



# Employee Handbook



Approved by the  
Tusculum University Board of Trustees  
May, 2023

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The intent of this manual is to identify and communicate the employment policies and procedures of Tusculum University (“Tusculum University” or the “University”) 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 University 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 Provost/Vice President of Academic Affairs and/or President of Tusculum University.

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 University welcomes any comments you may have regarding revision to the Handbook. Such questions, difficulties and comments should be directed to the Chief Human Resources Officer.

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| <b>Mission Statement &amp; Vision</b> |                |                |               |        |
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| Reference Number                      | Board Approval | Effective Date | Revision Date | Page   |
| 1.02                                  | 10/19/2020     | 07/01/2020     | 5/14/2021     | 1 of 1 |

### **Mission Statement**

*Building on a rich Presbyterian heritage and a pioneering spirit, Tusculum University provides an active and experiential education within a caring Christian environment to inspire civic engagement, enrich personal lives, and equip career-ready professionals.*

Tusculum takes pride in creating a mission-focused culture. We expect our talented and diverse faculty, staff, and business partners to uphold the spirit of our mission's values every day to further support the University's image, reputation, brand, and goals. We are Pioneers, forging pathways to do good things!

For more on Tusculum University's mission, vision and values see the We Are Pioneers webpage.

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| <b>Statement of Values</b> |                |                |        |
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For more on Tusculum University's mission, vision and values see the We Are Pioneers webpage.

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| <b>University Organization</b> |                |                |        |
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| 1.04                           | 10/2018        | 10/12/2018     | 1 of 1 |

Tusculum University 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 University, 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 University. The President's cabinet members may include but are not limited to the Provost/Vice President of Academic Affairs, the Vice President/Chief Financial Officer, the Vice President of Institutional Advancement, the Vice President of Enrollment Management, the Vice President/Chief Technology Officer, the Vice President of Student Success and Athletics, and Chief Human Resources 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 University is located on the Tusculum University website under Human Resources. The organizational structure of the University has been designed to provide the proper administration of the University. 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>Policy Development and Publication</b> |                |                |              |        |
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| Reference Number                          | Board Approval | Effective Date | Revised Date | Page   |
| 1.05                                      | 10/2018        | 10/12/2018     | 10/21/2021   | 1 of 2 |

This policy is designed to ensure compliance with Comprehensive Standards 3.4.5 and Federal Requirement 4.3 of *The Principles of Accreditation: Foundations for quality enhancement*, and to ensure that the University and each of its Academic Programs, operates within its mission and consistent with good practice in higher education. Tusculum University's mission is "Tusculum University provides a comprehensive education in a Judeo-Christian environment, grounded in a civic, liberal and medical arts curriculum with pathways for career preparation, personal development and civic engagement." The University's values include Integrity, Education and Civic Responsibility.

Tusculum University develops policies to govern itself and to manage its people and academic programs. The Tusculum University Bylaws as developed and approved by the Board of Trustees serves as the primary document guiding governance of the University. The Bylaws allocate responsibilities among the board, the President, and the Faculty. The Board also approves the Employee Handbook, the Faculty Handbook, and the Faculty Constitution and Bylaws.

According to Article IX of the Bylaws, the faculty are charged with developing academic programs in harmony with the mission of the University, and developing and implementing policies related to the educational programs of the University.

The President, according to Article VIII of the Bylaws, serves as educational and administrative head of the University, exercises a general superintendence over all the affairs of the institution, including all employment-related issues (i.e. recommendation of employee and faculty policy changes, hiring, discipline, and termination), and performs all acts and executes all documents to make effective the actions of the Board, or its Executive Committee.

#### **Academic Policies:**

Academic policies include admissions policies, withdrawals, grading policies, degree completion requirements, and any other policies related to educational requirements. Tusculum University maintains details of these policies within the Catalogue and Faculty Handbook.

Changes to educational program requirements, including graduation requirements, and other policies related to educational environment, are subject to review and approval by the Board of Trustees. While the Faculty has responsibility for assuring the competence of its members by developing and implementing faculty assessment to promote the success of its members. Employment policies including policies and procedures about faculty hiring, promotion, and termination are subject to review and approval by the Board of Trustees.

Most academic policies are published in the Tusculum University Catalog, which is available on the Registrar's webpage., along with other related forms. Other policies related to student co-curricular life and activities may be found in the Tusculum University Student Handbook.

**Administrative Policies:**

Administrative policies are typically developed in draft form by the affected offices. As examples, a new policy on student balances and an in-house tuition payment plan were developed by the Business Office staff. Policies are then brought before the President's Cabinet for review. Some policies such as review of the academic calendars may go before a faculty committee for consultation, before final approval by the President's Cabinet.

Major policies, such as changes or additions to the Faculty Handbook or Employee Handbook, are reviewed by legal counsel before being reviewed and approved by the appropriate committee of the Board of Trustees, and the full Board.

Policies are typically published on the appropriate website (Human Resources policies on the Human Resources website, Business and Finance policies on the Business website, Information Services policies on the Information Services website, etc.).

Reference: SACSCOC **Comprehensive Standards 3.4.5. and Federal Requirement 4.3**

**Reference documents:**

1. Southern Association of Colleges and Schools Commission of Colleges (SACSCOC) The *Principles of Accreditation*, Section 3.4.5. and Federal Requirement 4.3

**3.4.5 The institution publishes academic policies that adhere to principles of good educational practice.** These policies are disseminated to students, faculty, and other interested parties through publications that accurately represent the programs and services of the institution. (*Academic policies*)

**4.3 The institution makes available to students and the public current academic calendars, grading policies, and refund policies.** (Publication of policies)

Internet access: <http://222.sacscoc.org/pdf/2012 PrinciplesOfAccreditation.pdf>

Internet access: <http://www.sacscoc.org/policies.asp> Developing Policy and Procedure

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| <b>Equal Employment Opportunity</b> |                           |                              |                |
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| Reference Number<br>2.01            | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>1 of 1 |

In compliance with all applicable federal and state laws, and with its own policies and philosophy, Tusculum University does not discriminate on the basis of race, gender, religion, age, disability, national origin, sexual orientation, military or veteran's status, genetic information, or any other protected discriminatory factor, in its employment practices (e.g. hiring, administering terms and conditions of employment, and termination) or in the provision of, or access to educational programs and services.

Decisions in all employment actions will be based on the individual's qualifications, job requirements, job performance, and job-related criteria, and so as not to discriminate on any basis prohibited by law and to provide equal employment opportunities for all qualified applicants and employees.

