the second or third Friday of the month.

If a scheduled payday falls on a Saturday, Sunday or company observed holiday, paychecks will usually be issued on the day preceding the weekend or holiday. All paychecks should be reviewed for errors. Any errors should be reported promptly to the Human Resources department so that corrections can be made.

Direct deposit is a safe and easy way to have money electronically deposited directly into your bank account. Tusculum encourages all employees to sign up for direct deposit. If you do not wish to have direct deposit then your paycheck will be mailed to your home address on payday. The College will not be responsible for mail delivery issues or lost or stolen checks.

All deductions required by law such as federal, state and local taxes, social security and Medicare, as well as the employees' voluntary deductions such as health insurance premiums and retirement plan contributions, will be automatically withheld from paychecks. If you have questions concerning why deductions were made from your paycheck or how they were calculated, contact the Human Resources department so that corrections can be made, as well as any necessary reimbursement. The College will not retaliate against an employee who reports a payroll error.

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<b>Timekeeping &amp; Overtime</b>			
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Employee schedules are established by his or her supervisor and are subject to change from time to time, without prior notice, to meet operating requirements. Employees are expected to report to work at his or her designated time and remain in accordance with his or her set schedule.

Non-exempt employees are required to accurately document (Form 24, Employee Timesheet) hours worked on a daily basis, and are subject to discipline for failure to do so. Timesheets must be submitted to your supervisor at the end of each week. Supervisors must submit all timesheets to the Payroll Department by the following Tuesday. Working “off the clock” is strictly forbidden.

The College shall pay non-exempt employees overtime pay for all hours worked in excess of forty (40) hours in a work week, in strict accordance with state and federal wage and hour requirements.

No employee may work overtime unless it is expressly authorized by his or her Vice President of the department. Employees are subject to discipline for working unauthorized overtime. Further, falsifying a time record (or failing to report another employee’s falsification) will result in discipline, up to and including termination.

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<b>Meal and Break Periods</b>			
Reference Number 4.04	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

Unless otherwise indicated by an employee's supervisor, regular work hours are from 8:00 a.m. to 5:00 p.m. The College requires each employee working a shift of six (6) or more consecutive hours to take at least a thirty (30) minute unpaid meal period. The specific duration of the meal period is established by the supervisor.

Meal periods should not be taken within the first or last hour of the work day. An employee taking a meal period must completely relieve himself or herself of duties for at least thirty minutes.

While not required by law, allowing additional paid break periods is within the discretion of the Vice President of each department subject to the operating needs of the department and to the following provisions:

- The break should not exceed fifteen (15) minutes.
- The break may not be added to the lunch hour or other off-duty time, or accumulated to provide for prolonged time off.
- The break should not occur within the first or last hour of the work day.

Abuse of the privilege of break times may result in denial of any future breaks, as well as discipline, up to and including termination.

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<b>Employee Training</b>			
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Occasionally, Tusculum College may require or permit employees to participate in job-related training during normal working hours. Any such training must be approved by the Vice President of the department and designed to improve an employee's ability to perform in his/her current job or department. All time spent participating in training required by Tusculum College will be counted as hours worked.

If an employee chooses to voluntarily participate, during normal working hours, in lectures, meetings, or other types of training programs, it will not be counted as hours worked. Any such training must be approved by the Vice President of the department.

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<b>Severe Weather</b>			
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On rare occasions, weather conditions are severe enough to require the College to be closed. When this is the case, administration, staff and faculty members are not expected to be at work except for those areas where work is required for the safety of individuals or protection of properties (i.e. Campus Safety, Facilities or as otherwise designated by President).

Employees should register for “Pioneer Alert” to receive notification of closings on their cell phone, home phone or email. Contact the Student Affairs office to register.

Notification of closings will be announced via:

Tusculum College Pioneer Alert  
Tusculum College website  
Tusculum College Facebook page  
Tusculum College Twitter feed

#### Radio Stations

WGRV 1340 AM - Greeneville  
WSMG 104.7 FM – Greeneville  
WMTN 1300AM - Morristown  
WXBQ96.9 FM –Bristol  
WTFM 98.5 FM – Johnson City  
Electric 94.9 FM – Johnson City

#### TV Stations

WJHL - Channel 11- Johnson City  
WCYB – Channel 5 - Bristol  
WKPT – Channel 10 - Kingsport  
WBIR – Channel 10 - Knoxville  
WATE – Channel 6 - Knoxville  
WVLT – Channel 8 - Knoxville

Decisions regarding evening and weekend classes will be made at the earliest possible time. It is possible that one Tusculum College campus may be closed while another remains operating.

If the College is not closed, an employee failing to report to work will be considered absent and an employee arriving late to work may be considered tardy.

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<b>Attendance</b>			
Reference Number 4.07	Board Approval 5/2012	Effective Date 7/1/0212	Page 1 of 1

Employees are expected to be at work on time every day, ready and able to conduct business. Absenteeism and tardiness interfere with the College's ability to service the needs of its students and place an unfair burden on fellow workers.

Employees who report late or leave early, either during meal times or before/after a shift, are considered tardy. Employees who miss four (4) or more hours of their scheduled shift are considered absent.

An employee should notify his or her immediate supervisor (Form 25 Personal Time Off (PTO) Request) well in advance of an expected absence. See Policy 6.02 for information on PTO time off. In the event of unexpected absence or tardiness, the employee must notify his or her supervisor by telephone prior to the beginning of the work day. An e-mail or text message is not an acceptable form of communication for this purpose. If the immediate supervisor is not available, the employee should request to speak to the department Director. If the employee must leave a voicemail message, he or she must continue to follow up until the supervisor or Director is spoken to in person.

Repeated or excessive tardiness or absences for any reason, except pursuant to the College's leave policies or to a previously approved request under the Americans with Disabilities Act, may result in disciplinary action up to and including termination.

Employees who are absent and do not call in for three (3) consecutive days will be considered to have voluntarily resigned (without notice).

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<b>Employee Records</b>			
Reference Number 5.01	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

A complete file for each employee is maintained by the College in compliance with federal and state laws. The file contains personal data, enrollment forms, performance reviews, disciplinary actions, etc. The file is used only by the College and access is limited to College employees on a strict need to know basis.

Separate files are maintained for information relating to medical information, Family and Medical Leave requests, requests for accommodations under the Americans with Disability Act, I-9 employment verification documentation, and academic related information for faculty.

Personnel records are the property of Tusculum College. Current employees are permitted to review their files only in the presence of authorized personnel. Access to employee personnel records by other parties, including former College employees, is not permitted unless required by law. By law, these files must be made available to certain state and federal government agencies upon request.

In the course of their work, employees may have access to confidential information regarding Tusculum College and/or its students, applicants, or employees. It is imperative that this information remain confidential and only be used in the performance of work duties. Misuse of employees' confidential information may result in disciplinary action up to and including termination.

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<b>Personnel Data Changes</b>			
Reference Number 5.02	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

It is the responsibility of each employee to keep the College advised of his or her correct personal data, including name, family status, mailing addresses, telephone numbers, number and names of dependents, and individual(s) to be contacted in the event of an emergency. In addition, information such as educational accomplishments, and other such status reports, should be kept accurate and current at all times. This information is used for maintaining proper records for personnel management, payroll deductions, social security, and group insurance. Employees should notify the Human Resources department in writing of any changes to this information.

It is also the employee's responsibility to notify the Director of Personnel Services of any changes that may affect benefits such as pregnancy, birth or adoption of children, changes in marital status, changes in designated beneficiaries, etc. so that the College can ensure that the employees receive any benefits to which he or she is entitled.

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<b>Record Retention &amp; Destruction</b>			
Reference Number 5.03	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 3

In accordance with the Sarbanes-Oxley Act, which makes it a crime to alter, cover up, falsify, or destroy any document with the intent of impeding or obstructing any official proceeding, and all other laws and regulations governing the maintenance of employment related records, this policy provides for the systematic review, retention and destruction of documents received or created by Tusculum College in connection with the transaction of its business.

This policy covers all College records and documents, regardless of physical form, and contains guidelines for how long such records and documents should be kept and/or destroyed. The policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate Tusculum College’s operations by promoting efficiency and freeing up valuable storage space.

Tusculum College follows the document retention procedures outlined below. Documents that are not listed but are substantially similar to those listed in the schedule will be retained for the designated length of time.

**College Records**

Annual Reports to Federal or State Government .....	Permanent
Board meeting and Board Committee Minutes.....	Permanent
Board Policies/Resolutions .....	Permanent
By-laws .....	Permanent
Fixed Asset Records .....	Permanent
IRS Application for Tax-Exempt Status (Form 1023).....	Permanent
IRS Determination Letter.....	Permanent
State Sales Tax Exemption Letter.....	Permanent
Contracts (after expiration).....	7 years
Correspondence (general) .....	3 years

**Bank Records**

Check Registers .....	Permanent
Bank Deposit Slips .....	7 years
Bank Statements and Reconciliation .....	7 years
Electronic Fund Transfer Documents .....	7 years

**Institutional Advancement**

Donor Records/Acknowledgement Letters.....	7 years
Grant Applications and Contracts.....	5 years after completion

## Accounting Records

Annual Audits and Financial Statements .....	Permanent
Depreciation Schedules.....	Permanent
Ledgers.....	Permanent
IRS 990 tax Returns .....	Permanent
Business Expense Records .....	7 years
IRS 1099s .....	7 years
Journal Entries .....	7 years
Invoices .....	7 years
Sales Records (box office, concessions, gift shop) .....	5 years
Petty Cash Vouchers .....	3 years
Cash Receipts .....	3 years
Credit Card Receipts .....	3 years

## Legal, Insurance and Safety Records

Appraisals .....	Permanent
Copyright Registrations .....	Permanent
Environmental Studies .....	Permanent
Insurance Policies .....	Permanent
Real Estate Documents .....	Permanent
Stock and Bond Records .....	Permanent
Trademark Registrations .....	Permanent
Leases.....	6 years after expiration
OSHA Documents .....	5 years
General Contracts .....	3 years after termination

## Payroll and Employment Tax Records

Payroll Registers .....	Permanent
State Unemployment Tax Records .....	Permanent
Earnings Records .....	7 years
Garnishment Records .....	7 years
Payroll Tax returns .....	7 years
W-2 Statements .....	7 years
Time Cards .....	2 years

## Employee Records

Personnel Files (Terminated Employees) .....	7 years
Employment and Termination Agreements .....	Permanent
Retirement and Benefit Plan Documents .....	Permanent
EEO.....	10 years
Records Relating to Promotion, Demotion or Discharge.....	7 years after termination
Accident Reports and Worker's Compensation.....	5 years
Salary Schedules .....	5 years
W-4 Records .....	4 years after termination

Employment Applications .....	3 years
Training Records.....	3 years
Layoff Records.....	3 years after termination
I-9 Forms.....	1 year after termination or 3 years after Hire, the later
Medical Record .....	3 years after termination (Hazard exposure for 30 years after termination)
Search and Hiring Records .....	3 years after filled/cancel
Unemployment Compensation Claims/Reports.....	2 years

**Registrar’s Office Records**

Academic Transcripts .....	Permanent
Date of Graduation and Degree Awarded.....	Permanent
Student Disciplinary Files.....	Permanent
Final Grade Rosters.....	Permanent
Grade Change Forms .....	Permanent
Graduation Lists (Commencement Programs).....	Permanent
Academic Files of Graduates .....	5 years
Academic Files of Non- Enrolled Students.....	3 years after application
Grade Reports .....	1 year after distribution
Transcript Requests.....	1 year after submitted
Recommendations Letters/Student Waivers .....	Admission of student
Disciplinary Files, no violation(s).....	Conclusion of process

**Electronic Documents and Records** - Electronic documents will be retained as if they were paper documents. Therefore, any electronic files, including records of donations made online, that fall into one of the document types on the above schedule will be maintained for the designated amount of time.

**Document Destruction** - Each department within Tusculum College is responsible for the retention of records. Records which are confidential by law or contain information exempt from public disclosure by law are to be destroyed by pulping, shredding, or incineration. These methods of destruction are specified so that records may not be viewed or used by unauthorized persons.

Document destruction will be suspended immediately, upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.

**Compliance** - Failure on the part of employees to follow this policy could result in possible civil and criminal sanctions against Tusculum College and its employees, as well as possible disciplinary action against responsible individuals. The Chief Financial Officer or Finance Committee Chair will periodically review these procedures with legal counsel or the organization’s certified public accountant to ensure that they are in compliance with new or revised regulations.

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<b>Holidays</b>			
Reference Number 6.01	Board Approval 5/2012	Effective Date 1/1/2014	Page 1 of 1

The College observes the following holidays and will be closed on these days. If the holiday falls on a weekend, the President may designate an alternate day.

- New Year's Day
- Martin Luther King Day
- Good Friday
- Memorial Day
- Fourth of July
- Thanksgiving (3 days)
- Christmas Eve and Christmas Day

The College reserves the right to change the holiday schedule at any time without notice. The President has the discretion to designate additional days. The College will notify the employees of the specific holiday schedule for the upcoming year prior to the beginning of its fiscal year (July 1).

All regular full-time staff employees will be paid for these holidays if the holiday falls on a regularly scheduled work day. Faculty, part-time, contracted and temporary employees are not eligible for paid holidays. Employees on a leave of absence (other than Personal Time Off) are not eligible for paid holidays that fall during the period of leave.

To be eligible for Holiday Pay when the holiday is not worked, an employee must be a full-time regular employee after the holiday.

Neither Holiday Pay nor holiday hours are considered as hours worked for purposes of calculating overtime.

The College reserves the right to require employees to work on holidays if needed (in which case the time does count as hours worked). This will generally occur during the College's Christmas Break, during which time the College will maintain limited operations in order to continue to provide services to current/prospective students and visitors. Such limited operation will generally include administrative offices, Campus Safety, and Facilities. The College will make every attempt to rotate employees during these holiday periods in order to avoid any one person having to work the entire holiday.

A non-exempt employee who works five (5) or more hours on a holiday will be paid for a full eight (8) hour day; however, only the actual hours worked will be counted as hours worked for overtime calculation for non-exempt employees. An employee who works fewer than five (5) hours on a holiday will be paid for actual hours worked.

In addition to being compensated for time worked, employees asked to work on a holiday will receive an alternate day off with pay to be approved in advance by the employee's supervisor. This day must be taken after, but within two (2) months of the holiday. This must be notated on the timesheet (Form 24).

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<b>Personal Time Off (PTO)</b>			
Reference Number 6.02	Board Approval 5/2012	Effective Date 6/1/2012	Page 1 of 2

Tusculum College recognizes the need for its employees to have time off for rest, relaxation or sickness. To that end, and as a way of showing its appreciation to employees for hard work and length of service, the College offers paid Personal Time Off (PTO).

All full-time Staff employees are entitled to earn PTO.

PTO is earned at a maximum rate of 16 hours per calendar month of employment, accrued at the end of the month, to a maximum accrual of 336 hours. After five (5) years of service, PTO is accrued at a maximum rate of 20 hours per calendar month of employment, to a maximum accrual of 384 hours. Hours accrued will be prorated by the normal work schedule. For example, a PTO day for an employee whose normal workday is seven hours will accrue 14 hours per month. When an employee works 9 months of the year then he or she will only accrue 12 hours per month (15 hours per month after 5 years of continuous employment).

If the employee does not work a minimum of 15 days of the calendar month, no PTO time will accrue for the month. PTO will accrue despite absence pursuant to this policy; however, it will not accrue during leave under the Family and Medical Leave or the Tennessee Parental Leave, or while on short- or long-term disability.

New employees are encouraged not to schedule time off until they have completed 90 days of employment. PTO days cannot be used before they are actually accrued. For exempt employees, PTO time must be used in full day increments (usually 8 hours except when normal scheduled day is more or less than 8 hours). In the case of Family and Medical Leave, accrued PTO days must be taken concurrently with leave until all PTO is depleted. If the employee has no available PTO, the leave will be an absence without pay.

Employees should submit a request for PTO to his or her Director at least thirty (30) days in advance (Form 25 PTO Request). PTO requests may be denied based on business necessity (i.e. if several people in the department request the same day). In the event of unplanned illness or injury, an employee should notify his or her Director as soon as possible, but at least prior to the beginning of the work day. An employee absent due to illness may be required to produce a physician certification as to the existence or continuation of sickness or ability to work (or, if to care for an immediate family member, of the individual's incapacity for self care and the need for the employee to provide the care). Failure to do so may forfeit the employee's claim for paid time off.

*[Note: The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information, unless such information is directly related to the employee's request for leave. "Genetic Information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic*

*information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.]*

PTO will not be counted as hours worked for purposes of calculating overtime.

No payment will be made in lieu of taking PTO except in the event of termination of employment. Upon termination, unused accrued PTO will be paid out (limited to 96 hours), as long as the employee provides the proper notice as dictated by the College's "Termination, Resignation & Retirement" policy. An employee will be paid for PTO at his or her normal base pay.

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<b>Retirement Plan</b>			
Reference Number 6.03	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

Tusculum College offers a Retirement Plan (TIAA-CREF) to all eligible employees. Eligibility occurs when:

- An employee has been employed by the College for a minimum of two (2) years, working 1,000 hours or more a year, without break in service, and who is currently working 1,000 hours or more a year; or
- An employee who at the time of employment with the College has an open 403(b) Plan.

The employee may enroll in the Retirement Plan upon hire or on January 1 or July 1 of a given year, once eligible. The Director of Personnel Services will notify an employee when he or she is eligible for enrollment, and provide the required forms for completion by the employee.

An employee's contribution to the Retirement Plan is a percentage of his or her salary and will be deducted from his or her monthly salary on a tax deferred basis. "Salary" refers to the basic annual earnings excluding bonuses, stipends, adjunct pay and any other form of supplemental remuneration. Student Workers are not eligible to participate in the College's Retirement Plan.

The College reserves the right to contribute toward employees' retirement on a discretionary basis. An employee is fully and immediately vested in the benefits arising from contributions made to his or her Retirement Plan.

The terms of the Retirement Plan as set forth in the Plan Document and Summary Plan Description will control the operation and administration of the Plan in all instances. Information about the College Retirement Plan can be obtained from the Director of Personnel Services or in the Tusculum College Employee Benefits Guide located on the College website under Human Resources.