Employees are encouraged to bring questions related to this policy to the Chief Human Resources Officer. 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 Chief Human Resources Officer or President. See the University'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> |                           |                              |                |
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| Reference Number<br>2.02                       | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>1 of 2 |

It is the policy of the University 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 University. 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 department director must first prepare the required paperwork (Form 14, Employee/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 Chief Human Resources Officer 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 notify his or her department 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 University.

### **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 department director must request to open the position by preparing the required paperwork (Form 13, Employee/Position Search) 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 Chief Human Resources Officer for review and preparation of all necessary postings and advertisement.

The position will be posted by Human Resources on the Tusculum University 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 University prefers to promote from within, it will select the best qualified applicant after a fair search and comprehensive evaluation.

If a Tusculum University employee is selected for transfer, the department 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 University. Once approved by the VP/CFO and President, the approval will be sent to the Chief Human Resources Officer 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 department director must prepare the required paperwork (Form 16, Employment Requisition) and attached 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 Chief Human Resources Officer 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 department director must first prepare the required paperwork (Form 14, Employee/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 Chief Human Resources Officer 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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| Reference Number                             | Board Approval | Effective Date | Page   |
| 2.03   | 5/2012         | 7/1/2012       | 1 of 1 |

In accordance with the Immigration Reform and Control Act of 1986 (IRCA), and all other applicable Federal and State laws, Tusculum University does not employ individuals who are not authorized to work in the United States. Further, the University 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 University 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 University is, in addition to completion of the I-9 documentation, entering I-9 information of all newly hired regular employees into the federal E-Verify employment verification system.

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| <b>Background Checks</b> |                          |                            |                |
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| Reference Number<br>2.04 | Board Approval<br>5/2012 | Effective Date<br>7/1/2012 | Page<br>1 of 1 |

In the interest of making sound hiring, transfer and promotion decisions, as well as adequately safeguarding the interests of Tusculum University, 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 on individuals that operate Tusculum University'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 (FCRA Disclosure and Form 29 FCRA Authorization and Release).

The University may also conduct investigations of current employees which are related to suspected misconduct or in connection with regulatory or other legal oversight of the University. If the University relies on a third party consumer reporting agency during any such investigation, its reports are not "consumer reports." If and when the University 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 University, 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> |                |                |              |        |
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| Reference Number               | Board Approval | Effective Date | Revised Date | Page   |
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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 contribution factors.

Additionally, Tusculum University utilizes an "introductory" period during the first ninety (90) days of employment. An employee's first ninety (90) days of employment are on a trial basis and are considered a continuation of the employment selection process. The ninety (90) days introductory period provides Tusculum University 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.

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, changes in assignment, or other adjustments. Evaluations which address a new employee's progress within a 90-day introductory period allows for a supervisor's recommendation to remove the employee from the introductory status, extend the introductory status (up to another 90-days), or terminate employment. 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 University, but also to the employee.

The appropriate Cabinet Officer may 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. 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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| Reference Number<br><b>3.01</b> | Board Approval<br><b>10/2018</b> | Effective Date<br><b>10/12/2018</b> | Page<br><b>1 of 1</b> |

Employment with Tusculum University is on an “at-will” basis, meaning that either the University 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 University employee.

Tusculum University utilizes an “introductory” period during the first ninety (90) days of employment. An employee’s first ninety (90) days of employment are on a trial basis and are considered a continuation of the employment selection process. The ninety (90) days introductory period provides Tusculum University 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 introductory period, the University 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 University generally follows a procedure of progressive discipline once an employee has completed the ninety (90) day introductory period. Likewise, the employee may also terminate his or her employment with the University at any time, with or without notice and with or without cause. This 90-day introductory 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 University and the employee.

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

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| <b>Minimum Age Requirements</b> |                |                |        |
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| 3.02                            | 5/2012         | 7/1/2012       | 1 of 1 |

Generally, Tusculum University 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 University will make an exception for students employed in the University'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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| Classification of Employees |                           |                              |                            |                |
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| Reference Number<br>3.03    | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Revision Date<br>2/10/2023 | Page<br>1 of 1 |

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 University 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 Chief Human Resources Officer.

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

**Regular Full-Time Staff Members** – primary duties involve administrative and technical support; regularly work a minimum of thirty (30) 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.

**Regular Part-Time Staff** – primary duties involve administrative and technical support; regularly work less than thirty (30) 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 Tusculum’s employee benefits as set forth in this Handbook.

**Contracted or Temporary Workers** – (including Student Workers, Tutors, Mentors, Adjunct Faculty, 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; and are ineligible to participate in Tusculum’s employee benefits as set forth in this Handbook. Adjunct Faculty are temporary workers with less than a ¾ teaching load for the Academic year. Contact the Chief Human Resources Officer or the Provost/Vice President of Academic Affairs for further information on adjunct faculty teaching load or qualification.

The University has the right to change an employee’s classification to best fit business needs. Employees changing classifications voluntarily or involuntarily must abide by the conditions for their new classification – which can result in gain or loss of eligibility of benefits.

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| <b>Compensation</b> |                |                |        |
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| 4.01                | 5/2012         | 7/1/2012       | 1 of 2 |

### **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 University rules, regulations and policies, the cost of living and market circumstances, the University's financial resources and budget priorities, and any other relevant factor. Additional information regarding the evaluation of staff members can be found in Policy 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 University;
- (3) Adherence to University 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 University'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 University Faculty Handbook.

Based on the above-listed criteria, the Dean will evaluate each faculty member's salary on an annual basis. The Dean will forward a recommendation to, and review it with, the Provost/Vice President of Academic Affairs. The Provost/Vice President of Academic Affairs will consider the recommendation of the 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 University 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. 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 University will be carried on the University 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> |                |                |               |        |
|-----------------------------------|----------------|----------------|---------------|--------|
| Reference Number                  | Board Approval | Effective Date | Revision Date | Page   |
| 4.02                              | 2/2021         | 10/12/2018     | 1/1/2021      | 1 of 1 |

Your paycheck is important. It represents critical connections between the University, your work, and livelihood. We encourage you to review each pay advice statement for accuracy – reporting any questions promptly to your supervisor, Payroll, or HR. Digital copies of pay advice earnings statements are accessible through the University’s designated online self-service portal.

All University employees will be paid on a semimonthly pay schedule and paychecks will be issued based on 2 Pay Periods per month:

- Pay Period 1 will cover the 1st through the 15th of each month, with employees being paid on the 15th.
- Pay Period 2 will cover the 16th through the end of a month, with employees being paid on the last day of the month.
- Adjunct and Overload Instructors may have defined pay date ranges with installments based on academic calendars and/or course terms. Installments occurring after the last class meeting will be held until final grades are recorded and required assessment scoring is complete.
- If a payday lands on a weekend or holiday, the University will endeavor to pay employees on the previous business day.

Tusculum University’s default payment election is through paycheck direct deposit. We encourage all employees to set-up their direct deposit to the bank(s) of their choice promptly as it is the most convenient and fastest method to get paid. Paper checks will be issued to those yet to establish direct deposit.

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 insurance premiums and retirement plan contributions, will be automatically withheld from paychecks. If applicable, tax liens and garnishments will be honored as directed by state and federal law.

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| <b>Timekeeping &amp; Overtime</b> |                          |                            |                |
|-----------------------------------|--------------------------|----------------------------|----------------|
| Reference Number<br>4.03          | Board Approval<br>5/2012 | Effective Date<br>7/1/2012 | Page<br>1 of 1 |

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 Monday by noon. Working “off the clock” is strictly forbidden.

The University 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/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<br>4.04      | Board Approval<br>05/2012 | Effective Date<br>07/1/2012 | Page<br>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 University 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> |                |                |        |
|--------------------------|----------------|----------------|--------|
| Reference Number         | Board Approval | Effective Date | Page   |
| 4.05                     | 5/2012         | 7/1/2012       | 1 of 1 |

Occasionally, Tusculum University 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 University 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> |                |                |        |
|-----------------------|----------------|----------------|--------|
| Reference Number      | Board Approval | Effective Date | Page   |
| 4.06                  | 5/2012         | 7/1/2016       | 1 of 1 |

On rare occasions, weather conditions are severe enough to require the University 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 University Pioneer Alert
- Tusculum University website
- Tusculum University Facebook page
- Tusculum University Twitter feed

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

If the University 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<br>4.07 | Board Approval<br>5/2012 | Effective Date<br>7/1/0212 | Page<br>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 University'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 department director is spoken to in person.

Repeated or excessive tardiness or absences for any reason, except pursuant to the University'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>Remote Work Policy</b> |                             |                            |                |
|---------------------------|-----------------------------|----------------------------|----------------|
| Reference Number<br>4.08  | Board Approval<br>5/14/2021 | Effective Date<br>6/1/2021 | Page<br>1 of 2 |

### Policy Statement

When it serves the needs of the University, approved employees may be permitted to perform their employment duties at locations other than at a University campus address (which may include their home, other office, or other location that is not a University address). This practice known as remote work is not a general work practice of the University and individuals must always be granted prior and formal approval.

Because of our size, mission, and scope of the institution's workforce and the essential role of interaction with students, faculty, staff, community, and business partners, Tusculum University may enter into or continue to approved remote work arrangements only when it is likely to have a significant positive impact on overall operations, budget, delivery of service, and/or distribution of work based on conditions evaluated by the institution. The University will also consider the effect on a particular employee's job performance, productivity, work/home balance and other factors when assessing the need for this exception. Tusculum University considers remote work rare and non-routine.

Remote work is not appropriate for all employees, positions, and work responsibilities. It is most appropriate for individuals with a strong record of independent performance and for primary duties that do not require the employee's presence in the workplace and has clearly defined tasks and measurable work activity which fits the structure and design of the job.

When applicable, Tusculum may consider remote work arrangements following a two-phase review:

1. Starting with the supervisor/department head (and using University's **Remote Worker Assessment Guide**), an initial assessment should consider the employee's suitability, scheduling issues, job responsibilities, and remote place infrastructure along with how this impacts the department and institution's needs. A supervisor may independently deny the request. If the supervisor believes the request rises to the level of advancement, the request can be forwarded to the next phase of review.
2. The individual's respective Cabinet-level Officer and the Chief Human Resources Officer will review the request to understand the nature and overall impact relative to mission, business, safety, service, operational, and resource-based needs; ensuring they are also as consistent with other similarly situated occurrences as may have or not have been authorized. The Remote Worker Assessment Guide will be further used to help ascertain permission or denial of the request and a decision will be communicated. There is not an appeal process for denials or re-evaluations.

If remote work is granted, Tusculum will not be responsible for costs associated with the setup or maintenance of an employee's office, such as furniture, utilities, insurance, or for repairs or modifications of home office space – including associated technological services, subscription services/contracts, and

equipment such as internet, phone, voice, cable, computers, monitors, printers, scanners and other similar connections and/or similar equipment/devices, etc. The University will determine on a case-by-case basis any unique Tusculum-specific equipment required and as essential for the remote worker to perform tasks. TU property will be inventoried and the employee must sign use agreement and surrender conditions for any equipment (such as laptop).

Outside of certain brand-specific and essential items (such as letterhead), office supplies and equipment will not be provided or reimbursed. Likewise, Tusculum is not responsible for wear or loss of office or home-related articles incurred through use, breakage, or other means.

Remote workers are expected to work their normal schedule and hours (maintaining full productivity) as applicable to full-time, part-time, or temporary assignment. Employees are expected to maintain a presence with their department/division, school. Presence may be maintained by using appropriate video/voice/email technology as applicable to the business need and as approved by their supervisor. Typical personal tasks and errands should only be performed during the employee's breaks or after regularly scheduled hours. A professional workspace and personal professional appearance are required.

All remote work arrangements must continue to abide by the University's Workplace Safety policies during normal scheduled work periods including but not limited to the institution's Health and Safety, Emergency Procedures, Drug and Alcohol Free Workplace, Tobacco Free Campus, Weapons & Workplace Violence policies. Tusculum will provide guidance and recommendations to remote workers on maintaining a safe and secure environment free from recognized hazards which comply with applicable occupational safety and health standards, rules, and regulations. Remote workers assume full responsibility for measures to maintain the security of system passwords, confidential records and the general safety standards for the remote workspace.

Remote work may be considered for flexible arrangements for a short-term project (such as during business travel), or a formal schedule alternating between on-campus work and working away from the institution. In certain temporary circumstances, remote work may be the only alternative available for completing work (for example, when an employee is not permitted to work in the building for legal or health reasons, or when the University is closed because of inclement weather, a natural disaster, declared emergency, or public health emergency, etc.). Such temporary conditions do not require approval in these circumstances but do follow the Institution's standards relative to the event.