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<b>Worker's Compensation</b>			
Reference Number 6.04	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

Tusculum College carries insurance that provides benefits to any employee who is injured or suffers an occupational disease in the course of and arising out of employment with the College. The cost of this coverage is paid entirely by the College. Work-related injuries or disease are compensated in accordance with the provisions of any applicable workers' compensation law.

It is the employee's responsibility to provide immediate notice of any such injury or illness to a supervisor or the Director of Personnel Services, regardless of how minor the injury seems at the time. If the injury or illness occurs after 5:00 p.m. or on a weekend, or at other times when the Director of Personnel Services is unavailable, the notice of injury or illness must be provided to Campus Safety.

The College maintains a list of three (3) physicians from which the employee will select an attending physician. If the employee wishes to be examined by a physician not on the list, he or she must first obtain written permission from the College's Director of Personnel Services in order for those costs to be covered.

Qualifying Workers' Compensation leave will run concurrently with and count against an employee's FMLA leave entitlement.

Any questions regarding worker's compensation benefits should be directed to the Director of Personnel Services.

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<b>Group Medical &amp; Dental Insurance Plans</b>			
Reference Number 6.05	Board Approval 5/2012	Effective Date 1/1/2014	Page 1 of 1

All regular full-time become eligible for the College's group medical and dental insurance plan following any applicable waiting period. All three quarter ( $\frac{3}{4}$ ) time employees become eligible for the College's group medical insurance plan following any applicable waiting period. For additional information regarding this plan and its eligibility requirements, please see the Tusculum College Employee Benefits Guide and the Evidence of Coverage (EOC) located on the College website under Human Resources. All questions regarding these Plans should be directed to the Director of Personnel Services.

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<b>Tuition Remission Program</b>			
Reference Number 6.06	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

Tusculum College offers tuition remission (free tuition) to eligible College employees and their spouse and/or IRS dependents.

Dependent for purposes of qualifying for the Tuition Remission Program is defined as an individual who:

- is a son, daughter, stepchild, foster child, brother, sister, stepbrother, stepsister, half brother, half sister, or a dependant of any of the listed individuals (for example, the employee's grandchild, niece, or nephew); and
- is under the age 19, or a full-time student under the age of 24 and younger than the employee, or any age and permanently and totally disabled; and
- did not provide over half of his or her support for the last year; and
- was claimed by the employee as a dependent on income tax return; and
- resided with the employee for more than half of the year.

Tuition remission is awarded based on employee eligibility and length of service with the College, as well as budget and funding considerations. A minimum class size of eight students must be obtained before any tuition remission will be offered. Further, the employee will need to work with his or her Director to ensure enrollment does not interfere with his or her work schedule and/or performance. Undergraduate and Graduate tuition remission is available for the employee. Only the Bachelor degree tuition remission is available for the spouse and/or dependents.

To be eligible for tuition remission, the employee must be a full-time employee and have completed one year of consecutive, full-time service with the College. The qualifying family member must produce proof of his or her immediate relationship with the College employee. The applicant must also meet all current admission requirements of the College program and have completed a FAFSA (Free Application for Federal Student Aid).

In order to apply for tuition remission, the employee, spouse and/or dependent must file an application with the Financial Aid Office prior to starting class. Applications and information regarding the documents to be submitted can be obtained from the Financial Aid Office or the Tusculum website at: [http://web.tusculum.edu/hr/pdf/Tuition\\_Remission\\_Application\\_Faculty\\_and\\_Staff.pdf](http://web.tusculum.edu/hr/pdf/Tuition_Remission_Application_Faculty_and_Staff.pdf) for staff and faculty; and [http://web.tusculum.edu/hr/pdf/Tuition\\_Remission\\_Application\\_Dependant\\_Spouse.pdf](http://web.tusculum.edu/hr/pdf/Tuition_Remission_Application_Dependant_Spouse.pdf) for dependents and spouses.

Tuition remission will be limited to a tuition for a single program of study or a single class (not to include overload charges and extra hours,) less any federal, state, or other grants and scholarships.

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<b>Tuition Scholarship Program</b>			
Reference Number 6.07	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

The College offers tuition scholarships to eligible College employees and their spouse and/or IRS dependents to enroll in courses at other participating educational institutions.

Dependent for purposes of qualifying for the Tuition Scholarship program is defined as an individual who:

- is a son, daughter, stepchild, foster child, brother, sister, stepbrother, stepsister, half brother, half sister, or a dependant of any of the listed individuals (for example, the employee's grandchild, niece, or nephew); and
- is under the age 19, or a full-time student under the age of 24 and younger than the employee, or any age and permanently and totally disabled; and
- did not provide over half of his or her support for the last year; and
- was claimed by the employee as a dependent on income tax return; and
- resided with the employee for more than half of the year.

The scholarship will be awarded by the participating CIC (Council of Independent Colleges) or the APCU (Association of Presbyterian Colleges and Universities) institution. The employee must work with his or her Director to ensure enrollment does not interfere with his or her work schedule and/or performance.

To be eligible, the employee must be a full-time employee and have completed one year of consecutive, full-time services with the College. The qualifying family member must produce proof of his or her immediate relationship with the College employee. The applicant must also meet all current criteria for admittance to the participating CIC or APCU institution, and maintain good academic standing and satisfactory academic progress.

The applicant must apply and be accepted for admission to the participating CIC or APCU institution. Application and additional information regarding applying for a Tuition Scholarship can be obtained from the Human Resources Department at Tusculum College or on the Tusculum website at.

<http://www3.tusculum.edu/hr/wp-content/uploads/2012/03/Counsel-of-Independant-Colleges-Tuition-Form.pdf> for CIC; and <http://www3.tusculum.edu/hr/wp-content/uploads/2012/03/Associated-Presbyterian-Colleges-and-Universities-Tuition-Form.pdf> for APCU.

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<b>Faculty Tuition Reimbursement</b>			
Reference Number 6.08	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

Tusculum College supports faculty professional growth. Faculty members employed full-time by Tusculum College who wish to obtain a terminal degree may be considered for financial support from the College depending upon budgetary resources and priorities. This support will be provided as a reimbursement for tuition paid by the faculty member per semester of full-time course work. A maximum of four semesters will be supported. Tusculum College may provide up to \$1,000.00 per semester as tuition reimbursement.

Faculty member must submit a request for tuition reimbursement to his or her School Director/Dean, who will forward a recommendation regarding the tuition reimbursement to the Vice President of Academic Affairs. The Vice President of Academic Affairs will make a recommendation to the President, taking into consideration, among other things, the academic discipline of greatest need.

The following criteria must guide the tuition reimbursement process:

1. The terminal degree area must be in the area of primary teaching responsibility and be a priority area for the College.
2. The Faculty member must provide printed receipts of registration and payment to the institution where degree work is being completed.
3. Faculty will be reimbursed at the pre-negotiated amount upon documentation of successful course completion and submission of original transcripts.
4. A Faculty member seeking sabbatical leave or external support (e.g., from the Appalachian College Association or others) for degree completion may qualify for tuition reimbursement as long as the total amount of the reimbursement does not exceed actual expenditures.
5. Faculty members receiving tuition reimbursement under this policy must agree to remain in service to the College for two (2) semesters for every semester of tuition reimbursed. Failure to remain in service to the College as specified will result in the faculty member being required to pay back the full amount of tuition reimbursed plus 5% interest compounded on a monthly basis.
6. Any amount of reimbursement and/or interest not paid back within the allotted time may be deducted from future wages.

Faculty members receiving tuition reimbursement must sign a promissory note at the time of reimbursement setting forth the terms and conditions of the tuition reimbursement.

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<b>Family and Medical Leave</b>			
Reference Number 7.01	Board Approval 5/2012	Effective Date 1/1/14	Page 1 of 5

Tusculum College recognizes that employees may sometimes face conditions beyond their control that require them to be temporarily absent from their jobs, and that employees should be granted a leave of absence for qualified reasons without having to worry about job security or choose between their jobs and family. Therefore, the College has developed this policy to address these concerns, while also accommodating the College’s interest in providing quality and efficient service to students. This policy is intended to comply with the Family and Medical Leave Act of 1993 (FMLA), as amended, and sets forth the terms, conditions, and procedures under which an employee may be granted a family or medical leave of absence in accordance with the FMLA.

**Eligibility** – Employees who have been employed by Tusculum College for at least 12 months and who have worked at least 1,250 hours during the preceding 12 month period (an average of 24 hours per week) are eligible for unpaid leave up to 12 weeks under the FMLA.

Faculty, who are not eligible for Personal Time Off, will receive pay for the first 30 days of FMLA leave.

**Reason for Leave** - The College allows for three types of leave for eligible employees:

Family Leave

1. Birth of and care for the employee’s newborn child.
2. Placement with the employee of a child for adoption or foster care.
3. Care for the employee’s immediate family member (spouse, child, or parent) who has a serious health condition.

Medical Leave

1. Employee’s serious health condition (both occupational and non-occupational) that renders him or her unable to perform the functions of the job.

Military Family Leave

1. Care for employee’s spouse, child or parent who is a covered service member and needs care for a “serious illness or injury” that renders him or her unfit to perform the duties of his or her military position.
2. Deal with certain “qualifying exigencies” arising out of a covered service member's actual or impending call to duty.

In general, a “serious health condition” means an illness, injury, impairment or physical or mental condition that involves (1) any period of incapacity or treatment in conjunction with, or as a consequence of in-patient care in a hospital, hospice or residential medical care facility; or (2) continuing treatment by a health care provider within the meaning of controlling FMLA regulations. Treatment includes

examinations to determine if a serious health condition exists and re-evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Cosmetic treatments, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraine, routine dental or orthodontic problems, periodontal disease, and the like are not serious health conditions, unless inpatient hospital care is required or unless complications develop.

**Amount of Leave** – With the exception of military family leave taken to care for a covered service member, eligible employees are entitled to a total of 12 weeks of medical leave, family leave, or a combination of both during a 12 month period under the FMLA.

An employee may take up to 26 weeks of leave in a single 12 month period to care for a covered service member. However, any leave taken under the employee’s regular FMLA entitlement will count toward the 26 week total.

The College uses a “rolling” 12 month period measured backward from the first day an employee takes the leave. Any FMLA leave taken by an employee during the preceding 12 month period will be used to determine the amount of available leave pursuant to the FMLA.

Under certain circumstances, FMLA leave may be taken intermittently or on a reduced (part-time) basis when medically necessary. In such cases, the employee may be transferred temporarily to an available alternate position or part-time position that better accommodates such recurring periods of leave. The employee will continue to receive equivalent pay per hour and benefits as he or she previously received.

The entitlement to family leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of placement.

Spouses employed by the College may be limited to a combined total of 12 weeks of family and medical leave.

Qualifying Workers’ Compensation leave will run concurrently and count against an employee’s FMLA leave entitlement.

**Procedure for Requesting Leave** – Employees must request family, military family or medical leave thirty (30) days in advance of the effective date of the leave or as soon as is practicable. Employees must make a reasonable effort to schedule any medical treatment so as not to unduly disrupt the operations of Tusculum College. All requests for leave pursuant to this policy, must be made in writing to the Director of Personnel Services (Form 3, Family and Medical Leave Request). When the need for leave is foreseeable, if an employee fails to submit a request thirty (30) days in advance of the leave, Tusculum College may delay the leave until thirty (30) days after the date that the request is actually submitted.

If an employee is absent for three (3) working days for an illness or injury, the employee must immediately notify the Human Resources Department in writing (Form 3, Family and Medical Leave Request). This form can be obtained through the Human Resources website or may be requested from Human Resources.

Following receipt of an employee’s request for leave under this policy, the Director of Personnel Services will provide the employee with the required documentation. Failure to request FMLA leave may result in denial of the leave as FMLA qualifying.



**Medical Certification** – When leave is based on a family member’s or employee’s own serious health condition, the employee may be required to provide (at his or her own expense) medical certification from a physician (Form WH-380-E, Certificate of Health Care Provider for Employee’s Serious Health Condition –or Form WH380F, Certificate of Health Care Provider for Family Member’s Serious Health Condition). The certification must be provided to the Human Resources Department within 15 calendar days of the notice of the need to provide certification.

The certification should state: (1) the date on which the serious health condition commenced; (2) the probable duration of the condition; (3) the appropriate medical facts regarding the condition and its duration; and (4) that the individual is either unable to perform essential job functions, incapable of self-care, or medically unfit to perform the duties of the individual’s military position.

Failure to provide this certification in a timely manner may result in denial of the leave as FMLA qualifying.

*[Note: As previously noted in this Handbook, Tusculum College, to comply with the Genetic Information Nondiscrimination Act of 2008 (GINA), requests that you not provide any genetic information when responding to this request for medical information, unless such information is directly related to the employee’s request for leave. “Genetic Information” as defined by GINA includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.]*

The College may require the employee to obtain the opinion of a second and third healthcare provider designated or approved by the College, and at the expense of the College. During this time, provisional approval of the leave will be granted; provided, however that the leave may be ultimately denied if the employee refuses to cooperate or the initial request is not supported by the subsequent examinations.

Employees may be required to submit subsequent medical re-certifications at reasonable intervals and to report periodically on the employee’s status and intent to return to work. For pregnancy, or chronic or permanent/long-term conditions, the College may require, at its sole discretion, subsequent re-certification as to the employee’s or family member’s medical condition. Such re-certifications will be required not more often than every thirty (30) days and then only in connection with an absence unless: (1) the circumstances described in the prior certification have significantly changed; or (2) the College receives information casting doubt on the continued validity of the statement. These re-certifications must be submitted within fifteen (15) days of the College’s request, and at the employee’s expense.

Exigency leave or Covered Service Member Caregiver leave must also be supported by certification (Forms WH384, Certification of Qualifying Exigency for Military Family Leave –or Form WH385, Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave) and documentation as required, and at the employee’s expense. The certification or documentation should be submitted to the Human Resource department within 15 calendar days of the College’s request for the documentation, unless it is not practicable to do so under the circumstances. The certification and related documentation is required by the College to make a determination of leave.

The Director of Personnel Services will generally make a designation with regard to the leave after receiving the request and all required documentation.

**Substitution of Paid Leave** – Unless receiving worker’s compensation benefits or long-term disability benefits, an employee is required to substitute accrued Personal Time Off (PTO) for unpaid medical leave until both are exhausted. For family or military family leave, employees are required to substitute available Personal Time Off (PTO).

Any time off by an employee on PTO or other leave that qualifies for family or medical leave under the FMLA, will count toward the employee’s 12 week entitlement under the FMLA.

**Benefit Coverage During Leave** – An employee who takes FMLA leave will not lose any employment benefits that accrued before the date that the leave began.

The College will maintain health insurance coverage, including family coverage, for any employee on FMLA qualifying leave under the same terms and conditions as if the employee was not on leave. The College will continue to pay its portion of the medical insurance contribution. The employee must continue to pay his or her portion of the insurance premiums by the end of each month. Failure to do so may result in loss of coverage. The health benefits will end if and when an employee informs the College of intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. If the employee fails to return to work after the expiration of FMLA leave, the employee will be required to reimburse Tusculum College for all insurance contributions made by the College during the leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job, or is due to circumstances beyond the employee’s control.

Optional and/or supplemental insurance benefits (i.e. voluntary life and A.D&D, Aflac policies) fully paid by the employee may continue to be maintained at the employee’s expense. Arrangements to continue these benefits should be discussed with the Director of Personnel Services. The employee’s failure to continue to pay the required premiums for these benefits may result in loss of coverage.

Any period of FMLA leave will be treated as continued service for purposes of vesting and eligibility to participate in Tusculum College’s Retirement Plan.

Accrual of PTO or seniority does not continue during FMLA leave. An employee on FMLA will not be entitled to receive holiday pay or time off for any designated College holiday occurring during the leave.

**Working While on Leave** - If an employee seeks employment or actively works elsewhere without prior approval while on a leave, he/she will be considered to have voluntarily resigned without notice.

**Restoration to Employment** – An employee returning to work from FMLA leave will be restored to his or her former position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. Tusculum College may deny restoration to the employee’s former position or to an equivalent position under certain circumstances pursuant to the FMLA, including:

- (1) The employee would not otherwise have been employed at the time restoration is requested;
- (2) The employee is a “key” employee (i.e., in the highest 10% of salaried employees) and restoration would result in substantial and grievous economic injury. In order to deny restoration pursuant to this subsection, the College must notify the employee in writing of his/her status as a “key” employee (as defined by FMLA), the reasons for denying job restoration, and provide the employee a reasonable opportunity to return to work after so notifying the employee;

- (3) The employee fails to provide a fitness to return to duty certificate as required;
- (4) The employee fraudulently obtained FMLA leave;
- (5) The employee's inability to perform essential job functions with or without reasonable accommodation (if disabled);
- (6) The employee is not qualified because of licensure or certification requirements, provided reasonable time is given to correct the problem; and/or
- (7) The employee unequivocally advises the College that he or she does not intend to return to work, thereby ending the employment relationship.

An employee who does not report to work upon the expiration of the maximum leave period for a family or medical leave (including any authorized extension) will be considered to have voluntarily resigned with notice. The employee may be considered for rehire in the future.

**Procedures for Returning from Leave** - Employees returning from medical leave must submit to the Director of Personnel Services a health care provider's statement releasing them to full duty (Form 5, Fitness for Duty). The certification should be submitted a minimum of 2 business days prior to returning to work. The College may deny restoration of employment until such certification is provided.

If an employee is medically released to return to work with restrictions, the employee must be able to safely perform the essential functions of the former position with or without reasonable accommodation. The College reserves the right to send an employee who has returned to work following medical leave for an evaluation if questions continue to exist, or arise after an employee's return, regarding the ability of the employee to safely perform his or her job functions.

An employee who does not return to work within three (3) working days after being released will be considered to have voluntarily resigned without notice.

An employee who does not return to work within three (3) working days after being released will be considered to have voluntarily resigned without notice.