Remote work does not change the University's expectations or obligations regarding employment and all other policies and procedures remain in full effect unless otherwise noted. All remote work arrangements are considered to be on a trial basis and subject to no less than 3-month reviews. Tusculum reserves the right to alter or cancel a remote work agreement at any time, with or without cause or advance notice.

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

A complete file for each employee is maintained by the University 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 University and access is limited to University 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 University. 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 University 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 University 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              | Board Approval | Effective Date | Page   |
| 5.02                          | 02/2018        | 03/01/2018     | 1 of 1 |

It is the responsibility of each employee to keep the University 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 Chief Human Resources Officer of any changes within thirty (30) calendar days of the change that may affect benefits such as pregnancy, birth or adoption of children, changes in marital status, changes in designated beneficiaries, etc. so that the University 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<br>5.03                  | Board Approval<br>5/2012 | Effective Date<br>7/1/2012 | Page<br>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 University in connection with the transaction of its business.

This policy covers all University 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 University’s operations by promoting efficiency and freeing up valuable storage space.

Tusculum University 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.

**University 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<br>3 years after Hire, the later                    |
| Medical Record .....                             | 3 years after termination<br>(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 University 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 University and its employees, as well as possible disciplinary action against responsible individuals. The Chief Financial Officer or Finance Committee Chair for the Board of

Trustees 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>General Data Protection Regulation (GDPR)</b> |                              |                              |                |
|--|------------------------------|------------------------------|----------------|
| Reference Number<br>5.04                         | Board Approval<br>10/22/2021 | Effective Date<br>10/22/2021 | Page<br>1 of 2 |

The General Data Protection Regulation (GDPR) is a privacy law which applies to personal information collected in or from European Union (EU) natural individuals or as our business is conducted in a European Economic Area. It seeks to provide expectations for EU citizens as how data is processed and how organizations ensure the protection and appropriate use of data – particularly as it relates to technology and processing of computer-based technologies.

Tusculum University (TU) values the privacy of personal data and is committed to safeguarding any confidential information collected. This privacy notice outlines the basics for safeguarding information as it may apply to GDPR.

### **How We Collect Data**

TU collects and processes certain personally identifiable data from applicants, students, parents/guardians, staff, faculty, volunteers, donors, research subjects, alumni, and any other individuals as it may be submitted for services, through use of the University's websites, apps, computers, or other functions as necessary for the institution to conduct legitimate business. TU may also collect information for scientific and/or scholarly research, statistical, or historical purposes, etc. Individuals using or submitting data to TU consent to the collection, use, and disclosure of this information.

Personal data includes basic identity information such as, but is not limited to: name, physical and email address, and ID numbers. Additionally, certain website or data analytics may be collected such as, but not limited to: location, IP address, cookies or other similar data analytic capturing technology, data, and computerized financial storage information such as may be deposited or debited from magnetic or RFID-based cards/accounts, etc. GDPR also defines special category data such as but not limited to: race, ethnic origin, political opinions, religion or philosophical beliefs, genetics, biometrics (where used for ID purposes), health, sexual orientation, criminal convictions, tobacco, or controlled substance use.

### **Third Party Use of Data**

TU may disclose data as follows:

- Upon consent
- Emergency Circumstances
- Employment Necessity
- Legitimate Interest
- Public Information
- Archiving for Preservation
- Performance of Contract
- Legal Obligations
- Service Providers
- University Affiliated Programs
- De-Identified or Aggregate Information

### **Retention and Destruction of Data**

Information will be retained by TU in accordance with federal/state laws and regulations and/or as is established with the university's practice (see Records Retention and Destruction policy 5.03). Information will be destroyed upon request unless applicable law overrides. The manner of destruction shall be adequate to ensure the confidentiality of individual's information given the level of sensitivity, value and criticality to the University.

### **Natural EU Citizen Rights**

Under GDPR natural EU citizens have a right:

- To know what is being collected, what is being used, and how long it is kept.
- To request a copy of data held, the able to check that the information held is accurate, and to correct a record if it is not.
- To request data erasure or deletion along with the right to restrict further processing of data (where allowed by law).
- To object to certain data and withdraw consent of data use.

Natural EU citizen employees may discuss their rights by contacting the human resources office. Students may discuss their rights by contacting registrar's office. Additional information about GDPR can be found on the TU website.

### **Policy Revisions**

TU reserves the right to change or amend policies, practices, and notices at any time. An individual's continued use of the University's websites and/or supported technology after any such change indicates acceptance.

| <b>Holidays</b>          |                           |                              |                            |                |
|--------------------------|---------------------------|------------------------------|----------------------------|----------------|
| Reference Number<br>6.01 | Board Approval<br>10/2018 | Effective Date<br>10/12/2018 | Revision Date<br>2/10/2023 | Page<br>1 of 1 |

The University 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
- President's Day
- Good Friday
- Memorial Day
- Juneteenth
- Fourth of July
- Labor Day
- Thanksgiving (3 days)
- Christmas Eve and Christmas Day

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

All regular full-time employees will be paid for these holidays if the holiday falls on a regularly scheduled work day. 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 in active status the work day before and after the holiday.

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

The University 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 University's Christmas Break, during which time the University 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 University 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<br>6.02       | Board Approval<br>02/2021 | Effective Date<br>03/01/2018 | Revision Date<br>2/10/2023 | Page<br>1 of 3 |

Tusculum University 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 University offers paid Personal Time Off (PTO).

All Regular Full-Time Staff Members are eligible 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. Regular Full-Time Staff Members who are FLSA exempt and working less than a 12-month assignment will have a prorated maximum earned PTO accrual based on the following schedule:

| <b>Months Worked</b> | <b>Through 5 Years of Eligible Service - PTO Hours Earned per Calendar Month of Employment</b> | <b>More than 5 Years of Eligible Service - PTO Hours Earned per Calendar Month of Employment</b> |
|----------------------|--|--|
| 11                   | 15   | 18   |
| 10                   | 13   | 17   |
| 9                    | 12   | 15   |

Regular Full-Time Faculty, Regular Part-Time Staff, Contracted or Temporary Workers are not eligible to earn or use PTO.

If an eligible 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 ninety (90) days of employment. PTO days cannot be used before they are actually accrued. PTO may be used and will be reported in one (1)-hour increments. In the case of Family and Medical Leave and Tennessee Parental 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.

Use of PTO is not entitled and requests for time off must be submitted and approved before paid time off can be used. Employees are required to submit a written request for PTO (form 25.00, Personal Time Off PTO Request) to his or her department supervisor. Additional levels of approval beyond an immediate supervisor may be required particularly when requesting extended time off, submitting for reoccurring time off, or at other times which may be deemed appropriate by administration. Based on unique business conditions or challenges (planned or unplanned), department leaders may restrict and/or recall PTO to ensure proper business levels and service are maintained. PTO requests may be denied based on business necessity, failure to provide proper/adequate notice, or other legitimate business reason.

If an employee is requesting 5 or more consecutive days off, they should submit the request 30 days in advance. At least 2-weeks advance notice should be provided for other scheduled PTO requests less than 5 consecutive days. Certain scheduled matters which cannot reasonably be known within the timeframes above should be discussed with your supervisor as soon as possible to consider the time off request.

In the event of unplanned illness or injury, an employee should notify his or her department supervisor as soon as possible, but at least prior to the beginning of the work day. Under these circumstances, a supervisor may provide a preliminary verbal authorization to cover the time off but this is not necessarily approval for the paid time off. Employees with unplanned illness or injury are still responsible for submitting form 25.00, even if that submission is after the date(s) preliminarily allowed by their supervisor. 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.

PTO eligible employees are responsible for properly submitting and recording all approved PTO time on form 26.00 (PTO Tracking) and additionally for hourly employees, form 24.00 (Time Sheet). Employees are not authorized to record unapproved PTO on tracking sheets or timecards.

Not limiting the need for other disciplinary action, an employee who fails to properly follow PTO practices may forfeit their claim for paid time off.

PTO is paid at the employee's base rate of pay at the time it used. 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 separation of employment due to lack of work or voluntary termination, in which;

- The employee has provided proper notice and observes the proper exit process as defined by the University's "Termination, Resignation & Retirement" policy and,
- The employee has not planned or will use any PTO time to cover any part of the required resignation notification period, whereas,
- The employee may be considered for payout of unused accrued PTO based on the following schedule:

| <u>Length of Service</u> | <u>PTO Hours Paid</u> |
|--------------------------|-----------------------|
| 6 months through 5 years | up to 40              |
| More than 5 years        | up to 80              |

Any employee leaving or being discharged for cause or who resigns to avoid dismissal for such cause shall not be entitled to any PTO payout for accrued but unused time.

Regular Full-Time Staff Members changing classification from a PTO eligible to a PTO ineligible classification will no longer be eligible earn or use PTO. Employees may not use banked PTO as a bridge between changing classifications. Tusculum will pay out any eligible PTO following the same manner, provisions, and conditions as defined above and as if the employee were voluntarily separating



employment. Any remaining PTO bank (beyond the length of service payout, if applicable) is forfeited and cannot be used beyond the classification date change. Conversely, an employee previously classified as not eligible for PTO, but changing classification to an eligible Regular Full-Time Staff Member, will become eligible for PTO upon the approved date of the classification change.

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| <b>Retirement Plan</b> |                |                |              |        |
|------------------------|----------------|----------------|--------------|--------|
| Reference Number       | Board Approval | Effective Date | Revised Date | Page   |
| 6.03                   | 02/2018        | 03/01/2018     | 05/2023      | 1 of 1 |

Tusculum University is proud to offer a 403(b) retirement plan to all eligible employees. Although other specific Plan Sponsor rules may apply, eligibility generally occurs when the employee is scheduled to work a minimum of 1,000 hours in a calendar year or the employee changes status to full-time within the calendar year.

An eligible employee may enroll in TU's retirement plan on the first day for the month after 30-days of continuous employment.

An employee's contribution to the Retirement Annuity Plan is a percentage of his or her salary and will be deducted from his or her 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 and/or temporary workers are not eligible to participate in the University's Retirement Plan.

The University reserves the right to contribute toward employees' retirement on a discretionary basis. This may be awarded as a matching contribution or other award. An employee is fully and immediately vested in the benefits arising from contributions made to his or her 403(b) retirement account.

The terms of TU's 403(b) 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 University Retirement Plan can be obtained from the Human Resources Department or in the Tusculum University Employee Benefits Guide located on the University website.

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| <b>Worker's Compensation</b> |                           |                              |                |
|------------------------------|---------------------------|------------------------------|----------------|
| Reference Number<br>6.04     | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>1 of 1 |

Tusculum University 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 University. The cost of this coverage is paid entirely by the University. 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 Chief Human Resources Officer, 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 Chief Human Resources Officer is unavailable, the notice of injury or illness must be provided to Campus Safety.

The University 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 University's Chief Human Resources Officer 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 Human Resources Department.

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| <b>Group Health and Life Insurance Plans</b> |                |                |        |
|--|----------------|----------------|--------|
| Reference Number                             | Board Approval | Effective Date | Page   |
| 6.05   | 02/2018        | 03/01/2018     | 1 of 1 |

All regular full-time employees become eligible for the University's group medical, dental, other health and wellbeing and life insurance plan following any applicable waiting period. For additional information regarding this plan and its eligibility requirements, please see the Tusculum University Employee Benefits Guide and the Evidence of Coverage (EOC) located on the University website under Human Resources. All questions regarding these Plans should be directed to the Human Resources Department.

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| <b>Tuition Remission Program</b> |                          |                              |                |
|----------------------------------|--------------------------|------------------------------|----------------|
| Reference Number<br>6.06         | Board Approval<br>5/2012 | Effective Date<br>07/01/2020 | Page<br>1 of 1 |

Tusculum University offers tuition remission (free tuition) to eligible University employees and their spouse and/or IRS dependents. This policy does not cover fees, books, other program/course costs, or doctoral programs/courses. Dependent for purposes of qualifying for the Tuition Remission Program is defined as an individual who:

- is a son, daughter, stepchild, foster child, or anyone else qualifying as an IRS dependent on the most recent tax return; and
- is under the age 19, or a full-time student under the age of 24 or any age and permanently and totally disabled.

Tuition remission is awarded based on employee eligibility and length of service with the University, as well as budget and funding considerations. Those enrolled in programs eligible for tuition remission under the prior policy will continue to receive tuition remission benefits according to the prior policy through completion of the degree program in which they are enrolled. Fees, books, other program/course costs are not covered.

Classes with less than eight (8) students are ineligible for tuition remission. University employees must obtain prior, written approval from their supervisor each semester to verify that enrollment does not interfere with the employee's work schedule or performance. If class or classwork is scheduled during work hours, the employee must make up missed time that week or take PTO.