**EXTENSIONS OF MEDICAL LEAVE** – If the employee is not capable of performing the essential functions of the employee's former position at the expiration of the FMLA medical leave period, the employee may request in writing an extension of medical leave for a period of up to three (3) additional months. Whether to approve a request for extended medical leave is entirely within the discretion of Tusculum College and will be judged on a case by case basis. Such extensions will be granted only in those rare cases where the employee's unique circumstances outweigh the burden on Tusculum College of such extended medical leave.

Employees requesting an extension of medical leave must submit a written physician's recommendation detailing the medical necessity and expected duration of the requested extension. Such extension may be granted at the College's discretion up to the 3 month limit. The College has the right to send the employee to a physician designated by Tusculum College for an independent evaluation. In addition, the College may conduct regular evaluations and/or require updated documentation throughout the period of extension as a basis for continuing the extended leave. Finally, employees should be aware that depending on the sole circumstances and Tusculum's existing health insurance plan provisions, continued health insurance coverage may necessitate coverage through the election of COBRA (at the employee's cost)

during the period of extension. Upon granting the extension, Tusculum College will establish the terms and conditions of the extension of medical leave period, and discuss those in more detail with the employee.

The benefits and rights of employees under the FMLA do not apply to any extension of medical leave period. Employees who are unable to return to work on or before the expiration of the extended medical leave period, or whose circumstances no longer merit medical leave based on an evaluation by the College during the leave, will be subject to termination.

**FAMILY AND MEDICAL LEAVE RECORDS** – All records concerning family, military family and medical leave will be maintained for at least three (3) years. Records and documents relating to medical certifications, re-certifications, or medical histories of employees or employees' family members will be maintained as separate and confidential records.

All questions regarding this policy should be directed to the Director of Personnel Services.

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<b>Tennessee Parental Leave</b>			
Reference Number 7.02	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

In accordance with the Tennessee Parental Leave Act, all regular full-time employees who have worked for Tusculum College for at least twelve (12) consecutive months as a full-time employee may be absent from employment for a period not to exceed four (4) months for adoption, pregnancy, childbirth and nursing an infant. Such employees are entitled to restoration to the same or similar position, with the same status, pay, length of service credit and seniority as before the date of the leave. With regard to adoption, the four-month period shall begin at the time an employee receives custody of the child.

The College reserves the right to inform “key” employees, as defined by its Family and Medical Leave Act policy, within a short period after the time the leave is requested, that the leave cannot be granted. Further, the purpose of this policy is to provide leave time to employees for adoption, pregnancy, childbirth and nursing the infant, where applicable; therefore, if the College finds that the employee has utilized the period of leave to actively pursue other employment opportunities, or work part time or full time for another employer, or for any other improper purpose, the employee will not be reinstated at the end of the leave.

Leave under this policy runs concurrent with, and not in addition to, leave under Tusculum College’s Family and Medical Leave Act policy. Further, all procedures regarding utilization of a “rolling month” to determine eligibility, medical certification requirements, designation of leave, substitution of Personal Time Off (PTO), continuation of benefits, return to work or failure to return, and the prohibition against working while on leave are as set forth in the College’s Family and Medical Leave Act policy.

Under normal circumstances, an employee must give at least three (3) months advance notice to his/her Director and the Human Resources department of the anticipated date of departure for such leave, the length of leave, and the employee’s intention to return to full-time employment after such leave, in order to take advantage of the extended leave period provided by the Tennessee statute.

An employee who is prevented from giving three (3) months' advance notice because of a medical emergency that necessitates that leave begin earlier than originally anticipated shall not forfeit his/her rights and benefits under this section solely because of his/her failure to give three (3) months' advance notice. Further, an employee who is prevented from giving three (3) months' advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit his/her rights and benefits under this section solely because of his/her failure to give three (3) months advance notice.

The request to utilize extended leave must be made in writing (Forms 3, Family and Medical Leave Request) and submitted to the Human Resources department. Final approval of the leave will be made by the Director of Personnel Services.

Leave under this policy is unpaid unless the employee has accrued Personal Time Off (PTO), bonuses, plans or programs for which the employee was eligible on the date his/her leave began, and any other benefits or rights of his/her employment pertaining to the employee’s employment position.

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<b>Military Leave</b>			
Reference Number 7.03	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 3

Regular full-time or part-time employees are eligible for unpaid leaves of absence for military, Reserve or National Guard duty or training (voluntary or involuntary), in accordance with applicable federal and state law.

The service must be performed in a uniformed service, which includes the full-time and reserve components of the Army, Navy, Marine Corps, Air Force, and Coast Guard; the National Guard; the commissioned corps of the Public Health Service; and any other category of persons designated as a “uniformed service” by the President in time of war or national emergency. A military leave of absence will be granted for active duty, active duty for training, active duty for special work, annual training or inactive duty training.

The employee (or an appropriate officer of the uniformed service in which the employee is to serve) must provide as much advance notice of such service as possible to his or her supervisor and the Human Resource department, as well as a copy of the military orders. Failure to provide advance notice will result in denial of military leave unless it is impossible or unreasonable to provide such notice because of military necessity or other legitimate reason.

An employee’s total period of combined military leave may not exceed five (5) years throughout the course of his or her employment with the College, excluding any exempt periods of military service.

Employees will continue to receive full pay while on military leave for periods of two weeks or less. Any military leave in excess of two weeks is unpaid, except that if an exempt employee takes military leave for a period of less than one workweek, no pay will be deducted from his or her salary pursuant to the Fair Labor Standards Act. During military leave in excess of two weeks, employees may use any Personal time off (PTO) accrued prior to the military leave.

Insurance benefits will cease on the last day of the last month in which the employee worked prior to taking military leave. Employees may elect to continue health or dental plan coverage for themselves and their dependents for up to 24 months. However, the employee will be required to pay the full premium for this coverage. Application for continued health and dental insurance will be administered like the College’s COBRA plan. The maximum period of coverage shall be the lesser of:

1. 24 months from the date military leave begins; or
2. The day after the date on which the employee fails to apply for or return to a position of employment as determined above.

Upon return from military leave, the employee will be eligible to re-enroll in Tusculum College’s health and dental insurance plan without a waiting period or waiting for the open enrollment period.

An employee will not be entitled to receive holiday pay for holidays occurring during the leave.

PTO will accrue during military leave, but may not be used until after reinstatement. However, the cumulative credit for time spent in the military service for purposes of earning PTO will not exceed the

total of 5 years, unless the employee is involuntarily retained in the military for a period greater than 5 years.

Employees on extended military leave who have established participation in deferred compensation plans (403(b), etc.) will continue to be participants of those plans during military leave. Upon reinstatement, time on leave will be credited toward the employee's service with the College, and any College contributions will be made to these accounts in accordance with the provisions of the plan document and federal law. The contribution rate will be based on the rate of pay the employee would have received if not on military leave. If that rate is not certain (e.g. the employee did not have a set salary), the amount will be based on the employee's average rate of compensation during the 12-month period immediately preceding the employee's leave. However, the cumulative credit for time spent in the military service for purposes of the deferred compensation plans will not exceed the total of 5 years, unless the employee is involuntarily retained in the military for a period greater than 5 years.

### **Reinstatement / Reemployment**

With a few exceptions, and in accordance with federal law, employees are eligible for re-employment after completing uniformed service. An employee will be eligible for reinstatement if: (1) he or she provides Tusculum College with the proper notice in advance of the military leave as stated above; (2) the employee reported back to work or applied for re-employment in a timely manner as described below; (3) the combined length of military absences from the College did not exceed five years, excluding any exempt military service; and (4) separation from the service was under honorable conditions.

The employee must report back to work or apply for re-employment on a timely basis as follows:

- Service of 1 to 30 days - within 1 day. If timely reporting is impossible or unreasonable, employees must report to work as soon as possible.
- Absence for examination to determine fitness to perform service - within 1 day. If timely reporting is impossible or unreasonable, employees must report to work as soon as possible.
- Service for 31 to 180 days - within 14 days. If timely reporting is impossible or unreasonable, employees must report to work as soon as possible.
- Service of 181 or more days - within 90 days.
- Service-connected injury or illness – extends the timelines stated above by two (2) years if the employee is hospitalized or convalescing because of a service-connected injury or illness. If timely reporting within the two (2) year period is impossible or unreasonable due to circumstances beyond the employee's control, the period is extended by the minimum time required to accommodate those circumstances.

The employee must present a copy of the military discharge form to the Human Resources Department as soon as such form is available.

The College may deny reinstatement, and all rights and benefits associated with reinstatement, if (1) any of the above-stated requirements are not met; (2) the employee left employment with Tusculum College for reasons unrelated to military service; (3) the employee's pre-service position with the College was for a brief, non-recurrent period that was not reasonably expected to continue for a significant length of time;

(4) reasonable attempts to qualify the employee for re-employment either are unsuccessful or would impose an undue hardship on the College, and the employee is unqualified for any other position; or (5) the College's circumstances have so changed as to make re-employment impossible or unreasonable.

Except in the case of persons with service-connected disabilities, reinstatement rights are based on the length of a person's military service in accordance with federal law.

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<b>Bereavement Leave</b>			
Reference Number 7.04	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

A full-time employee will be eligible for up to three (3) days leave of absence with pay in the unfortunate event of the death of the employee's immediate family member (current spouse, child or step-child, parent or parent-in-law, grandparent, sibling or sibling-in-law).

The department Director has the discretion to grant one (1) paid day off for bereavement leave in extraordinary cases that do not involve the full-time employee's immediate family (i.e. aunt or cousin).

At the department Director's discretion, additional time off of up to three (3) days may be granted to a full-time employee for travel time to an out-of-town funeral or for other unusual circumstances. These additional days will be unpaid.

No pay will be given if bereavement occurs during Personal Time Off (PTO), weekend, paid holiday, leave of absence, or other time in which the employee would not have otherwise worked.

Part time, contract and temporary employees are not eligible for paid bereavement leave; however, the employee may be granted a reasonable number of days off without pay at the discretion of his or her department Director.

Time off for bereavement leave will not count for purposes of calculating overtime; however, it will count for accrual of PTO.

Requests for bereavement leave should be made to the department Director. A copy of the approval must be provided immediately to the Director of Personnel Services. The College may request verification (i.e., obituary or death certificate) prior to granting leave.

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<b>Marriage Leave</b>			
Reference Number 7.05	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

Regular full-time employees are eligible for up to three (3) days paid leave for the calendar day before the employee's wedding, the wedding day and the calendar day after the wedding, if any of these days fall on a regularly scheduled work day.

No pay will be given if the marriage leave occurs during Personal Time Off (PTO), a weekend, a paid holiday, leave of absence, or other time in which the employee would not have otherwise worked.

Part time, contract and temporary employees are not eligible for paid marriage leave; however, the employee may be granted a reasonable number of days off without pay at the discretion of his or her Director.

Time off for marriage leave will not count for purposes of calculating overtime; however, it will count for accrual of PTO.

Requests for marriage leave should be made to the employee's Director 30 days prior to the requested leave, or as soon as practicable. A copy of the approval must be provided immediately to the Director of Personnel Services. The College may request verification of the event after granting leave.

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<b>Jury Duty and Witness Leave</b>			
Reference Number 7.06	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

### **Jury Duty**

All employees, except temporary employees who have worked less than six (6) months for the College, who receive a summons for jury duty service, shall be excused from work and will be paid the difference between jury duty pay and the employee's normal rate of pay.

If required to serve on jury duty for less than three (3) hours during a scheduled work day, the employee must work before or after completing the jury duty. Failure to do so will forfeit pay for the time not spent on jury duty. If required to serve for three (3) hours or more on a given day, you will be excused from work for the entire day. Temporary employees will be expected to rearrange their schedules if possible to accommodate the jury duty.

Time spent on jury duty shall not be considered as time worked for the purposes of calculating overtime.

The employee must bring the jury duty notice to his or her Director on the working day immediately following receipt of the notice. The original notice must accompany the employee's time sheet to the Human Resources Department. In certain circumstances, such as where a department's performance would suffer substantially as the result of work time lost, or where the absence would have a serious effect on operating efficiency, the College may request that the employee be excused from jury duty or that the assignment be postponed.

### **Serving as a Witness**

Employees responding to a lawful summons, subpoena, or other lawful process are eligible for unpaid leave provided they present a copy of or the original documentation to their Director prior to the date on which they must appear (unless good cause exists for the failure to give prior notice).

Witness leave is unpaid and the employee will be required to use accrued Personal Time Off. Pursuant to the Fair Labor Standards Act, exempt employees will not have amounts deducted from their pay unless the absence is for a week or more, or for fees received for service as a witness.

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<b>Voting Leave</b>			
Reference Number 7.07	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

An employee shall be excused from work to cast his or her vote; however the employee must rearrange his or her work schedule if possible to accommodate travel to the polls. An employee must receive his or her supervisor's approval to adjust his or her work schedule or be gone an extended amount of time due to travel. Time spent voting shall not be considered as time worked for the purpose of calculating overtime. Exempt employees will not have amounts deducted from pay unless the absence becomes extended due to reasons other than voting.

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<b>Health &amp; Safety</b>			
Reference Number 8.01	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

It is Tusculum College's policy to provide a safe workplace for its employees. For this reason, it is critical that all employees obey all safety rules and use common sense and care at all times. Employees are responsible for maintaining a clean and orderly work environment. Such environment reduces accidents, improves health and working conditions, reduces hazards, promotes efficiency and productivity, and improves the overall quality of our services. Employees are also responsible for keeping their offices, desks, supplies, tools, machinery and equipment clean and in proper working condition. No employee is permitted to use tools, machinery, equipment or supplies without authorization or proper training. Any accident or injury of any nature must be immediately reported to the appropriate supervisor. In addition, an employee should contact the Director of Personnel Services and Campus Safety. In the event of a minor medical problem, first aid can be administered by the Campus Nurse. In the event of a major medical emergency, immediately contact 911 (contacting 911 in instances that do not constitute an emergency may result in discipline).

See the College's "Workers Compensation Benefits" policy for information and instructions regarding a workplace injury.

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<b>Emergency Procedures</b>			
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The Tusculum College Critical Incident Response Procedures is located on the Tusculum College website under Resources, Document & Information. The Manual covers such topics as emergency signals and reporting, bomb threats, chemical spill, civil disturbances, fire, earthquakes, tornados, explosions, utility, building evacuation and more.

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<b>Drug and Alcohol Free Workplace</b>			
Reference Number 8.03	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 2

Tusculum College is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of its students and the general public. It is also dedicated to operating in a responsible and efficient manner for the benefit of its students. It is the intent of the College to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The use of illegal drugs and alcohol is inconsistent with the behavior expected of College employees, subjects all employees, students, visitors and College property to unacceptable safety risks, and undermines the College's ability to operate effectively and efficiently through decreased productivity, high absenteeism, tardiness, excessive sick leave, accidents on the job, and lower employee morale.

Workers' Compensation benefits may be denied in the event an employee is found to be under the influence of drugs or alcohol at the time of the work related accident or injury.

### **Drugs**

The College prohibits the unlawful manufacture, distribution, use, sale, dispensation or possession of a controlled substance, or abuse of prescription medication, on College premises, while engaged in College business on or off College premises, while operating College equipment or driving while on College business, or at any other time to the extent it affects the employee's job performance or integrity as a College representative.

An employee who must use drugs prescribed by a physician which may lead to a violation of this policy, or which has the potential to affect the employee's ability to perform assigned duties in a safe and efficient manner, must inform the Director of Personnel Services before performing job functions.

Violation of this policy will lead to disciplinary action up to and including termination, even for a first offense. Federal, State and local laws provide additional penalties for such unlawful activities, including fines and imprisonment. The College is bound to take all appropriate actions against violations, which may include referral for legal prosecution or requiring the individual to participate satisfactorily in an approved alcohol, tobacco or drug abuse assistance or rehabilitation program.

### **Alcohol**

Being under the influence of alcohol, or the use of alcohol, is strictly prohibited on College premises, while the employee is engaged in College business on or off College premises, while operating College equipment or driving while on College business, or during non-working time off College premises to the extent that it impairs the employee's ability to perform on the job or threatens the reputation or integrity of the College.

Violation of this policy must be immediately reported to the Director of Personnel Services.

Violation of this policy will lead to disciplinary action up to and including termination, even for a first offense. Federal, State and local laws provide additional penalties for such unlawful activities, including

fines and imprisonment. The College is bound to take all appropriate actions against violations, which may include referral for legal prosecution or requiring the individual to participate satisfactorily in an approved alcohol, tobacco or drug abuse assistance or rehabilitation program.

The President of the College may grant exemptions from this policy with regard to alcohol for specific social functions or other special circumstances. In addition, alcohol is permitted in College owned buildings on or off campus used solely as private residences for employees.

### **Criminal Charges and Convictions**

Any employee who has been charged or convicted of violating any criminal drug or alcohol law must report the charge or conviction to the Director of Personnel Services within five (5) days after such charge or convictions. Failure to report the charge or conviction within the time prescribed will lead to disciplinary action up to and including termination. If the employee is paid from a federal grant or contract, the College is obligated to inform the granting or contracting agency of such violation within 10 days of the College's receipt of notification.

### **Substance Abuse Treatment and Counseling**

Tusculum College strongly encourages employees misusing alcohol or drugs to voluntarily refer themselves to a counseling or rehabilitation program. No disciplinary action will be taken based on the employee's decision to seek treatment. All information regarding an employee's decision to seek treatment for substance abuse will be treated in the same confidential manner as all other employee medical records.

To the extent any absence due to enrollment in a drug or alcohol counseling or rehabilitation program qualifies for leave under the FMLA, the employee will be placed on such leave. Pursuant to that policy, the employee's PTO will be applied to the FMLA leave until depleted. If no PTO is available, the leave will be unpaid. Medical insurance may cover some costs of such treatment, subject to eligibility requirements, limitations and conditions of the existing plan. All such issues should be discussed with the Director of Personnel Services.

Employees returning to work following counseling or rehabilitation for alcohol or drug abuse will be subject to a return-to-work agreement specifying the circumstances and conditions of the employee's return to duty. If the employee violates the terms of the agreement by failing to comply with and complete the recommended treatment program, or any other violation of the agreement, he or she will be subject to termination. If an employee has previously sought assistance for addiction to drugs or alcohol and avoided discipline based upon this policy, the employee cannot subsequently avoid discipline by seeking professional assistance for a second or subsequent time.