Associate's, bachelor's or master's tuition remission is available for the employee. Associate's, first bachelor's degree, and master's tuition remission is available for the spouse. Associate's, first bachelor's degree, and dual enrollment tuition remission is available for eligible dependents. Tuition remission will cover 100% of tuition for eligible persons and programs for undergraduate courses. Tuition remission will cover 50% of tuition for eligible person for master's degree courses.

To be eligible for participation in this tuition remission program, the employee must be a full-time employee and have completed one year of consecutive, full-time service with the University. Qualifying family members must produce proof of his or her immediate relationship with the University employee. The applicant must also meet all current admission requirements of the University program and have completed a FAFSA (Free Application for Federal Student Aid). Any grants or scholarships available to the applicant will be applied first and the remaining amount will be covered under tuition remission.

The employee must fulfill two (2) years of full-time employment upon completion of the tuition remission benefit period. If the employee voluntarily resigns, retires, or is involuntarily terminated for misconduct, insufficient work performance, and/or violation of University policies prior to the two years of service after the completion of the benefit, the employee will be required to reimburse the University for the pro-rated portion of the tuition benefit. If the employee is laid off, the requirement of two years of post-completion full-time employment will be waived.

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.

Employees participating in tuition remission must sign an agreement at the time of approval setting forth the terms and conditions of the tuition remission.

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| <b>Tuition Exchange Program</b> |                          |                              |                |
|---------------------------------|--------------------------|------------------------------|----------------|
| Reference Number<br>6.07        | Board Approval<br>5/2012 | Effective Date<br>07/01/2020 | Page<br>1 of 1 |

The University offers tuition scholarships to eligible University 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 or anyone else who was claimed as an IRS dependent; and,
- is under the age 19, or a full-time student under the age of 24.

The scholarship will be awarded by the participating CIC (Council of Independent Colleges) or the APCU (Association of Presbyterian College and Universities) institution. University employees must obtain prior, written approval from their supervisor each semester to verify that enrollment does not interfere with the employee's work schedule or performance. If class or classwork is scheduled during work hours, the employee must make up missed time that week or take PTO.

To be eligible, the employee must be a full-time employee and have completed one year of consecutive, full-time service with the University. Qualifying family members must produce proof of his or her qualifying relationship with the University employee. Applicants must also meet all current criteria for admittance to the participating CIC or APCU institution, must apply and be accepted for admission to the participating CIC or APCU institution, and maintain good academic standing and satisfactory academic progress.

Application and additional information regarding applying for a Tuition Scholarship can be obtained from 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.

Tusculum University will accept up to three (3) students per academic year from another institution at the discretion of the President. If the three spots have already been filled, the applicant will be placed on a waiting list for subsequent semesters within the academic year. The tuition scholarship will cover all remaining tuition after all grants and scholarships have been applied to the student account. The tuition scholarship will not cover fees, books, or any other associated costs.

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| <b>Faculty Tuition Reimbursement</b> |                          |                              |                |
|--------------------------------------|--------------------------|------------------------------|----------------|
| Reference Number<br>6.08             | Board Approval<br>5/2012 | Effective Date<br>07/01/2020 | Page<br>1 of 1 |

Tusculum University supports faculty professional growth. Faculty members employed full-time by Tusculum University who wish to obtain a terminal degree may be considered for financial support from the University 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 University 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 Dean, who will forward a recommendation regarding the tuition reimbursement to the Provost/Vice President of Academic Affairs. The Provost/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 University.
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 fulfill two (2) years of full-time employment upon completion of the tuition reimbursement period. If the employee voluntarily resigns, retires, or is involuntarily terminated for misconduct insufficient work performance, and/or violation of University policies prior to two (2) years of service after the completion of the benefit, the employee will be required to reimburse the University for the pro-rated portion of the tuition reimbursement. If the employee is laid off by the employer, the requirement of two (2) years of post-completion full-time employment will be waived.
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<br>7.01        | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>1 of 6 |

Tusculum University 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 University has developed this policy to address these concerns, while also accommodating the University'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 University 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 University 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 University 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 University 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.

In the event that a holiday falls during a week when an exempt employee is out on FMLA leave, that entire week will count toward the 12 weeks of available FMLA leave. However, if the University is closed for the entire week, and the employee would not have otherwise been required to work, that week will not count toward the 12 weeks of available FMLA leave. Of note, Tusculum University generally operates on a reduced schedule during the two weeks its students are out for Christmas break. Although the University is not officially closed, that two week period will not count toward the 12 weeks of available FMLA leave (although the time will be unpaid unless PTO is used, and no PTO will accrue during that time).

**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 University. All requests for leave pursuant to this policy, must be made in writing to the Chief Human Resources Officer (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 University 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 Chief Human Resources Officer 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 WH3580F, 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 University, 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 University may require the employee to obtain the opinion of a second and third healthcare provider designated or approved by the University, and at the expense of the University. 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 University 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 University receives information casting doubt on the continued validity of the statement. These re-certifications must be submitted within fifteen (15) days of the University'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 Service Member for Military Family Leave) and documentation as required, and at the employee's expense. The certification or documentation should be submitted to the Human Resources Department within fifteen (15) calendar days of the University'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 University to make a determination of leave.

The Chief Human Resources Officer 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 University 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 University 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 University 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 University for all insurance contributions made by the University 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 Human Resources Department. 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 University'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 University 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 University 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 University 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 University 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 Chief Human Resources Officer 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 University 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 University 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.

**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 (including any FMLA medical leave period). Whether to approve a request for extended medical leave is entirely within the discretion of Tusculum University 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 University 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 University's discretion up to the 3-month limit. The University has the right to send the employee to a physician designated by Tusculum University for an independent evaluation. In addition, the University 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 University 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 University 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 Chief Human Resources Officer.

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| <b>Tennessee Parental Leave</b> |                |                |        |
|---------------------------------|----------------|----------------|--------|
| Reference Number                | Board Approval | Effective Date | Page   |
| 7.02                            | 02/2018        | 03/01/2018     | 1 of 1 |

In accordance with the Tennessee Parental Leave Act, all regular full-time employees who have worked for Tusculum University 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 University 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 University 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 University’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 University’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 Chief Human Resources Officer.

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<br>7.03 | Board Approval<br>10/2019 | Effective Date<br>10/04/2019 | Page<br>1 of 3 |

Regular full-time or part-time employees are eligible for 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 Resources Department. Following Department of Defense guidance, employees are encouraged to provide at least thirty days’ notice prior to departure for uniformed service. 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 University, 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. This paid military leave is limited to fourteen days of paid leave in a “rolling” 12-month period measured backward from the date an employee last received paid military leave. Employees are not entitled to more than 14 days of paid leave in any given rolling 12-month period.

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 and the terms set forth above. 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 University’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 University'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 University, and any University 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 University 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 University 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 University 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 University for reasons unrelated to military service; (3) the employee’s pre-service position with the University 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 University, and the employee is unqualified for any other position; or (5) the University’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<br>7.04 | Board Approval<br>10/2018 | Effective Date<br>10/12/2018 | Page<br>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). Bereavement Leave can be taken during a period following the date of death and ending the day after the funeral, memorial and or burial/interment.

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, uncle 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, and should be accompanied by verification (i.e., funeral home notice, obituary or newspaper notice) which should be sent at the first available opportunity. A copy of the request with such verification must also be provided to the Human Resources Department.

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| <b>Marriage Leave</b> |                |                |        |
|-----------------------|----------------|----------------|--------|
| Reference Number      | Board Approval | Effective Date | Page   |
| 7.05                  | 5/2012         | 7/1/2012       | 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 thirty (30) days prior to the requested leave, or as soon as practicable. A copy of the approval must be provided immediately to the Human Resources Department. The University may request verification of the event after granting leave.

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

### **Jury Duty**

All employees, except temporary employees who have worked less than six (6) months for the University, 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 University 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    | Board Approval | Effective Date | Page   |
| 7.07                | 5/2012         | 7/1/2012       | 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<br>8.01   | Board Approval<br>5/2012 | Effective Date<br>7/1/2012 | Page<br>1 of 1 |

It is Tusculum University'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 Human Resources Department 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 Policy 6.04 "Workers Compensation Benefits" for information and instructions regarding a workplace injury.

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| <b>Emergency Procedures</b> |                |                |        |
|-----------------------------|----------------|----------------|--------|
| Reference Number            | Board Approval | Effective Date | Page   |
| 8.02                        | 5/2012         | 7/1/2012       | 1 of 1 |

The Tusculum University Emergency Procedure Manual is located on the Tusculum University website at:

[Emergency-Response-Guidelines-2019.pdf \(tusculum.edu\)](#)

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<br>8.03               | Board Approval<br>10/2019 | Effective Date<br>10/04/2019 | Page<br>1 of 2 |

**PURPOSE**

Tusculum University (Tusculum) is committed to providing a safe work environment and to fostering the health and well-being of its employees. That commitment is jeopardized when any employee illegally uses drugs at home or at work, is under the influence while conducting University business (whether on or off campus), possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job.

As part of our commitment to safeguard the wellbeing of our employees and to provide a safe environment for everyone, Tusculum has established a drug-free workplace policy, is participating in the Tennessee Bureau of Workers' Compensation's Drug Free Workplace Program and has established the following substance abuse policy:

(1) It is a violation of Tusculum policy for any employee to use, possess, sell, trade, offer for sale or offer to buy illegal drugs, distribute, manufacture or otherwise engage in the illegal use of drugs on or off the job.

(2) It is a violation of Tusculum policy for any employee to report to work, be at work or to engage in work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.

(3) It is a violation of Tusculum policy for any employee to report to work, be at work or to engage in work under the influence of or impaired by alcohol.

(4) It is a violation of the Tusculum policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner, amount or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications. While Tusculum understands that employees and applicants under a physician's care may be required to use prescription drugs, the illegal use of prescribed medications will be dealt with in the same manner as the abuse of illegal substances. An employee or job applicant may confidentially report the use of prescription or nonprescription medications to a medical review officer, both before and after a drug/alcohol test, by contacting the medical review officer directly.

Violations of this policy are subject to disciplinary action up to and including termination.

Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who has a drug problem to seek help. The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive, drug-free work environment. We strongly encourage those who use illegal drugs or abuse alcohol to seek help in overcoming their problem.

**UNIVERSITY-SPONSORED EVENTS**

From time to time, Tusculum may sponsor social or business-related events at which alcohol is served. This policy does not prohibit the use or consumption of alcohol at such events. However, if employees

choose to consume alcohol at such events, they must do so responsibly and maintain their obligation to conduct themselves properly and professionally at all times.

**DRUGS BEING TESTED**

As a participating employer in the Tennessee Drug Free Workplace Program, Tusculum will test for the following drugs/levels:

| <b>Drug</b>  | <b>Screening Threshold</b> | <b>Confirmation Threshold</b> |
|--|----------------------------|-------------------------------|
| Breath Alcohol   | 0.020 GM/DL                | 0.020 GM/DL                   |
| (All medications containing ethyl alcohol (ethanol). Please read the label for content. For example: Vicks Nyquil™ is 25% (50 proof) ethyl alcohol, Comtrex™ is 20% (40 proof), Contac Severe Cold Formula Night Strength™ is 25% (50 proof) and Listerine™ is 26.9% (54 proof). |                            |                               |
| Amphetamines   | 500 NG/ML                  | 250 NG/ML                     |
| Amphetamine  |                            | 500 NG/ML                     |
| Methamphetamine  |                            | 500 NG/ML                     |
| MDMA   | 500 NG/ML                  | 250 NG/ML                     |
| MDA  | 500 NG/ML                  | 250 NG/ML                     |
| MDEA   | 500 NG/ML                  | 250 NG/ML                     |
| Barbiturates   | 300 NG/ML                  | 300 NG/ML                     |
| Benzodiazepines  | 300 NG/ML                  | 300 NG/ML                     |
| Diazepam, Desmethyldiazepam  |                            |                               |
| Oxazepam, Temazepam, Alprazolam, Alpha-Oh-Alprazolam, Lorazepam, Alpha-Hydroxytriazolam, Desalkylflurazepam, Midazolam, 7-Aminoclonazepam  |                            |                               |
| Cocaine Metabolite   | 150 NG/ML                  | 100 NG/ML                     |
| Opiates  | 300 NG/ML                  |                               |
| Codeine  | 2,000 NG/ML                | 2,000 NG/ML                   |
| Morphine   | 2,000 NG/ML                | 2,000 NG/ML                   |
| Hydrocodone  | 300 NG/ML                  | 100 NG/ML                     |
| Hydromorphone  | 300 NG/ML                  | 100 NG/ML                     |
| 6Mam   | 10 NG/ML                   | 10 NO/ML                      |
| Oxycodone  | 100 NG/ML                  | 100 NG/ML                     |
| Phencyclidine  | 25 NG/ML                   | 25 NG/ML                      |
| Marijuana Metabolite   | 50 NG/ML                   | 15 NG/ML                      |
| Methadone  | 300 NG/ML                  | 300 NG/ML                     |
| Propoxyphene   | 300 NG/ML                  | 300 NG/ML                     |
| Methaqualone   | 300 NG/ML                  | 300 NG/ML                     |
| Buprenorphine  | 10 NG/ML                   | 10-5 NG/ML                    |

An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level tests .04% while on duty/Tusculum business shall be considered a violation of this policy.