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<b>Smoking</b>			
Reference Number 8.04	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

Consistent with the intent of the Tennessee Clean Air Act to provide smoke-free enclosed public places and promote public health; and to maintain clear access, a welcoming appearance of our campus, and the function of alarm systems; all structures (including athletic facilities) owned by Tusculum College are designated as nonsmoking, including the areas around the entrances and steps to the structure (except for those areas explicitly marked as designated for smoking). This policy also applies to electronic smoking devices (“e-cigarettes” or “e-cigs”) or “vaporizers” (“vapes”, etc.) including all products or devices, regardless of shape or size, that produce a vapor or aerosol that delivers nicotine or other substances to simulate smoking (may be offered as an electronic cigarette [cigar, cigarillo, pipe, hookah, or similar device]). This policy applies to employees, students and visitors.

Employees who violate this policy will be subject to disciplinary action up to and including termination.

Areas that are exempt from this policy include off-campus buildings, owned or leased by the College, that are used solely as private residences.

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<b>Weapons &amp; Workplace Violence</b>			
Reference Number 8.05	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 3

### **Workplace Violence**

Any involvement in incidents of physical violence is considered unacceptable behavior which may violate this policy. “Physical violence” means any unwanted or hostile contact such as hitting, fighting, pushing, shoving, slapping or throwing objects.

Racial or ethnic slurs, sexually harassing remarks, threats of violence, and any other provocative comments, language, or actions may also violate this policy and will not be tolerated. A “threat of violence” means an expression (verbal or otherwise) of a present or future intention to cause physical harm. Individuals who threaten violence or otherwise engage in provocative conduct towards co-workers, students, visitors or other individuals ordinarily are held at least equally at fault for an ensuing physical altercation, even if they do not strike the first blow or otherwise initiate a physical confrontation.

Prohibited conduct includes, but is not limited to:

1. Striking and/or injuring another person physically;
2. Engaging in behavior that creates a reasonable fear of injury in another person;
3. Possessing, brandishing, or using a weapon while on the College’s premises or engaged in its business;
4. Intentionally damaging College property, property of students, employees, visitors or the general public;
5. Threatening to injure an individual or to damage property;
6. Verbally threatening behavior, such as direct or veiled threats of violence;
7. Harassment, including sexual harassment, that constitutes conduct threatening an individual’s safety, including unwanted and offensive physical touching and stalking;
8. Threats or intimidation that creates fear or extreme emotional distress;
9. Obscene telephone calls; and/or
10. Conviction under any criminal statute for the illegal possession of a weapon or for committing a violent act against the person or property of another.

This policy applies to employees while on Tusculum College premises, whether they are on or off duty; to employees traveling on business or representing the College; to employees off the premises but working for or representing the College; and to employees while off duty where the violence, threat of violence or other violation of this policy are directed toward a fellow employee, student, or other

individual and the behavior has an actual or potential negative impact upon the College community or its interests.

Tusculum College will promptly investigate any physical or verbal altercation, threats of violence, or other conduct by visitors, students and employees that threatens the health or safety of other visitors, employees, students, or the public or otherwise might involve a violation of this policy. All complaints must be made to the Campus Safety, the Director of Personnel Services or the employee's Vice President. All complaints will be investigated by the Director of Personnel Services in a timely manner. Information will be released only to those persons directly involved in the investigation and to law enforcement as necessary; and confidentiality will be maintained to the extent practicable. The College will make every effort to safeguard the privacy of the complainant and the accused.

All employees have an immediate duty to warn Campus Safety, the Director of Personnel Services, or the employee's Vice President, of any workplace activity, situations or incidents that they observe or are aware of involving other students, employees, and visitors and which appear to violate this policy. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Reports pursuant to this policy will be held in confidence to the extent possible under the circumstances. The College will not condone any form of retaliation against any employee for making a report under this policy, and individuals have an immediate duty to report any retaliation they experience or observe to the Director of Personnel Services or the employee's Vice President.

All individuals who commit violent acts or who otherwise violate this policy are subject to appropriate disciplinary action, up to and including termination. The College may seek prosecution of those who engage in violence on its premises or against its students or employees.

If an employee is injured while participating in a fight or after instigating a fight, entitlement to workers' compensation benefits may be denied. This exclusion does not include actions taken in self defense or in avoidance of injury or immediate physical harm.

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<b>Vehicle Safety</b>			
Reference Number 8.06	Board Approval 5/2012	Effective Date 7/1/2014	Page 1 of 2

The purpose of this policy is to ensure safe operation of a Tusculum College vehicle or the employee's own private vehicle operated during the course of the employee's assigned job duties; to assure compliance with all applicable laws; and to adequately safeguard the interests of Tusculum College.

It may become necessary for a Tusculum College employee to operate a Tusculum College vehicle or the employee's own private vehicle during the course of the employee's assigned job duties. Such duties may include transportation of Tusculum College students. As such, Tusculum College may conduct a motor vehicle check of applicants and/or employees in accordance with the Fair Credit Reporting Act. Also in order for the employee to drive a private vehicle in the course of Tusculum College business, an employee must present verification of current and continuous insurance coverage during the course of their job duties. The minimum acceptable insurance coverage is \$100,000 per person of bodily injury/\$300,000 per accident of bodily injury/\$100,000 per accident of property damage or \$500,000 combined single limit.

In extenuating circumstances, individuals who have not submitted information for a motor vehicle check may operate a Tusculum College vehicle with prior approval by the President, a Vice President, or Director of Athletics. Failure to adhere to any of the following provisions regarding vehicle operation will subject the employee to disciplinary action up to and including termination.

### **Vehicle Operation**

While driving during the course of his/her performance of Tusculum College business, employees are expected to maintain control of their vehicles at all times, obey all traffic laws and safe driving practices, and report any mechanical difficulties to the Facilities Management department during the hours of 7:00am-4:00pm or to the Campus Safety department after hours. Tennessee law prohibits using a hand-held mobile telephone, pager, personal digital assistant, or any other mobile device to transmit or read a written message while operating a motor vehicle in motion on any public road or highway.

### **Driving Record**

In order to operate a Tusculum College vehicle, or private vehicle in the course of Tusculum College business, an employee must have a valid driver's license. The Human Resources department must be notified in writing within 5 business days if your driver's license is revoked or suspended for any reason.

### **DUI**

Any employee charged with and/or convicted of DUI, while on or off duty, must notify the Human Resources department in writing within 5 business days.

## **Accidents**

All accidents involving Tusculum College employees, whether in a Tusculum College vehicle or privately owned vehicle, occurring during the performance of the employee's assigned duties, must be reported immediately to the Facility Management department during the hours of 7:00am -4:00pm or to the Campus Safety department after hours. Seek medical attention if needed, call the police and write down the accident report number. Attach a summary of the accident to the vehicle log (if a College vehicle is involved) including time and date of the accident, persons involved, and any insurance information.

## **Emergency**

All emergency situations involving Tusculum College employees, whether in a Tusculum College vehicle or privately owned vehicle, occurring during the performance of the employee's assigned duties must be reported immediately to the employee's supervisor and to the Campus Safety department.

For more information on reservation or use of College Vehicles, refer to Policy 11.06 Use of College Vehicles or if you are driving your personal vehicle refer to Policy 10.09 Travel.

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<b>Conflict of Interest</b>			
Reference Number 9.01	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 3

Tusculum College employees serve a public-interest role and thus have a clear obligation to conduct the business of the College in a manner consistent with that concept. Potential conflicts of interest should be disclosed and business affairs conducted in such a manner, and with such ethics and integrity, that no conflict of interest, real or implied, could be reasonably construed. Where a potential conflict of interest exists, the decision to engage in the activity should be made based on the best interest of the College.

A conflict of interest shall be deemed to exist whenever an employee of Tusculum College, or his or her immediate family (spouse, parent, brother, sister, in-laws, or lineal descendants), friends, associates, colleagues, etc., has a direct or indirect financial interest in a student, vendor or other principal dealing with the College, *if* that interest is of such extent or nature that it might reasonably affect his or her judgment or decisions exercised on behalf of the College or its entities.

The following is a non-exhaustive list of types of conflicts of interest that should be avoided and, if observed, disclosed to the College.

- A. The College encourages employees to patronize any individuals engaged in legitimate professional or business activities; however, no attempt should ever be made to use for personal advantage information obtained through the employee's connection with the College in order to obtain special terms or price concessions.
- B. No Employee should accept fees or gifts, the value of which exceeds \$25, from others including commissions, special discounts, or other forms of compensation, or from any contracted agencies, attorneys, insurance and real estate agents, vendors, or others who offer such a gratuity for giving or referring College business to them.
- C. No Employee should speculate in securities or real estate in anticipation of realizing a profit where the information used was considered confidential, and was gained by reason of their employment.
- D. No Employee should engage directly or indirectly in any business transactions or private arrangements for profit that accrue from or are based upon his/her position with the College. When writing personal letters and articles to be published, and when participating in public affairs, an employee is considered in a special position within the community which imposes special obligations. The public might judge the profession or the College by the employee's words or writings. Hence an employee should at all times be accurate, exercise appropriate restraint and show respect for the opinions of others.
- E. Personal letters should not be written on College letterhead nor should information contained in the personal letters be written or construed as in the College interest.
- F. No Employee should participate in the negotiation of, or in the decision to award contracts, settle any claims or charges in any contracts, make loans, or establish rates, guarantees or other things of value with or for any entity in which he/she has a financial or personal interest.

- G. No Employee should use or disclose any information obtained as a result of employment, which is not generally available to the public, for his/her personal gain or the gain of others.
- H. No employee shall use College equipment, supplies or properties for any purpose other than as designated and authorized by the College.
- I. Use of the name, seal or logo of the College and its various departments and programs for other than approved purposes is prohibited. This provision is not intended to prohibit employees from discussing the terms and conditions of their employment and invoking the College's name when doing so.
- J. An employee should ensure that the activities of students, faculty or staff are not exploited for the benefit of any external activity of the employee without prior approval. Prior to assigning any such non-institutionally related task to a student, faculty or staff member, an employee shall disclose such proposed activities and obtain approval.
- K. An employee should disclose all inventions and copyrightable works which may be reasonably expected to have commercial value which they have jointly or solely developed or created using College resources or while working on College time.
- L. No employee shall publically support, represent, or otherwise appear in the media on behalf of a competing institution.
- M. No employee shall teach for an institution of higher education which is the same as or similar to Tusculum College or teach a course similar to any Tusculum College course without prior approval from the Vice President of Academic Affairs.

Employees are required to disclose any potential conflict of interest to the Director of Personnel Services, preferably prior to taking any action that may result in a conflict of interest. Where appropriate, such potential conflicts of interest may also be disclosed during a College committee meeting. Following the meeting, the potential conflict of interest must be disclosed to the Director of Personnel Services.

If an employee has reason to believe a conflict of interest exists, the employee is to report this to his or her Vice President, Director or the Director of Personnel Services. Any supervisor receiving notification of an actual or potential conflict of interest must immediately report it to the Director of Personnel Services. The employee will be asked to provide a statement in writing outlining the facts supporting the issue.

In all instances of a conflict of interest, or potential conflict of interest, involving a staff member, the Director of Personnel Services (or someone designated by the College President in case of conflict) will review any documentation, speak with the parties involved if necessary, and make a final determination. The final determination will be communicated to all parties involved.

In all instances of a conflict of interest, or potential conflict of interest, involving a faculty member, the Director of Personnel Services (or someone designated by the College President in case of conflict) and the Vice President of Academic Affairs will review any documentation, speak with the parties involved if necessary, and make a final determination. The final determination will be communicated to all parties involved.

Violation of this policy may result in disciplinary action up to and including termination. There will be no retaliation against any employee who discloses and/or reports a conflict of interest, or potential conflict of interest.

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<b>Amorous Relations with Students or Employees</b>			
Reference Number 9.02	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

The College's educational mission is promoted by professionalism in employee-student and supervisor-supervisee relationships, as well as the ability of an employee to conduct an unbiased evaluation of a student or other employee. Professionalism is fostered by an atmosphere of mutual trust and respect. Employee-student or supervisor-supervisee romantic and/or sexual relationships, even mutually consenting ones, are a basic violation of professional ethics when the faculty member or supervisor has, or is perceived to have, any professional responsibility for the academic performance or professional future of the student or other employee. Such amorous relationships create the potential for favoritism and cultivate a lack of trust in other students or employees, thereby undermining the actual or perceived fairness of the evaluative process. They also leave employees vulnerable to charges of sexual harassment, conflict of interest and/or abuse of power. Even when the employee has no current direct professional responsibility for a student or other employee, amorous relationships may result in the appearance of impropriety and be disruptive to the College environment.

Therefore, while the College encourages a friendly and supportive relationship between employees and students, and among its employees, it generally prohibits romantic and/or sexual relationships (excluding individuals who are married) between employees and undergraduate students, as well as with graduate students and other employees over whom the employee has direct professional responsibility.

Amorous relationships between employees and graduate students, and between two employees, outside the instructional and supervisory context are also strongly discouraged. Any such relationship must be disclosed to the Director of Personnel Services to ensure that no direct professional responsibility is assigned to the employee over the graduate student or other employee.

For the purpose of this policy, "direct professional responsibility" of a student refers to activities such as supervising, teaching, academic advising, coaching, service on evaluation committees, supervision of all college-sponsored academic, co-curricular, and extra-curricular activities, etc. In the employee context, "direct professional responsibility" includes any type of supervision, evaluation or decision-making that affects the employee's work status.

The College recognizes that consensual amorous relationships may exist prior to the time a student enrolls, an employee is hired, or an employee is assigned direct professional responsibility of a student or other employee. In such cases, the employee must report the relationship in writing to the Director of Personnel Services. A student also has the duty to disclose such a relationship as outlined in the Student Handbook. Such relationships will only be permitted to continue if all direct professional responsibility for the student or other employee is removed. The Director of Personnel Services will meet with the employee and student or other employee in order to determine whether such resolution is possible through transfer, reassignment, etc. If it is not, the relationship must immediately cease.

Violation of this policy will result in disciplinary action up to and including termination. Nothing in this policy shall be deemed as supplanting or otherwise affecting the College's Sexual and Other Discriminatory Harassment policy.

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<b>Nepotism</b>			
Reference Number 9.03	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

The Nepotism Policy applies to all employees. Employees who are relatives shall not be placed within the same direct line of supervision whereby one relative is responsible for supervising the job performance, progress, pay, welfare, or work activities of another relative. Further, relatives may not be involved together in the control of College finances or physical inventory and/or property. To the extent possible, this policy shall not be construed to prohibit two (2) or more relatives from working for the College.

A “relative” means a parent, child, spouse, brother, sister, grandparent, or grandchild, or any other family member who resides in the same household. The relationships are considered to exist whether created by marriage, birth, adoption or foster care.

Any violation of this policy must be reported immediately to the Director of Personnel Services. To the extent possible, the College will attempt to resolve the violation with the employees involved, generally through transfer within the College. It may be necessary to transfer one employee to another department, campus or otherwise separate the employees. If no such resolution is possible, the College will take whatever action is necessary to avoid further violation of the policy, which may include termination of one of the family members.

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<b>Outside Employment</b>			
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9.04	5/2012	7/1/2012	1 of 1

The College requires that employee's activities away from the job must not compromise the College's interests or adversely affect the employee's job performance and his or her ability to fulfill all responsibilities to the College. In furtherance of the College's policy regarding "Conflicts of Interest", full-time employees are discouraged from engaging in outside employment or other work activities; however, such outside employment may be permitted under certain circumstances. Employees should carefully consider the demands that additional work activity will create before seeking or accepting outside employment. The College will be particularly concerned about outside employment that will reduce the employee's efficiency in working for the College and/or involves working for an organization that does a significant amount of business or is in competition with the College (see "Conflict of Interest" policy), such as major contractors, suppliers, institutions of higher education, etc.

All employees are prohibited from engaging in any activities that compromise the College's image (see "Code of Ethics and Rules of Conduct" policy). This prohibition includes the unauthorized use of any College tools, equipment, or resources. In addition, employees are not to conduct any outside business, or personal business, which interferes with their responsibilities or obligations to the College.

Outside employment will not be considered a valid excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, refusal to work overtime or different hours, or any other violation of College policies, nor prevent the employee from being disciplined, up to and including termination, for any of these violations.

An employee who accepts outside employment, including self-employment, or who upon hire by the College has a second job or is self-employed, should notify his or her Vice President or the Athletic Director. The notification should state the name and address of the outside employer, the nature of the job, and the hours and days of employment. If the Vice President or Athletic Director perceives the employment to be a violation of this policy, or that it might constitute a violation in the future, the employee may be asked to terminate the outside employment or be issued disciplinary action up to and including termination. The documentation must be sent to the Human Resources Department to be placed in the employee's personnel file.

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<b>Solicitation and Fund Raising</b>			
Reference Number 9.05	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

All Tusculum College faculty, staff and students wishing to conduct a fund-raising activity that involves seeking both monetary and in-kind gifts to benefit the College, its related organizations, and/or external organizations or individuals, must first complete the Fund Raising Event/Solicitation Form (located at [www.tusculum.edu/giving/fundraising.php](http://www.tusculum.edu/giving/fundraising.php)). The form includes a space for written authorization from the employee's Vice President or supervisor. The signed and dated form must be submitted to the Vice President of Institutional Advancement for final approval. Written consent from the Office of Institutional Advancement is required, and notification of approval must be provided to the event point person prior to the beginning of a fund-raising activity. If approval is not received prior to the fund-raising activity, the event is to be cancelled.

This policy is in place to avoid multiple constituents at Tusculum College calling on the same donor at the same time, requesting either in-kind donations or monetary support and to ensure that the donor receives appropriate acknowledgement. It will also facilitate the success of the fund-raiser, while avoiding several fund-raisers taking place at one time.

### **Grants (Research and Foundations)**

The Vice President of Institutional Advancement should be notified in writing by the primary investigator of the intent to apply for a grant. The notification should include the name of the grant, its requirements, definitions, purposes and deadline, as well as signatures by the primary investigator and his/her Vice President. This notification will allow the College to track grant funding applications, funding, grant activity and reporting. If the grant requires matching funds, the Vice President/CFO will need to review and approve based on the availability of funding.

The completed grant application should be submitted to the Vice President of Institutional Advancement ten days in advance of submission. The Vice President of Institutional Advancement will review and make a final recommendation to the President. All grant applications or agreements must be approved by the President prior to submission.

Documentation of the approval must be maintained in the Office of Institutional Advancement. This Office will report funding applications and funds received, and ensure the appropriate reports are sent to funding agencies in a timely manner. The primary investigator of the grant must work with the Office of Institutional Advancement's designee on such reports.

All questions should be directed to the Vice President of Institutional Advancement or his/her designee. Misuse of a grant or not following the above procedures may result in disciplinary action up to including termination.

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<b>Code of Ethics and Rules of Conduct</b>			
Reference Number 10.01	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 2

Tusculum College maintains a certain code of ethics and rules of conduct to be followed by every employee. These rules are in place to insure a fair, safe and orderly work environment. Employees violating these rules will be subject to discipline up to and including termination. This list is not meant to be exhaustive, but rather examples of the College's minimal expectations.

1. Arrive to work on time as scheduled, attend work regularly, and remain on the job as required.
2. Conduct work as directed, meeting performance and productivity requirements and goals, exhibiting enthusiasm and commitment to your position.
3. Treat all fellow employees, students and visitors in a courteous, respectful and professional manner. Supervisors should treat all subordinates in a fair and impartial manner.
4. Provide truthful and complete information when applying for, or during employment. This includes refraining from falsifying documents (i.e. medical certifications and time records).
5. Do not neglect, destroy or steal Tusculum property or the property of employees, students or visitors. Do not remove Tusculum property without permission from your supervisor.
6. Do not use the College's resources or office supplies for personal use or in the pursuit of personal gain.
7. Cooperate fully in Tusculum College investigations of loss, injury, policy violation, or any grievance.
8. Maintain professional, moral and decent conduct at all times, remembering that your behavior reflects on the College. Harassment, retaliation, horseplay, disorderly conduct, fighting, using abusive or threatening language, loitering, loafing or sleeping during work hours is prohibited.
9. Do not commit a crime on College property or while representing Tusculum College within the community or profession.
10. Do not accept duties, obligations, gifts or favors of monetary value in excess of \$25.00 for any reason; including giving, offering, soliciting or receiving compensation to illegally influence the action of the public, public officials or employees.
11. Do not engage in private business or professional activities that conflict with the interest and policies of Tusculum.
12. Maintain the confidentiality of written and oral confidential reports or records of the College and share such information only with permission from the President or when required by law.

13. Do not use your College identification card for any unauthorized use or allow any other person to use it.
14. Do not represent yourself as an official spokesperson for the College or make statements purporting to reflect the Tusculum College's positions and policies while in public without permission from the President.
15. Do not distribute non-work material or solicit during work hours.
16. Follow and comply with all Tusculum policies and procedures.

Employees have a responsibility to immediately report any violation of these rules of conduct, including unethical and unprofessional conduct, to the Director of Personnel Services. All alleged violations will be investigated promptly, impartially, and as discreetly as possible. There will be no retaliation against any employee who reports, or cooperates in the investigation of, violations of Tusculum policies.

A violation of these rules of conduct and/or any other Tusculum College policies will result in discipline up to and including termination.

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<b>Sexual and Other Discriminatory Harassment</b>			
Reference Number 10.02	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 3

The College is committed to the maintenance of an academic and working environment free from all forms of discrimination or coercion that adversely affects the working or learning environment. The College prohibits sexual or other discriminatory harassment of or by its employees, students, visitors, vendors or contractors, on the basis of race, color, sex, sexual orientation, religion, national origin, age, disability, genetic information, or any other protected discriminatory factor. The College will take immediate and appropriate action to prevent and correct behavior that violates this policy. This policy also prohibits retaliation against an Employee or Student who has made a good faith complaint of harassment. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

See the *Student Handbook* for disciplinary procedures for student violators.

### **Sexual Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. This conduct constitutes unlawful sexual harassment when (1) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment or academic success; (2) submission to or rejection of such conduct is used as the basis for an employment decision or academic success; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or academic success or creating an intimidating, hostile or offensive work or study environment. While sexual harassment usually involves members of the opposite sex, it also includes "same sex harassment."

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that makes one feel uncomfortable, that is embarrassing, humiliating, or personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work effectiveness. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment can include:

Verbal – Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, offensive, or obscene language, whether made in person or in writing (i.e. letter, notes, emails, social media);

Non-Verbal – Sexually suggestive objects, graffiti, cartoons, posters, calendars, writings, pictures graphic commentaries, suggestive or insulting sounds, leering, whistling, stalking, staring, and making obscene or sexual gestures;

Physical – Unwanted or unwelcome physical contact, including touching, pinching, grabbing, holding, hugging, kissing, brushing the body, assault, and rape.

Sexual harassment may be overt or subtle. Some behavior that is appropriate in a social setting is not appropriate in the workplace. But whatever form it takes, it will not be tolerated by the College.

## **Other Discriminatory Harassment**

Other discriminatory harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, national origin, age, disability, sexual orientation, genetic information, or other protected discriminatory factor, when such conduct (1) has the purpose or effect of creating an intimidating, hostile, or offensive working or study environment; (2) has the purpose or effect of unreasonably interfering with an individual's work or academic success; or (3) otherwise adversely affects an individual's employment or academic success.

Examples of discriminatory harassing conduct include, but are not limited to, epithets, slurs, or negative stereotyping, threatening, intimidating or hostile acts or words, demeaning jokes or comments, pranks, hazing, or creating written or graphic material that denigrates or shows aversion or hostility toward an individual or group because of race, color, religion, national origin, age, sexual orientation or disability. Harassment can occur in person or in writing (i.e. letters, notes, e-mail, social media).

All employees must avoid any action or conduct that might be viewed as discriminatory harassment. Approval of, participation in, or acquiescence in conduct constituting such harassment will be considered a violation of this policy.

Individuals who believe they have been subjected to any form of harassment or retaliation forbidden by this policy are encouraged to, and in fact have the responsibility to, bring any form of harassment to the immediate attention of the College.

## **Complaint & Investigation Procedure**

Any Employee who has a complaint of sexual or other discriminatory harassment should immediately report it to his or her supervisor, or Vice President of his or her department, or to the Director of Personnel Services. Employees do not have to complain first to the offending person. Anyone receiving a complaint of harassment, or witnessing harassment of another individual, should report it to the Director of Personnel Services.

All complaints by staff member employees will be investigated promptly, impartially, and as discreetly as possible by the Director of Personnel Services or someone designated by the College President when necessary.

All complaints by faculty member employees will be investigated promptly, impartially, and as discreetly as possible by the Director of Personnel Services, or someone designated by the College President when necessary, and the Vice President of Academic Affairs.

Each party, including witnesses, involved in the complaint will generally be asked for a written and signed statement (Form 1, Complaint Resolution). The College will retain confidential documentation of the investigation and access to information related to an investigation will be limited to a strict need to know basis. No one involved in the complaint should discuss it outside of the investigation. These measures are to protect both the confidentiality of the person filing the complaint, as well as the reputation of any employee wrongfully accused of harassment.

In the President's discretion, and based on the particular circumstances of the case, an employee accused of harassment may be placed on paid administrative leave pending the results of the investigation.



## **Investigation Results & Determination**

The investigation results, along with a recommendation from the investigator(s), will be presented to the President, who will make the final determination regarding whether harassment occurred. If the investigation reveals that no harassment or retaliation has taken place, or that there is insufficient evidence to support the complaint, the parties involved will be so advised. If the investigation reveals that the complaint is valid, the College will take prompt and appropriate corrective action designed to immediately stop the harassment or retaliation and prevent it from recurring in the future. If the investigation reveals that the complaint was not bona fide or was made in bad faith or for an improper purpose, or that an employee has provided false information regarding a complaint or investigation, disciplinary action may be taken against the individual filing the complaint or providing the false information.

The College will not tolerate retaliation against any employee, student, visitor, vendor or contractor who files a good faith complaint of harassment, reports a complaint or incident of harassment, or cooperates in any investigation of alleged harassment. Any employee who believes he or she has been subjected to retaliation must report it immediately to the Director of Personnel Services.

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<b>Disabilities &amp; Reasonable Accommodations</b>			
Reference Number 10.03	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

It is Tusculum College's policy to comply with the Americans with Disabilities Act, as amended (ADA), and other applicable laws that prohibit discrimination against qualified employees and applicants with respect to any terms, privileges, or conditions of employment because of a disability. The policy applies to all personnel and employment practices.

For the purposes of this policy, a disability is a permanent or chronic physical or mental condition which imposes a substantial limitation on a major life activity.

In accordance with the ADA, Tusculum College will provide reasonable accommodations to qualified applicants and employees with known limitations and who require accommodation for their disabilities in order to safely perform their essential job functions, unless such accommodations would cause an undue hardship. Disabled employees and applicants are invited to identify any reasonable accommodation that would enable them to safely perform the essential functions of the position. Tusculum College reserves the right to require documentation of both the existence of a disability and of the need for any requested accommodation, either from the individual's medical provider and/or a provider of the College's own choosing. Information regarding any disability and other medical information will be kept confidential in accordance with the ADA and retained in separate confidential files. [Note: As previously noted in this Handbook, Tusculum College, to comply with the Genetic Information Nondiscrimination Act of 2008 (GINA), requests that you not provide any genetic information when responding to this request for medical information, unless such information is directly related to the employee's request for leave. "Genetic Information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.]

Employees or Applicants are responsible for requesting any such accommodation verbally or in writing to the Director of Personnel Services. Individual supervisors are not permitted to independently grant or deny such requests. If a supervisor receives a request for an accommodation, he or she must report it immediately to the Director of Personnel Services. The Director of Personnel Services will consult with the employee's or applicant's supervisor and the College President to make the final determination regarding whether to grant the accommodation. The Director of Personnel Services will notify the employee or applicant of the determination.

An employee or applicant will not be retaliated against for requesting an accommodation in accordance with this policy. Any employee who believes he or she has been subjected to retaliation must report it immediately to the Director of Personnel Services.

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<b>Grievances</b>			
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An employee is encouraged to report any concern or complaint based on a perceived violation, misinterpretation or misapplication of a Tusculum College policy, procedure, rule or regulation regarding the employee's employment conditions, and/or if the employee feels he or she has been dealt with unfairly by Tusculum College, its management or another employee.

This policy does not apply to reports or complaints related to discrimination or harassment, disability or a request for a reasonable accommodation, workplace violence policy violations, allegations of plagiarism, or improper deductions from pay. See those particular policies for information on reporting, investigation and resolution of those kinds of complaints. Challenges to faculty terminations are governed by the Faculty Handbook.

### **Procedure**

Recognizing that many grievances can be settled in an informal setting, the employee should first discuss the concern with his or her Director/Dean or Department Chair. They should attempt to resolve the issue through informal discussion. The Director/Dean or Department Chair must document the discussion, and provide a copy to the Human Resources department.

If the matter is not resolved to the employee's satisfaction, if an employee is uncomfortable discussing the issue with his or her supervisor, or if the Director/Dean or Department Chair feels the issue is too significant to be resolved informally at the supervisory level, the employee should submit a written grievance to the Vice President or School Director/Dean, stating the specific facts of the grievance, and/or the results of the discussion with the supervisor and why that discussion was not satisfactory. The Vice President or School Director/Dean should investigate the issue promptly, impartially and discreetly; attempt to resolve it; and communicate the resolution to the employee within a reasonable time. The Vice President or School Director/Dean must document every step of the investigation and resolution process, and provide a copy to the Human Resources department.

### **Appeals**

All grievances by a staff member may be appealed in writing to the Director of Personnel Services (or someone designated by the College President in case of conflict). The Director of Personnel Services will review all documentation, speak with the parties involved if necessary, and make a final determination.

All grievances by a faculty member may be appealed to the Director of Personnel Services (or someone designated by the College President in case of conflict) and a member of the Faculty Affairs Committee (FAC) to be designated by the Chair of the Committee. The Director of Personnel Services and FAC member will review all documentation, speak with the parties involved if necessary, and make a final determination. In the event of disagreement between the two investigators, the investigation results will be presented to the President, who will make the final determination.

The purpose of this policy is to make Tusculum College aware of and resolve problems before they escalate to the point of disrupting the College work environment.

All documentation produced during the investigation will be retained by the employer, kept confidential to the extent possible and disclosed only on a strict need to know basis.

There will be no retaliation against any employee who files a good faith grievance or participates in an investigation of the grievance, complaint or concern. Any employee who believes he or she has been subjected to retaliation must report it immediately to the Director of Personnel Services.

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<b>Compliance and Reporting Policy</b>			
Reference Number 10.05	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 2

Tusculum College requires its trustees, officers, and employees to observe a high standard of integrity and accountability in the conduct of their duties and responsibilities, and to practice honesty and integrity in fulfilling their responsibilities and complying with all applicable laws and regulations. Further, the College is committed to providing all members of the College community, including students, administration, faculty, staff, alumni, vendors, and visitors, with a safe and productive environment.

If any member of the College community has reason to believe or reasonably suspect that the College or any of its agents is acting contrary to any applicable federal, state or local law or regulation, or contrary to any established College policy, that person may report such action or activity without fear of reprisal or retaliation. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. Encouraging others to retaliate is also a violation of this policy. This policy is intended to encourage and enable employees and others to raise serious concerns within Tusculum College prior to seeking resolution outside Tusculum College.

**Reporting** - Any College employee with reasonable suspicion of such illegal or improper activity should notify his or her immediate supervisor. If the complaint involves the immediate supervisor, or if the employee is uncomfortable discussing the issue with his or her immediate supervisor, the employee should contact his or her Vice President. If the violation involves fraud, or if the employee is not comfortable speaking with any of his or her supervisors, the employee must contact the Compliance Officer directly. Supervisors and managers are required to report suspected violations, or reports of violations they receive from their employees, to Tusculum College's Compliance Officer. In the event that the Compliance Officer is the subject of the report or complaint, such report or complaint should be made directly to the President.

**Compliance Officer** - Tusculum College's Compliance Officer is currently the Vice President/Chief Financial Officer. The Compliance officer has specific and exclusive responsibility to investigate and resolve all reported violations under this policy. At the Compliance Officer's discretion, he or she shall advise the President and the Audit Committee of the issue. The Compliance Officer has direct access to the Audit Committee of the Board of Trustees and is required to report to the Audit Committee at least annually on compliance activity.

**Accounting and Auditing Matters** - The Audit Committee of the Board of Trustees shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Compliance Officer shall immediately notify the Audit Committee of any such complaint and work with the Committee until the matter is resolved.

**Acting In Good Faith** - Anyone filing a complaint concerning a violation or suspected violation under this policy must do so in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any employee who makes an allegation under this policy that proves to be fraudulent and/or made maliciously or knowingly to be false will be subject to disciplinary action, up to and including termination.

**Confidentiality** - Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

**Handling of Reported Violations** - The Compliance Officer will notify the identified complainant and acknowledge receipt of the reported violation or suspected violation within five (5) business days. All reports will be promptly investigated; and appropriate corrective action will be taken if warranted by the investigator.

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<b>Fraud Action Plan</b>			
Reference Number	Board Approval	Effective Date	Page
10.06	5/2012	7/1/2012	1 of 1

It is the responsibility of the Board of Trustees and Administration of Tusculum College to provide a foundation for protecting the financial resources of the College and to identify the essential elements needed for the prevention and detection of fraud in order to maintain a culture of honesty and high ethical standards.

To that end, the College requires the following of its Board, Administration and employees:

1. The College Administration shall be committed to setting an example for ethical behavior.
2. The College Administration and the Board of Trustees shall work to create and maintain a positive workplace environment.
3. College employees shall follow all policies set forth in this Employee Handbook, and any other applicable handbook, memo, etc. containing requirements and standards of conduct to be adhered to, with specific regard to the Code of Ethics and Rules of Conduct, Conflict of Interest, and the Compliance and Reporting Policy.
4. Proactive procedures as specified in the Employee Handbook, and any other applicable policies or memos, shall be utilized to ensure the hiring and promotion of appropriate employees.
5. The College will make a conscious effort to make training available in the area of ethics.
6. Appropriate and consistent discipline, as outlined in Tusculum College Policies, shall be taken after a thorough investigation of an incident of ethical violation.

Tusculum College shall periodically evaluate and improve its antifraud processes and controls. This shall be accomplished by the following:

1. Implementation of consistent purchasing policies and procedures.
2. Periodic assessment of which employees are required to be insured for liability.
3. Periodic evaluation of procedures used to handle financial transactions.
4. Periodic review of College policies and procedures which guide the employees' ethical behavior.

Tusculum College shall continually develop and utilize appropriate oversight processes including, but not limited to the following:

1. Notification to all employees to report to either the Vice President/Chief Financial Officer, the President, or the Chairman of the Board of Trustees instances of fraudulent activity that have been detected or suspected.

2. Commitment to implement reasonable suggestions made by the College Audit and Financial Committees of the Board of Trustees.
3. Commitment to implement reasonable recommendations made by the College's auditors.

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<b>Personal Appearance</b>			
Reference Number	Board Approval	Effective Date	Page
10.07	5/2012	7/1/2012	1 of 1

All employees are expected to dress in a professional and tasteful manner. Appearances that create a disturbance among employees are prohibited. Dress denim skirts, slacks, jackets or shirts that look professional and tasteful are permissible. Tattoos which may offend or be distasteful to the general public should be fully covered. No pierced jewelry may be worn other than in the ears. Shorts/Bermudas (except Facilities department employees who may wear their uniformed shorts), t-shirts (unless containing the Tusculum College logo), short skirts, tank tops, low cut or cropped shirts, or flip flops are prohibited.

Questions regarding appropriate attire for work should be addressed to the supervisor.

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<b>Off Duty Blogging, Instant Messaging, Webcasting &amp; Social Networking Sites</b>			
Reference Number 10.08	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

Employees are reminded that information that is emailed, messaged, posted, or otherwise broadcast on the internet assumes a life of its own, and even where attempts are made to secure or restrict access to such material, it may well become widely broadcast. Employees are reminded that they have no expectation of privacy when using the College's technology. See the "Communication Systems, Equipment & Technology" policy for more information regarding use of College technology.

Significant personal exposure may be created by the inappropriate use of such social media. Employees are held accountable for violations of any College policies, especially those related to sexual and other discriminatory harassment, weapons and workplace violence, substance abuse, and breaches of confidentiality (including disclosure of proprietary information), which are discovered in email, blogs, webcasts, social networking sites or other electronic methods of transmission.

Employees may not state, suggest or imply that the views and opinions they express through social media are views and opinions of Tusculum College. Further, employees are prohibited from using social media for the following:

- To express individual and general dissatisfaction with the College.
- To incite workplace disruption.
- To defame the College through false statements.
- To unlawfully harass any other employee as that term is defined in the "Sexual Harassment and Other Discriminatory Harassment" policy.

Nothing in this policy is designed or intended to interfere with any legally protected right an employee may have.

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<b>Travel</b>			
Reference Number 10.09	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 6

Tusculum College will reimburse reasonable expenses incurred by an employee while traveling on properly authorized College business, when those expenses are fully documented, submitted in a timely manner, and the travel has been approved in advance by the appropriate Vice President or Athletic Director.

All employees traveling for College business are expected to exercise sound judgment in selecting destination, modes of travel, and lodging and in controlling expenses while traveling.

### **Expenses that may be included**

- Travel costs, including airfare (the lowest fare available) and necessary ground transportation at the destination, including shuttle bus, bus, taxi, other public transportation, or rental car if no other feasible form of ground transportation is available. For automobile travel from the College, mileage at the established per mile rate will be paid plus tolls. A rental car may be used if no College car is available.
- Lodging costs, including the cost of a room and associated taxes, plus parking expenses.
- Meals, including costs for food, 15% tip and nonalcoholic beverages.
- Registration fees for professional conferences.
- Tips, within reason, for service personnel.
- Parking costs.
- Telephone calls that involve College-related business.
- Costs for entertaining a College guest off campus, including expenses for the guest and up to two College employees, unless previous authorization has been given for additional College personnel (college dining facilities should be used for entertainment of College guests whenever possible). An explanation, including the business purpose and the names of those entertained, must be attached.

### **Expenses that may NOT be included**

- Travel insurance. The College carries an accident policy that insures employees traveling on College business.
- Insurance on rental cars.
- Movies (in hotel).
- Gasoline costs if mileage reimbursement is used.

- Cost of mileage beyond the amount that would be required to travel by coach-class air.
- Personal telephone calls.
- Alcoholic beverages.
- Dry cleaning or laundry service.
- Costs for meals, travel, lodging for spouses or other personal guests.
- Excessive tips.

### **Advance Payment of Travel Expenses**

- When a registration or similar fee related to the purpose of an employee's travel requires payment in advance of the travel date, a Form 34 Request for Travel Advance should be submitted with documentation attached to a Vice President for approval. The Accounts Payable office will then remit payment directly to the applicable organization.
- When it is necessary that fares for transportation be paid more than five days prior to a scheduled trip, this fact should be noted on the Form 34 Request for Travel Advance and the College will make payment for the transportation portion of the advance directly to the travel agency, and the remainder of the advance will be given to the traveler shortly before the trip.
- If the estimated cost of an approved expense exceeds \$500, the Accounts Payable Office will provide the employee an advance of up to the estimated cost, provided the advance is requested on an approved Form 34 Request for Travel Advance submitted to the Accounts Payable Office no later than five working days prior to the date the check is needed. Travel advances will not be released more than five working days before the travel is to begin.
- Faculty who must travel for meetings and other administrative purposes must submit the Form 37 Pre-Authorization for Mileage Reimbursement Form to the Vice President of Academic Affairs.

### **Substantiation of Expenses**

- Receipts for expenses incurred by the employee must be attached to the Form 35 Travel Expense Report that is submitted to a Vice President for approval and then sent to Accounts Payable Office for reimbursement. Receipts are also required to substantiate all travel advances, regardless of whether the actual expenses incurred were less than, or more than, the amount of the advance.
- Receipts are required for expenses, except mileage for use of personal vehicles. However, total miles traveled must be submitted when claiming expenses for use of personal vehicles. Unless otherwise approved, mileage will be reimbursed based upon the College's established per mile rate.
- The signed Form 35 Travel Expense Report, the receipts, and any other substantiation must be submitted to the Accounts Payable Office no later than as indicated on the form after returning from a trip, or the advance will be payroll deducted.

### **Third-Party Reimbursements, Rebates, Promotions**

When an employee's travel has or will be paid by the College and the employee's travel costs are also reimbursed by a third party, such as the federal government, the third-party reimbursement becomes property of the College unless prior approval from the Vice President or Athletic Director states otherwise. Similarly, any discounts, rebates, promotions, or similar benefits resulting from travel paid by the College become College property. Examples of such items include, but are not limited to the following:

- Free or reduced future airfare, or other travel costs
- Cash rebates or similar benefits for staying at a particular hotel or motel

### **Air Travel**

- When the most efficient means of transportation is air travel, reimbursement will be limited to coach fare, except for the instances noted below.
- An employee may upgrade his or her travel class at anytime by paying the incremental cost.

### **Transportation To and From Hotels and Terminals**

- Whenever practical, the most economical mode of transportation should be used to and from hotels and terminals (air and rail). These expenses (including gratuities) will be reimbursed.
- Many hotels provide complimentary shuttle service to and from airports. The traveler should inquire about this service when making hotel reservations with the travel agent.

### **College Owned Automobile**

See Policy 11.06 Use of College Vehicles and Policy 8.06 Vehicle Safety for information on reserving and use of College owned automobile.

### **Automobile Rentals**

- Automobiles must be rented in the name of Tusculum College. Automobile rentals should be limited to situations where other means of transportation are not practical, economical, or available, and to emergency situations.
- The most economical car should be used as a general rule.
- The College has corporate account numbers for discount rates available with several car rental agencies.

- When the traveler rents a car in the name of Tusculum College, neither the Liability Insurance nor Collision Damage Insurance should be purchased.

### **Personal Automobile Travel**

- Reimbursement for use of personal automobiles by employees traveling on College business will be at the current per mile rate. Faculty (full time and adjunct) teaching classes away from their home campus will be reimbursed for use of their personal vehicle when driving to class at the current per mile rate; however, the standard distance amounts for each trip provided on the Faculty/Staff Reimbursement form (Form 36), have been reduced by 30 miles. No prior permission is required for this reimbursement; however, the Faculty/Staff Reimbursement Form (Form 36) must be submitted with course grade submissions to receive payment (otherwise payment would be forfeited). Refer to Policy 8.06 Vehicle Safety for additional information on use of personal automobiles for College business.
- Gas, oil, insurance premiums, collision and liability insurance, repairs, or other costs included in the mileage rate will not be reimbursed.
- Fines for automobile violations, damages, or personal misconduct will not be reimbursed.

### **Lodging**

- The traveler may stay at the hotel where a meeting, convention, or conference is being held, or at a nearby moderately priced hotel.
- The actual hotel bill is required for reimbursement.
- Hotels should be guaranteed for late arrival with the traveler's personal credit card.

### **Entertainment**

Reimbursement will *not* be made for entertainment expenses not related to College business, such as, but not limited to, in-room movies, theater, or optional conference-related side trips.

### **Meals**

- Reasonable expenses incurred for business meals while on a College business trip will be reimbursed.
- Reimbursement will be made for all actual costs (including reasonable gratuities).
- Receipts are **required** for all expenditures. Names of guests and their professional affiliation, as well as the business purpose, must be included on the expense report.

## **Gratuities**

The reasonable costs of gratuities to porters, bellhops, and other service personnel will be reimbursed. As a guide, 15%-20% for meals, and \$1.00 per bag.

## **Travel with Companion**

- The College will not reimburse personal, spouse, or companion travel and other travel-related expenses.
- The employee is responsible for allocating only his/her portion of expenses on the travel expense report and for identifying them on the hotel, restaurant, transportation, and other receipts.
- The College will pay only the single rate at hotels unless documented that two employees are traveling together for work purposes.

## **Authorized Travel for Non-College Individuals**

- When travel is approved by a Vice President or Athletic Director for an individual who is not an employee of the College, reimbursement will be provided in accordance with the College's general travel policies.
- The department authorizing travel should make all transportation and lodging arrangements.
- Prior approval or any exception to this policy should be in advance of the travel.

## **Cost Saving Considerations**

When planning your itinerary, consider the following cost-saving strategies:

- Stay over one Saturday night at your outward destination. Most deeply discounted airfares require staying over a Saturday night. Compare the cost of including one Saturday night versus departing on Saturday. If the savings in airfare exceeds the cost of Saturday hotel and meal expenses, the traveler is encouraged to stay over Saturday night. The College will reimburse the traveler for Saturday lodging and meal expenses.
- Make reservations in advance. Deeply discounted fares have strict advance purchase requirements of 30, 21, 14, or 7 days, in addition to the Saturday night stay requirement. Other fares that do not require a Saturday night stay still offer substantial discounts for booking seven days or more in advance. Most advance-purchase airfares also carry substantial penalties for change or cancellation.
- Be flexible in selection of airlines and times of travel. One airline may have a promotional fare not offered by competing carriers. One airline offering single-stop or change-of-plane service may offer substantially lower fares to compete with a carrier flying nonstop. Time of day and day of the week may also influence airfares.

- Plan meetings, conventions, and seminars for groups. Groups with as few as 10 enrollees may leave from and return to a multitude of cities and within a range of dates. All passengers need not travel on the same flight round trip to be eligible for group discounts.
- Compare fares from regional cities. The regional airports offer different discounts and promotions. Often, one of these airports has a much lower fare.
- Look for special promotional fares. Identify yourself as being flexible and willing to explore special fares and promotional opportunities on alternate dates and times if you are in fact flexible.
- Use frequent flier awards and coupons. These awards can be used to reduce airfares. Frequent flier points accumulated by employees traveling on College business belong to the College. The traveler has a responsibility to the College never to elect more expensive travel alternatives in order to accrue frequent flier mileage credit.

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<b>Intellectual Property</b>			
Reference Number	Board Approval	Effective Date	Page
11.01	5/2012	7/1/2012	1 of 3

Tusculum College, like other universities and colleges, has endeavored to create an academic and community environment conducive to the provision of public service and the creation of new information through the development of many types of Intellectual Property (IP).

Intellectual Property (IP) according to the World International Property Organization, refers “to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.” In this document, IP also includes copyrightable original works, tangible research property, and trademarked materials centered uniquely upon the inspiration of the faculty, staff and students.

### **Ownership and Control Principle**

IP is divided into two major categories: industrial or patent and copyright. In general, these products and ideas of human genius “can be bought, sold, transferred, assigned, or licensed.” Each is authored or created and is owned by someone or some group controlling its rights. As such, these assets may be eligible for such legal protection as copyright or patent and could be controlled by licensing.

A determination of ownership and control in colleges and universities is most often based upon the level of contribution(s) of the parties to the creation of the work or item. Tusculum College’s Intellectual Property Policy is not intended to alter the traditional ownership of works such as a poem, a book, or a painting. However, the College may or may not choose to enter a claim of ownership of Intellectual Property created by its students or employees if Substantial College Resources (SCR) were used in its creation.

Substantial College Resources (SCR) includes all services, equipment or facilities, release time, or support staff or funding provided by the College outside of those provided in the normal course of employment. Funding, equipment and facilities provided by government, commercial, industrial, or other public or private organizations, but administered and controlled by the College, will also be construed as SCR.

It is the general policy of Tusculum College that, with certain exceptions here noted, Intellectual Property will remain the property of its creator or owner, so that its faculty, staff, students may be encouraged to engage in those activities of the mind or hand that may result in original works of benefit to society within the classroom and without. To that end, four categories of ownership have been established: Creator ownership; Creator ownership with College Interest; Creator ownership with College and/or outside party interest; and College ownership:

- A. Creator ownership: If no use of Normal College Resources (NCR) was employed in the development or creation of an IP, all revenue derived from the IP is retained by the Creator. No prior disclosure is required.

Normal College Resources (NCR) refers to all resources provided in the normal course of employment or enrollment. For example, provision of an office, computer, internet access, library facilities, salary and etc.

For purposes of this policy, “revenue” includes all monetary proceeds received by the Creator or College from all considerations concerning the commercialization, transfer, licensing, or other exploitation of its owned IP. Without limitation, such revenue may include royalties, sales proceeds, and a variety of different fees (e.g., maintenance, option, transfer). Non-cash consideration (e.g., stock) or an IP licensing, may also be accepted and is considered revenue. At its discretion, the College may at any point convert non-cash considerations into cash. When revenue is received by the College from an IP, it will deduct its expenses or obligations assumed in the pursuit of patent or copyright, marketing, licensing or otherwise administering the IP. Anything remaining will be declared “net proceeds” and may be distributed as revenue.

Upon completion of the IP and if the medium so lends itself without expense of reproduction, the Creator will, upon request, provide the College with one free copy of the IP. Except where the Creator may be required by contract to assign IP rights to a third party, e.g., a publisher, a nonexclusive, royalty-free license for use of the IP in furtherance of the College academic mission may also be provided at the discretion of the Creator. Examples: a book for the library, an art print for the gallery collection.

- B. Creator ownership with College interest: If prior written approval has been granted by the President for use of Substantial College Resources (SCR), ownership of IP is vested in the Creator. Additionally, the Creator agrees to provide, the College with a non-exclusive, royalty-free license to use, publish or disseminate such IP. Applications for patents and copyright have specific legal requirements and involve cost. In those cases where it is anticipated from the beginning that such protection will be sought employing any part of SCR, the Creators must disclose the conception of the IP to the College through the Vice President of Academic Affairs. This disclosure must be in writing and at the time that the written request for the use of SCR is made. The College has 90 days from notification of conception by the Creator to grant or refuse approval for use of SCR. In the event that the College fails to either grant or refuse such permission within such 90 day period, permission shall be deemed refused. The College shall be the exclusive owner of all rights to any IP created using SCR without College permission.

Cooperative Work is produced with the use of Substantial College Resources (SCR) per a written agreement negotiated in advance. Such work has no expectation of income or royalty split and should be subject to the same guidelines as those in Creator ownership with College interest.

Revenue derived from an IP created with the use of SCR is shared between the Creator and the College as follows:

- 1) If College funds pay for part of development costs, revenue from the IP will be negotiated on a case-by-case basis between the Creator and the College (with written authorization by the Vice President of Academic Affairs) prior to the award of development funds.
  - 2) When Federal grants or state funding covers development costs, both the College and the Creator will be bound by the revenue sharing terms negotiated by the Creator, the College and the funder prior to creation of the IP.
- C. Creator ownership with College interest and/or outside party interest: Outside funding may be employed with SCR in the creation of an IP. In such a case, the Creator must notify

the Vice President of Academic Affairs and the Vice President of Advancement in writing of the conception of the IP and the associated funding arrangement. The College's Office of Advancement and the Vice President of Academic Affairs must review and pre-approve in writing all agreements between the Creator and any governmental or non-governmental outside party. Also, all grants requested through the College must be approved and signed by the President. Contract agreements with outside parties must specify:

- 1) cost and revenue sharing arrangements;
- 2) the manner in which the outside party will safeguard College proprietary information. If government funding or support covers the creation of an IP under this section, a grant agreement between the parties will govern all aspects of the IP process before and after creation.

Tangible research property (TRP) is treated as Intellectual Property for the purposes of this policy and is most often created as an offshoot of something else. It would include, but not limited to, such items as: biological materials, engineering drawings, computer software, integrated circuit chips, specialized computer databases, prototype devices, circuit diagrams, and equipment. It is subject to the terms (ownership or otherwise) of grants, arrangements, or contracts under which it was produced.

- D. College ownership: The College asserts exclusive ownership of IP and may choose to transfer or otherwise assign its ownership in the IP, in whole or in part, to one or more other parties. This type of IP may be referred to as:
- 1) Commissioned Work which is specifically assigned to be undertaken for the College, and may be created by students, faculty, staff, independent contractors, or consultants. Commissioned Works may be prepared as a part of full-time or part-time employment duties, and are typically supervised by someone.
  - 2) Negotiated IP transfer results when a Creator with ownership in an IP voluntarily transfers his/her rights, in whole or in part, to the College. Such a transfer must take the form of a written document signed by the Creator and witnessed.

### **Ownership and Control Administration**

- A. The President or the President's designee will determine the manner in which marketing, revenue, and other non-creative aspects of IP are handled.
- B. Use of Tusculum name and logo shall be in accordance with the Tusculum College policy (see Policy 9.01 Conflict of Interest).
- C. Dispute resolutions: Disputes over interpretation or application of the Tusculum College IP policy should be resolved through the College's grievance policy (see Policy 10.04 Grievances).

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<b>Communication Systems, Equipment &amp; Technology</b>			
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11.02	5/2012	7/1/2012	1 of 8

Tusculum College owns, leases, maintains, or operates various electronic communication systems, equipment and technology (“IT resources”), examples of which are provided below. All IT resources, as well as all communications, data, and information created by or on, transmitted or received by or from, or stored in the IT resources, are and remain at all times the property of Tusculum College. All such communications are subject to review and monitoring by the College. The College’s IT resources are provided to the employee for business use only and are not to be used for personal communication. Information technology (“IT”) encompasses a vast and growing array of computing and electronic communications facilities and services. These facilities and services provide the means for Tusculum College students, faculty and staff to meet their daily requirements in meeting the overall mission of the College.

Users of the college’s IT resources have a responsibility not to abuse those resources and to respect the rights of the members of the community as well as the College itself.

This Communication Systems, Equipment & Technology policy (the “Policy”) provides guidelines for the appropriate use of Tusculum College IT resources as well as the College’s oversight of these resources. For purposes of compliance with other College policies in the Employee, Faculty or Student Handbooks, no distinction is made between written expression and electronic expression. For example, discriminatory harassment is prohibited regardless of whether it is in person, in writing or via electronic format (i.e. e-mail).

### **Definitions**

IT Systems - These are the computers, terminals, phones, switches/hubs, printers, networks, modem banks, online and offline storage media and related equipment, software, and data files that are owned, managed, or maintained by students, faculty and staff of Tusculum College. For example, IT Systems include institutional and departmental information systems, faculty research systems, desktop computers, the College's campus network, and College general access computer clusters.

Users - Any person, whether authorized or not, who makes any use of any Tusculum College IT System from any location.

Systems Authority - While Tusculum College is the legal owner or operator of all IT Systems, it sometimes delegates oversight of particular systems to a department or to a specific individual. That department or individual would then be responsible and would have "Systems Authority" for that particular system.

Systems Administrator – Individual designated to manage the particular system assigned to him or her. Systems Administrators oversee the day-to-day operation of the system and determine who is permitted access to particular IT resources.

Certifying Authority - The Systems Administrator or other College authority who certifies the appropriateness of an official College document for electronic publication in the course of College business.

Specific Authorization - Documented permission provided by the applicable Systems Administrator.

## **Purpose**

The purpose of this Policy is to ensure an information technology infrastructure that promotes the basic missions of the College in teaching, learning, research, and administration. In particular, this Policy aims to promote the following goals:

1. To ensure the integrity, reliability, availability, and superior performance of IT Systems;
2. To ensure that use of IT Systems is consistent with the principles and values that govern use of other College facilities and services;
3. To ensure that IT Systems are used for their intended purposes; and
4. To establish processes for addressing policy violations and sanctions for violators.

## **Scope**

This Policy applies to all Users of IT Systems, including but not limited to College students, faculty, and staff. It applies to the use of all IT Systems. These include systems, networks, and facilities administered by the Tusculum College Department of Information Systems (TCDIS), as well as those administered by individual schools, departments, College laboratories, and other College-based entities. Use of IT Systems, even when carried out on a privately owned computer that is not managed or maintained by Tusculum College, is governed by this policy.

## **Use of IT Systems**

Although this Policy sets forth the general parameters of appropriate use of IT Systems, faculty, students, and staff should consult their respective governing policy manuals for more detailed statements on permitted use and the extent of use that the College considers appropriate in light of their varying roles within the community. In the event of conflict between IT policies, this Policy will prevail.

1. **Appropriate Use** - IT Systems may be used only for their authorized purposes -- that is, to support the research, education, clinical, administrative, and other functions of Tusculum College. The particular purposes of any IT System as well as the nature and scope of authorized, incidental personal use may vary according to the duties and responsibilities of the User.
2. **Proper Authorization** - Users are entitled to access only those elements of IT Systems that are consistent with their authorization.
3. **Specific Proscriptions on Use** - The following categories of use are inappropriate and prohibited:
  - A. Use that impedes, interferes with, impairs, or otherwise causes harm to the activities of others. Users must not deny or interfere with or attempt to deny or interfere with service to other users in any way, including by "resource hogging," misusing mailing lists,

propagating "chain letters" or virus hoaxes, "spamming" (spreading email or postings widely and without good purpose), or "bombing" (flooding an individual, group, or system with numerous or large email messages). Knowing or reckless distribution of unwanted mail or other unwanted messages is prohibited. Other behavior that may cause excessive network traffic or computing load is also prohibited.

- B. Use that is inconsistent with Tusculum College's non-profit status. The College is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state, and local laws regarding sources of income, political activities, use of property, and similar matters. As a result, commercial use of IT Systems for non-College purposes is generally prohibited, except if specifically authorized and permitted under College conflict-of-interest, outside employment, and other related policies. Prohibited commercial use does not include communications and exchange of data that furthers the College's educational, administrative, research, clinical, and other roles, regardless of whether it has an incidental financial or other benefit to an external organization. Use of IT Systems in a way that suggests College endorsement of any political candidate or ballot initiative is also prohibited. Users must refrain from using IT Systems for the purpose of lobbying that connotes College involvement, except for authorized lobbying through or in consultation with the College's Administrative Offices.
- C. Harassing or threatening use. This category includes, for example, display of offensive, sexual material in the workplace and repeated unwelcome contacts with another.
- D. Use damaging the integrity of College or other IT Systems. This category includes, but is not limited to, the following six activities:
  - 1) Attempts to defeat system security. Users must not defeat or attempt to defeat any IT System's security -- for example, by "cracking" or guessing and applying the identification or password of another User, or compromising room locks or alarm systems. (This provision does not prohibit, however, IT or Systems Administrators from using security scan programs within the scope of their Systems Authority.)
  - 2) Unauthorized access or use. The College recognizes the importance of preserving the privacy of Users and data stored in IT systems. Users must honor this principle by neither seeking to obtain unauthorized access to IT Systems, nor permitting or assisting any others in doing the same. For example, a non-College organization or individual may not use non-public IT Systems without specific authorization. Privately owned computers may be used to provide public information resources, but such computers may not host sites or services for non-College organizations or individuals across the College network without specific authorization. Similarly, Users are prohibited from accessing or attempting to access data on IT Systems that they are not authorized to access. Furthermore, Users must not make or attempt to make any deliberate, unauthorized changes to data on an IT System. Users must not intercept or attempt to intercept or access data communications not intended for that user.
  - 3) Disguised use. Users must not conceal their identity when using IT Systems, except when the option of anonymous access is explicitly authorized. Users are also prohibited from masquerading as or impersonating others or otherwise using a false identity.

- 4) Distributing computer viruses. Users must not knowingly distribute or launch computer viruses, worms, or other rogue programs.
  - 5) Modification or removal of data or equipment. Without specific authorization, Users may not remove or modify any College-owned or administered equipment or data from IT Systems. This includes the loading of "pirated" software.
  - 6) Use of unauthorized devices. Without specific authorization, Users must not physically or electrically attach any additional device (such as an external disk, printer, or video system) to IT Systems.
- E. Use in violation of law. Illegal use of IT Systems -- that is, use in violation of civil or criminal law at the federal, state, or local levels -- is prohibited. Examples of such uses are: promoting a pyramid scheme; distributing illegal obscenity; receiving, transmitting, or possessing child pornography; infringing copyrights; and making bomb threats. With respect to copyright infringement, Users should be aware that copyright law governs (among other activities) the copying, display, and use of software and other works in digital form (text, sound, images, and other multimedia). The law permits use of copyrighted material without authorization from the copyright holder for some educational purposes (protecting certain classroom practices and "fair use," for example), but an educational purpose does not automatically mean that the use is permitted without authorization.
  - F. Use in violation of College contracts. All use of IT Systems must be consistent with the College's contractual obligations, including limitations defined in software and other licensing agreements.
  - G. Use in violation of College policy. Use in violation of other College policies also violates this AUP. Relevant College policies include, but are not limited to, those regarding sexual harassment and racial and ethnic harassment, as well as College, departmental, and work-unit policies and guidelines regarding incidental personal use of IT Systems.
  - H. Use in violation of external data network policies. Users must observe all applicable policies of external data networks when using such networks.
4. Free Inquiry and Expression - Users of IT Systems may exercise rights of free inquiry and expression consistent with the limits of the law.
  5. Personal Account Responsibility - Users are responsible for maintaining the security of their own IT Systems accounts and passwords. Any User changes of password must follow guidelines for passwords. Accounts and passwords are normally assigned to single Users and are not to be shared with any other person without authorization by the applicable Systems Administrator. Users are presumed to be responsible for any activity carried out under their IT Systems accounts or posted on their personal web pages.
  6. Encryption of Data - Users are encouraged to encrypt files, documents, and messages for protection against inadvertent or unauthorized disclosure while in storage or in transit over data networks. Users encrypting information are encouraged to use only endorsed software and protocols. Users who elect not to use endorsed encryption software and protocols on IT Systems are expected to decrypt information upon official, authorized request. (See section

below, "Conditions of College Access") A staff member may only encrypt with the permission of his or her supervisor.

7. Responsibility for Content - Official College information may be published in a variety of electronic forms. The Certifying Authority under whose auspices the information is published is responsible for the content of the published document. Users also are able to publish information on IT Systems or over Tusculum College's networks. Neither the College nor individual Systems Administrators can screen such privately published material nor can they ensure its accuracy or assume any responsibility for its content. The College will treat any electronic publication provided on or over IT Systems that lacks a Certifying Authority as the private speech of an individual user.
8. Personal Identification - Upon request by a Systems Administrator or other College authority, Users must produce valid College identification.

### **Computer Resources Code of Ethics**

1. Ethical and Responsible Use - All Users of any institutionally maintained electronic data, data files, software, and networks are expected to handle the resource in a responsible and ethical manner. A User's access to IT resources ceases when it invades the right of personal and/or institutional privacy; results in the destruction of personal and/or institutional property; causes a limited resource to be used in a wasteful or careless manner; or used to express individual and general dissatisfaction with the College, to incite workplace disruption, to defame the College through false statements or to unlawfully harass any other employee as that term is defined in the "Sexual Harassment and Other discriminatory Harassment" policy.
2. Confidentiality - All information processed through Computer Systems is considered sensitive and/or confidential. The responsibility for the release or discussion of data is assigned to the official custodian of the data file(s). Access to information is based on a legitimate "need to know" and directly related to assigned duties.
3. Examples of Irresponsible Use - The following examples attempt to convey the intent of irresponsible and/or unethical use: violation of the Family Educational Rights and Privacy Act of 1974; use of the resource for obscene material; deliberate wasteful use of the resource; unauthorized altering of hardware, software, or data; piracy of data or software belonging to another person; or careless use of the resource which may result in the release of restricted information. In an effort to assist the user community in effective use of the limited computer resources, it seems reasonable to highlight some specific responsibilities and type of behavior that represent abuse of a User's privileges. The examples do not constitute a complete list but are intended to convey the intent of the code.
  - A. Users should not damage or attempt to damage equipment or to modify or attempt to modify equipment so that it does not function as originally intended. It is equally wrong to damage or modify or attempt to damage or modify the software components: operating system, compilers, utility routines, etc.
  - B. Users should not use or attempt to use an account without authorization from the owner of the account. Users have the responsibility of protecting their accounts through the proper use of passwords, but the fact that an account is unprotected does not imply permission for an unauthorized person to use it. Further, accounts are to be used only for the purposes for which they have been established. Additionally, it is wrong to use a college-sponsored account for



funded research, personal business, or consulting activities. There are special accounts for such purposes.

- C. Users should not use private files without authorization. Owners of such files should take precautions and use security mechanisms available. However, the fact that a file is not protected does not make it right for anyone to access it, unless it is specifically designated as a public access file. It is equally wrong for anyone to change or delete a file that belongs to anyone else without authorization. Violation of property rights and copyrights covering data, computer programs, and documentation is also wrong. In the event of accidental access of private files, confidentiality of those files must be maintained.
- D. Any deliberate wasteful use of resources is irresponsible; it encroaches on others' use of facilities and deprives them of resources. Printing of large unnecessary listing and the playing of games solely for entertainment are examples of such abuse. Users are expected to be aware of the resources they are using and to make reasonable efforts to use these resources efficiently.
- E. Administrators, faculty, staff of the Office of Computer Systems, and others in positions of trust within the Tusculum College community have a professional responsibility to insure that the equipment, software, and services provide the most efficient levels of support and consider the needs of the total user community. Such persons in positions of trust who misuse computing resources or take advantage of their positions to access data not required in the performance of their duties are displaying unprofessional behavior.
- F. All state and federal copyright laws will be abided by at all times. Users must not copy any part of a copyrighted program or its documentation that would be in violation of the law or the licensing agreement without the written and specific permission of the copyright holder.

### **Conditions of College Access**

The College places a high value on privacy and recognizes its critical importance in an academic setting. There are nonetheless circumstances in which, following carefully prescribed processes, and the College may determine that College access to relevant IT Systems without the consent of the User is warranted. Those circumstances are discussed below, together with the procedural safeguards established to ensure access is gained only when appropriate.

- 1. Conditions - In accordance with state and federal law, the College may access all aspects of IT Systems, without the consent of the User, in the following circumstances:
  - A. When necessary to identify or diagnose systems or security vulnerabilities and problems, or otherwise preserve the integrity of the IT Systems; or
  - B. When required by federal, state, or local law or administrative rules; or
  - C. When there are reasonable grounds to believe that a violation of law or a significant breach of College policy may have taken place and access and inspection or monitoring may produce evidence related to the misconduct; or
  - D. When such access to IT Systems is required to carry out essential business functions of the College; or

- E. When required to preserve public health and safety.
2. Process - College access without the consent of the User will occur only with the approval of the President/Vice President of Academic Affairs (for faculty users), the President/Vice Presidents (for staff users), the President/Dean of Students (for student users), except when an emergency entry is necessary to preserve the integrity of facilities or to preserve public health and safety. The College, through the Systems Administrators, will log all instances of access without consent. Systems Administrators will also log any emergency entry within their control for subsequent review by appropriate College authority.
    - A. It is the policy of Tusculum College to protect all institutional computing resources including, but not limited to, hardware and software, consisting of the actual equipment being supplied by the college as well as the programs and related materials used in conjunction therewith. In accordance with local, state, and federal law, indiscriminate examination of individual's files is not permitted, nonetheless as a means of maintaining the integrity and security of those aforementioned resources.
    - B. Tusculum College retains the right to inspect accounts and files stored on any system owned, maintained and/or leased by said College. While no prior authorization by individual users is required to inspect those files and accounts, the User is, by virtue of accepting the account offered by Tusculum College and "logging" on to its computing equipment, granting to the college prior unrestricted permission, subject to college policy, to review, examine and/or otherwise view, by any method at sole discretion of the College and without any additional advance notice to said user, any account and/or file stored on college computer resources.
  3. User access deactivations - In addition to accessing the IT Systems, the College, through the appropriate Systems Administrator, may deactivate a User's IT privileges, whether or not the User is suspected of any violation of this policy, when necessary to preserve the integrity of facilities, user services, or data. The Systems Administrator will attempt to notify the User of any such action.
  4. Use of security scanning systems - By attaching privately owned personal computers or other IT resources to the College's network, Users consent to College use of scanning programs for security purposes on those resources while attached to the network.
  5. Logs - Most IT systems routinely log user actions in order to facilitate recovery from system malfunctions and for other management purposes. All Systems Administrators are required to establish and post policies and procedures concerning logging of User actions, including the extent of individually-identifiable data collection, data security, and data retention.
  6. Encrypted material - Encrypted files, documents, and messages may be accessed by the College.

## **Enforcement Procedures**

1. Complaints of Alleged Violations - An individual who believes that he or she has been harmed by an alleged violation of this Policy may file a complaint in accordance with established Grievance Procedures (including, where relevant, those procedures for filing complaints of sexual harassment or of racial or ethnic harassment) for students, faculty, and staff. The individual is also encouraged to

report the alleged violation to the Systems Authority overseeing the facility most directly involved, or to the Vice President/Chief Technology Officer.

2. Reporting Observed Violations - If an individual has observed or otherwise is aware of a violation of this Policy, he or she may report any evidence to the Systems Authority overseeing the facility most directly involved, or to the Vice President/Chief Technology Officer, which will investigate the allegation and (if appropriate) refer the matter to College disciplinary and/or law enforcement authorities.
3. Disciplinary Procedures - Alleged violations of this policy will be pursued in accordance with the appropriate disciplinary procedures for faculty, staff, and students, as outlined in the Employee Handbook, Faculty Handbook, Student Handbook, various student regulations, and other applicable materials.
4. Penalties - Individuals found to have violated this policy may be subject to penalties provided for in other College's policies dealing with the underlying conduct. Violators may also face IT-specific penalties, including temporary or permanent reduction or elimination of some or all IT privileges. The appropriate penalties shall be determined by the applicable disciplinary authority in consultation with the Systems Administrator.
5. Legal Liability for Unlawful Use - In addition to College discipline, Users may be subject to criminal prosecution, civil liability, or both for unlawful use of any IT System.
6. The improper or unethical use or misuse of any electronic communication systems and equipment will not be tolerated. Violation of this policy may result in discipline up to and including termination.

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<b>Electronic Mail and Mailing List</b>			
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The Department of Information Systems (IS) provide email and mailing list services for Tusculum College's departments, organizations, and groups to use to conduct internal and external communication in support of the teaching and learning mission of the College. Users are expected to be professional and to adhere to the policies listed below and in the Appropriate Use Policy (AUP). If there is any conflict between the Electronic Mail and Mailing List Policy and the AUP, the AUP will take precedence. This policy is bound by applicable local, State, and Federal laws.

### **E-mail Account Ownership**

Employees are responsible for the content of all text, messages, information, and communications that they send, receive or download. All e-mail accounts issued by the College are the property of Tusculum College. In the case of e-mail abuse or during system maintenance, administration and/ or clearly specified staff have the right to access an account without the user's consent.

### **E-mail Accounts**

Employees have **no expectation of privacy** in connection with the use of Tusculum's electronic communication systems and/or the creation, transmission, receipt, or storage of information therein. Tusculum College provides faculty and students with an email account, consisting of a *username* and *password* and disk space. The *username* followed by @tusculum.edu (faculty, staff, and administration) or @tcstudents.tusculum.edu (students) is the e-mail address that links to a particular e-mail account. While users may have more than one e-mail account, the one issued by Tusculum College will be considered the preferred e-mail account for college business and the dissemination of information.

1. *Usernames* are unique and generated from the user's first initial and last name. If there are duplicate names, IS may assign a numerical suffix to distinguish the account;
2. Users should not share e-mail *passwords*, and any unauthorized use of e-mail *passwords* is prohibited. To better guarantee security, users will be asked to frequently change their *passwords*;
3. All e-mail accounts come with an allotted disk space quota. It is the responsibility of the users to maintain their accounts. Any request for an increase in one's quota should be directed to IS;
4. Upon graduation or termination, IS will lock the account. Users may request an extension of email privileges through their Cabinet-level supervisor for a period of up to thirty (30) days. IS may provide *forwarding* of e-mail if necessary and under specific conditions;
5. IS may modify and/ or lock e-mail accounts without the consent of the user if resource usage or college business requires it. A verifiable complaint of inappropriate usage may lead to the suspension of an account and notification of one's superior;

6. All reports of abuse will be investigated professionally by IS, Human Resources and the appropriate supervisors, and will protect users' confidentiality during the investigation to the extent possible. A user may not delete any correspondence that can be used as evidence or refuse to cooperate with an investigation.
7. Employees should not disclose messages, information, or other communications to other employees or individuals who are not authorized to receive them.

Below is a non-exhaustive list of examples of e-mail abuse:

- Forging e-mail
- Excessive spamming and sending chain e-mails
- Sending or receiving messages, jokes, pictures, or other material that may be considered pornographic, obscene, sexist, racist, harassing, malicious, threatening, offensive, disruptive, defamatory, inflammatory, indecent, disparaging, illegal or that would otherwise violate Tusculum College's Harassment Policy (Policy 11.03).
- Using e-mail to conduct unlawful activities
- Use of College e-mail for commercial gain
- Interference with another user's account

### **E-mail Backup**

It is the responsibility of the user to backup e-mail. Tusculum College is not responsible for lost e-mail.

### **Email Security**

Tusculum College cannot guarantee the privacy, confidentiality, and security of e-mail. Users are strongly advised to avoid sending personal and/or confidential information through College e-mail accounts. While Tusculum College endeavors to provide as secure a system as possible, our users must be vigilant about not sharing *passwords*, not opening suspicious e-mails from unknown senders, and ensuring encryption on outside computers. Furthermore, the College is bound by local, State, and Federal disclosure laws, and has the right to investigate allegations of illegal activity.

### **Email Abuse**

Violations will be subject to disciplinary action, and violators may have their e-mail account suspended during any investigation. IS may not suspend an account without prior authorization from administration.

### **Mailing Lists**

Mailing lists can be used for legitimate teaching, research, administrative, and social activities that have been sanctioned by the College. One may not abuse mailing lists for commercial use, unlawful activities, or spamming.

## **Establishing a Mailing List**

Tusculum College requires that all faculty, students, and staff belong to certain email lists for administrative purposes. Non-administrative lists must allow a user to opt out. No user may construct a personal mailing list.

Any person wishing to create a new mailing list must apply through IS and generally must have permission from one's director or division Vice President. Spamming is strictly prohibited.

## **Mailing List Ownership**

All mailing lists must be maintained by a current faculty, student, or staff member. Any list that fails to have an identifiable owner may be locked without consent. With direction from administration, IS may lock any list without consent due to abusive mailing list usage or college needs.

List managers are responsible for making certain that members adhere to the requirements of the AUP and Electronic Mail and Mailing List Policy. Any manager failing to manage a list appropriately may have their list ownership revoked. Most importantly, list owners must respond to opt out requests and update email addresses in a timely manner.

## **Mailing List Data Loss**

Tusculum College and IS are not responsible for any lost messages, settings, archives, or subscriber addresses.

## **Mailing List Sanctions**

A violation of this policy or any abusive or unlawful usage of mailing lists may result in the locking of one's list management privileges. IS will report all incidences of abuse to the manager's supervisor or division Vice President.

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<b>Purchasing</b>			
Reference Number 11.04	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

No employee should commit College resources without completing a purchase order (forms may be acquired from the Accounting Office in McCormick Hall) and obtaining proper authorization from the Vice President of the employee's department in advance of making the commitment. For amounts over \$1000.00, advanced authorization must also come from the President.

Tusculum has notified all of its vendors that a Tusculum College purchase must be accompanied by either an approved purchase order or purchase order number. If such purchases are not accompanied by either a purchase order or number, the vendor should reject the purchase.

The Purchase Order number becomes the tracking number for purchases made by the College. The following are general guidelines regarding purchasing at Tusculum College:

- All orders are to be delivered to the originating department, verified, and evidence of receipt signed.
- Vendors must be instructed to send bills to the originating department. Forward the bill with the approved Purchase Order to Accounts Payable Office.

All purchases are subject to restrictions which can arise in the course of the normal budget cycle. Annual expenditure budgets are contingent on the production of the projected revenue upon which they were based. Any calls or other inquiries received regarding payment on an invoice must be directed to the Controller for disposition.

### **Contract Approval Transmittal**

The department requesting approval of a contract for goods and service (non-personnel related) must complete a Form 38 Contract Service Approval Transmittal form and attach the contract (agreement). The form must be submitted to the Supervisory Vice President or Athletic Director, Vice President/CFO and President for approval. The President of the College, or his/her designee, signs all contracts.

### **Contractual Service Payments (W-9)**

The College is required by the Internal Revenue Service (IRS) to report non-payroll expenditures to non-corporate entities, individuals, and partnerships for personal services. Payments for merchandise are not reportable. College employee's wages are reported through the payroll system.

Payees must complete IRS form W-9 (Form 32) prior to receiving a check from the College. For payment of the Contracted Service, a Check Request (Form 33) with attached invoice and applicable W-9 must be submitted to the Accounts Payable Office before the check can be released. Examples of service payments include honoraria, computer services, speakers, tutors, and etc. The Accounts Payable Office maintains records of all payments and submits the necessary report to the IRS. Information is mailed to recipients of such payments after the end of the calendar year.

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<b>College Credit Cards</b>			
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The Commercial Card program (College Credit Card) is intended to streamline and simplify the purchasing and accounts payable functions by eliminating waste and low value activities. The Credit Card is a tool that allows timely purchasing of college materials and selected services costing less than \$1000 (including shipping, handling and tax). The Credit Card is to be used for business expenditures only and there are parameters and procedures established in the Commercial Cardholder Agreement. No personal expenses are to be charged to the Credit Card.

### **Application**

College Credit Cards are issued at the discretion of Tusculum College to qualified full-time employees (Cardholders). The need for the College Credit Card is determined by the Vice President of the department or Athletic Director and requested through the Executive Assistant to the Vice President/Chief Financial Officer. Each cardholder will be required to sign the Commercial Card Cardholder Agreement as part of the application.

### **Security**

The cardholder is responsible for the security of his or her card(s) and the transactions made against the card(s). When the employee receives the Credit Card(s), the back of the card must be signed immediately and always kept in a secure location. Although each card is issued in the employee's name or department, it is the property of Tusculum College and is only to be used for College purchases. The Credit Card may not be transferred to, assigned to, or used by anyone other than the designated Cardholder. Upon receipt, the Cardholder must call the telephone number on the front of the Credit Card to activate the card.

If the Credit Card is lost, stolen or if the Cardholder suspects the Card or account number to have been compromised, immediately contact the bank and notify the Executive Assistant to the Vice President/Chief Financial Officer.

### **Charges and Payment**

Because the College Credit Card activity is directly linked to expense accounts for each cardholder, employees MAY NOT use the Card for any expenditures not eligible for reimbursement under the provisions of the travel policy (Policy 10.09). For example, since the College does not reimburse for alcoholic beverages, no alcoholic beverages may be purchased with a College Credit Card. Similarly the Credit Card may not be used for "convenience" purposes, whether or not the Cardholder intends to issue a reimbursement to the College.

It is the responsibility of the Cardholder to present a Tax Exempt form (may be obtained from the Accounting department) for all allowable purchases and must maintain all receipts of charges. All charges will be billed to and paid directly by Tusculum College. On a monthly basis, the Cardholder will receive a statement listing all activity associated with the Card. This activity will include purchases and credits made during the reporting period. The Cardholder will be responsible for the verification and



reconciliation of all activity. The Credit Card statement with corresponding receipts must be submitted to the Accounts Payable Office by the twenty-fifth (25th) of each month.

In the case of an error on the statement, first contact the supplier and try to reach an agreement. Most disputes can be resolved between the Cardholder and supplier directly. If the Cardholder is unable to reach an agreement with the supplier, obtain a dispute Form from the Executive Assistant to the Vice President/Chief Financial Officer.

Should a purchase be declined at the point of sale for any reason, contact the Executive Assistant to the Vice President/Chief Financial Officer. There may have been a limited use to certain vendors or the monthly limit for charges may have been exceeded.

Consistent failure to reconcile your statement by the 25<sup>th</sup> of the month will result in the revocation of the Credit Card, and you will be solely and personally responsible for the amount owed on the Credit Card.

Cardholder accounts may be subject to periodic internal control reviews and audits designed to protect the interests of Tusculum College. By accepting the Card, the Cardholder agrees to comply with these reviews and audits. The cardholder may be asked to produce the Card to validate its existence and produce statements and receipts to verify appropriate use.

Misuse or fraudulent abuse may result in revocation of the College Credit Card, as well as disciplinary action up to and including termination, as well as legal prosecution.

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<b>Use of College Vehicle</b>			
Reference Number 11.06	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

The College maintains a limited fleet of vehicles available for use by employees conducting College business. Using a College vehicle for personal business is strictly prohibited and may result in discipline, including loss of vehicle privileges, and up to and including termination.

An employee must schedule a College vehicle at least 10 days in advance of the need, except in emergency situations. An employee must submit his or her driver's license to Human Resources or the Facilities Management Office in advance of reserving any College vehicle. An employee may schedule a College vehicle on the Greeneville campus through the Administrative Assistant in the Facilities Management Office and on the Knoxville campus through the Receptionist/Administrative Assistant at the front desk. Each College vehicle which is assigned to a department is scheduled within that department. If the projected trip is cancelled, it is the responsibility of the employee making the reservation to cancel the reservation in advance of the scheduled pick-up time. Failure to properly cancel a vehicle reservation may result in a revocation of vehicle privileges.

Vehicle(s) will be inspected before departure and upon return. Users are responsible to check the vehicle for trash and other items that need to be removed, to close all windows, and to lock all doors. Any maintenance or repair needs noted by the user (ie; service items, mechanical problems, nicks, dents, scratches, tire problems, and etc.) should be listed on the mileage log sheets and reported to the scheduler. Mileage log sheets must be filled out completely, signed by the employee who drove, and returned with the vehicle and keys to the scheduler. Vehicle(s) should be left with a full tank of gas, clean, and in good repair. Failure to do so may result in revocation of vehicle privileges.

For information and allowable expenses, refer to Policy 8.06 Vehicle Safety and Policy 10.09 Travel.

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<b>Mail and Telephone Service</b>			
Reference Number 11.07	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

### **Mail Service**

The Tusculum College Post Office is located in the Niswonger Commons next to the bookstore. It provides most services available at any post office to students, faculty/staff, and the public. For a list of services and hours of operation, go to [www.tusculum.edu/pages/post](http://www.tusculum.edu/pages/post). Post Office contact is extension 5308 or 423-636-7308.

To receive an employee or departmental post office box, the Director must send a request in writing to the Post Office Manager, providing the basis for such request.

Anyone misusing the College's mail service may be subject to disciplinary action up to and including termination.

### **Telephone Service**

Extension phones are available on each Tusculum College campus. The College understands that emergencies occasionally occur and in such instances, the use of telephones for personal purposes is permitted; but frequency and duration of such calls should be kept to a minimum. Any expense charged to the College for personal calls or personal text messaging will require reimbursement by the employee.

Voicemail boxes should be set up per instructions given to each employee by his or her supervisor. The College assigns e-mail and voicemail accounts. These accounts, rather than personal accounts, are one of the means by which official College communication is conducted. You should always use these accounts to conduct work-related business (including receiving information). If you use personal accounts to communicate information to the College, you do so at your own risk. Check your e-mail and voicemail accounts regularly. Do not assume that the College keeps, maintains or updates your personal e-mail addresses.

Violation of this policy may subject an employee to discipline up to and including termination.

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<b>Parking</b>			
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The College provides parking areas at each of its locations for the benefit of its students, staff, faculty, guests, vendors and visitors. For the Greeneville Campus, faculty, staff and students must display a parking decal in the rear window of the car while on campus. The decal may be obtained from the Campus Safety Office each academic year. All individuals utilizing the parking areas at Tusculum College must abide by the Vehicle and Parking Regulations which can be found at <http://www.tusculum.edu/life/docs/TCMVRegs.pdf>.

The Vehicle and Parking Regulations have been formulated in order to best utilize the roadways and parking areas for the benefit of the Tusculum College community, including students, staff, faculty, guests, vendors, and visitors; to assure access at all times for emergency response personnel, and support vehicles; and to promote the safety and welfare of persons and property in on or about the College.

The College is not responsible for losses due to theft or damage to vehicles while on College property. Any theft or damage to vehicles while on College property must be reported to the Campus Safety Office.

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<b>Use of Campus Facilities</b>			
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Tusculum College provides many campus facilities for use by its employees. For information regarding Communications, Communication Systems, Equipment & Technology (Policy 11.02), Electronic Mail and Mailing Lists (Policy 11.03), Purchasing (Policy 11.04), Use of College Credit Card (Policy 11.05), Use of College Vehicles (Policy 11.06), Mail and Telephone Service (Policy 11.07), and Parking (Policy 11.08), please see those policies.

No eating or drinking is allowed in classrooms where it is posted “No Food or Beverage Allowed” or if directed by the Instructor. Such areas might include the science, art and computer labs.

Employees are encouraged to use the College library. The usual check-out procedures must be followed.

Copiers are available in administrative areas located in McCormick, Rankin, Virginia, Niswonger Commons, Annie Hogan Byrd, and the Library. Employees are responsible for duplicating their own materials. Use of copiers for personal use is prohibited.

Employees wishing to use classrooms or other meeting rooms for meetings, advising sessions, etc. should submit a request in writing to the Facilities Management Office. Employees wishing to use Hayes Boardroom, Brotherton Boardroom, or the President’s Dining Room should submit a request in writing to the Executive Assistant to the President.

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<b>Disciplinary Action</b>			
Reference Number 12.01	Board Approval 5/2012	Effective Date 1/1/2015	Page 1 of 2

Tusculum College expects and requires that all its employees adhere to all rules and expectations contained in this Handbook. Further, the College expects all employees to conduct themselves in a professional and responsible manner. An employee whose performance is inferior, either over an extended period of time or who commits singular but serious performance errors, who engages in improper conduct, or who violates any procedures or rules, is subject to discipline.

As set forth in our Employment-at-Will Policy 3.01, Tusculum College utilizes a sixty (60) day probationary period during which the College may terminate the employment relationship immediately, with or without cause and with or without notice.

### **Progressive Discipline**

Generally after the sixty (60) day probationary period, discipline will be progressive as indicated below; however, in the College's discretion, discipline may consist of termination or suspension without pay, even for a first offense. Where discipline is progressive, it may be applied as follows:

1. Verbal Warning – Utilized as an informal reminder to the employee that corrective action is needed, including the nature of the problem, and the College's expectations regarding improvement. A memorandum should summarize the discussion (Form 21, Counseling Discussion), attaching additional explanation and/or documents if necessary.
2. Written Warning with Formal Counseling – Utilized where issues persist despite a prior verbal warning, or when the issue is of a more serious nature. The issue will be discussed with the employee, the expectations regarding improvement, and consequences if the issue is not addressed. A memorandum should summarize the issues (Form 22, Written Employee Warning), attaching additional explanation and/or documents if necessary. The memorandum should be signed by both the employee and College representative.
3. Termination – Utilized where verbal and or written warnings have not corrected the issue, where one problematic behavior is succeeded by or added to another, or for certain violations where progressive discipline is considered by the College to be inappropriate.

The above disciplinary action(s) may be applied in any order or manner as the College deems appropriate, given the particular circumstances. Nothing in this policy is intended to give the employee any contractual or property rights in this disciplinary procedure and it will be applied in the absolute discretion of Tusculum College.

### **Verbal and Written Warnings**

A supervisor may issue a verbal or written warning to an employee after approval from the Vice President. The supervisor must immediately notify the Director of Personnel Services regarding any disciplinary action taken against a staff member. The supervisor must immediately notify the Director of Personnel Services and the Vice President of Academic Affairs regarding any disciplinary action taken against faculty.

All disciplinary action should be fully documented and all such documentation must be provided immediately following the disciplinary action to the Director of Personnel Services for placement in the employee's personnel file. If the disciplinary action involves faculty, the documentation must also be provided to the Vice President of Academic Affairs.

If a supervisor has any questions regarding the issuance of a verbal or written warning, or wishes for another person to be present during the discussion with the employee, he or she should contact the Director of Personnel Services.

Any discipline beyond a verbal or written warning will be carried out by the Director of Personnel Services or Vice President of Academic Affairs, under the direction of the President of the College, who has ultimate authority regarding the termination of a Tusculum College employee.

### **Performance Improvement Plans**

In addition to a verbal or written warning, an employee may be placed on a Performance Improvement Plan (PIP). The PIP is designed to encourage the employee to improve his or her performance, enhance his or her level of competence, service and scholarship, and/or resolve any issues set forth in the PIP. It will set forth any concerns and/or shortcomings in the employee's performance that the employee is expected to address, as well as the time period within which the employee must address these issues, and the potential consequences of failure to do so.

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<b>Termination, Resignation &amp; Retirement</b>			
Reference Number 12.02	Board Approval 5/2012	Effective Date 7/1/2012	Page 1 of 1

Employment with Tusculum College is on an “at-will” basis unless formalized by a written contract between the individual employee and the College and signed by the President of the College. While the College hopes that the employment relationship with each employee will be long-term, it reserves the right to terminate employment at any time.

Involuntary Termination – An employee who is terminated for misconduct, insufficient work performance and/or violation of College policies is not eligible for rehire.

Voluntary Resignation – An employee who voluntarily resigns his or her employment is urged to notify the Director of their area and Human Resources department (preferably in writing) prior to the intended termination date as follows: two (2) week notice for nonexempt employees; one (1) month notice for exempt employees. Proper notice will allow the College sufficient time to prepare the necessary forms, calculate the final paycheck, etc. Without proper notice, employees may have to wait until after the end of the next normal pay period to receive the final paycheck. Employees who fail to provide this notice will not be eligible for rehire.

Three consecutive unexcused or unauthorized absences without call in to a supervisor are considered to be resignation without notice by the employee.

Retirement – Employees desiring to retire are urged to notify the Director of the area and Human Resources department as soon as possible and at least two (2) months in advance of the intended retirement date. Proper notice will allow the College sufficient time to prepare the necessary forms, calculate the final paycheck, etc. Without proper notice, employees may have to wait until after the end of the next normal pay period to receive the final paycheck.

Employees resigning or retiring without providing proper notice should be aware that inquiries from prospective employers will result in a response indicating that the individual is not eligible for rehire and will not receive Personal Time Off (PTO) payout.

See the Faculty Handbook for additional information regarding termination of Faculty Members’ employment.

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