**TYPES OF DRUG/ALCOHOL TESTING TO BE PERFORMED**

It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

### **1. Pre-Employment/Job Applicant Testing**

All job applicants who have been offered employment at Tusculum must undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment.

Notices will also be placed on vacancy announcements for positions which require drug or alcohol testing. Applicants will be required to submit to a urinalysis test at a laboratory chosen by Tusculum. If the physician, official or lab personnel have reasonable suspicion to believe that the job-applicant has tampered with the specimen, the applicant will not be considered for the position.

Tusculum will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that Tusculum will not tolerate.

### **2. Reasonable Suspicion Testing**

“Reasonable suspicion” is based on a belief that an employee is using or has used drugs or alcohol in violation of Tusculum’s policy and is based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience.

Among other things, such facts and inferences may be based upon, but not limited to, the following:

(A) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;

(B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

(C) A report of substance abuse provided by a reliable and credible source;

(D) Evidence that an individual has tampered with any substance abuse test during his or her employment with Tusculum; or

(E) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer’s premises or while operating the employer’s vehicle, machinery, or equipment.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.*

### **3. Routine Fitness-for-Duty Drug or Alcohol testing**

Employees must submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by law, regulation, are part of Tusculum’s established policy, or one that is scheduled routinely for all members of an employment classification group.

#### **4. Post-accident**

Employees are subject to testing when they cause or contribute to accidents that seriously damage a Tusculum University vehicle, machinery, equipment or property or result in an injury to themselves or another individual under the following conditions:

(A) Information that an employee has caused or contributed to an accident while at work; and/or

(B) Involvement in an accident which results in an injury to another individual or in property damage equal to or exceeding Five Hundred Dollars (\$500.00), or such minimum amount as set by U.S.DOT Guidelines, if less.

Emergency medical care shall not be withheld or delayed for collection of drug and/or alcohol test specimens.

In any of the instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. If transportation by ambulance is not required, a member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.*

#### **5. Random Selection**

Tusculum University will randomly drug-test employees for compliance with its drug-free workplace policy. Random testing means employees will be selected for testing using a third party agency which utilizes software with a random-selection generator. This will result in an equal probability that any employee from the entire group of employees will be tested.

The Human Resources Department will supply a listing of all active employees to the third party agency who will pull a random selection of employee names and immediately notify Human Resources the employees selected for testing. Testing must be completed on the same workday the employee is notified, absent extenuating circumstances such as out-of-town travel. In all circumstances, testing must be completed within 24 hours of notification.

If an employee selected for testing is unavailable for a legitimate reason such as an extended medical absence, human resources will document the circumstances for failure to test.

Tusculum University has no discretion to waive the selection of an employee selected at random.

#### **6. Follow-up to a Positive Test**

Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending on the circumstances and the employee's work history/record, Tusculum University may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which will include follow-up testing at times and frequencies determined by Tusculum University for a minimum of two years of unannounced screening as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program within six months following

test date or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

For a two-year period following a positive drug or alcohol test, employee must submit to an unannounced follow-up drug test, alcohol test, or both, as appropriate. In cases in which an employee voluntarily entered treatment not based on an employer-administered drug or alcohol test, the unannounced follow-up test is not required.

Disciplinary action up to and including termination will follow the confirmation of a positive test for an employee. Any offer of employment will be terminated upon confirmation of a positive test.

#### **Refusal to Submit to a Drug or Alcohol test**

Failure to submit to a required substance abuse test shall be considered misconduct and shall be subject to discipline up to and including termination and the potential forfeiture of workers' compensation benefits.

#### **OPPORTUNITY TO CONTEST OR EXPLAIN TEST RESULTS**

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to Tusculum's medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to Tusculum. A person may contest the drug test result pursuant to rules adopted by the Drug Free Workplace Program of the Tennessee Bureau of Workers' Compensation.

#### **CONFIDENTIALITY**

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained as required by the rules adopted by the Drug Free Workplace Program of the Tennessee Bureau of Workers' Compensation.

#### **WORKPLACE SEARCHES AND INSPECTIONS**

In order to achieve the goals of this policy and maintain a safe, healthy, and productive work environment, Tusculum reserves the right at all times to inspect employees, as well as their surroundings and possessions, for substances or materials in violation of this policy. This right extends to the search or inspection of clothing, desks, lockers, bags, briefcases, containers, packages, boxes, tools and tool boxes, lunch boxes, and employer-owned or leased vehicles and any vehicles on company property where prohibited items may be concealed. Employees should have no expectation of privacy while on Tusculum's premises, except in restrooms, locker rooms, or other private areas.

#### **EMPLOYEE ASSISTANCE**

Tusculum offers a helping hand to those who need it while sending a clear message that the illegal use of drugs and the abuse of alcohol are both incompatible with employment here. We offer an Employee Assistance (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral and short-term counseling for employees and their dependents who need or request it.

Confidentiality is assured. NO information regarding the nature of the personal problem will be made available to supervisors, nor will it be included in your permanent personnel file.

It is the responsibility of an employee to seek assistance from an EAP *before* alcohol and drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequently seeking treatment through

an EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

Tusculum's EAP will provide appropriate assessment, evaluation and counseling and/or referral for treatment of drug and/or alcohol abuse. Employees may be granted unpaid leave with a conditional return to work, contingent upon successful completion of the agreed-upon treatment regimen, which may include follow-up testing.

Additionally, your personal medical provider can give an appropriate assessment, evaluation and counseling and/or referral for treatment of drug and alcohol abuse.

If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by your medical insurance; but the costs of such outside services are your responsibility.

Participation in the EAP will not affect your career advancement or employment, nor will it protect any employee from disciplinary action if substandard job performance continues. The EAP can be accessed by an employee through self-referral or through referral by Human Resources.

The cost of seeking assistance will be the responsibility of the employee and is subject to provisions of Tusculum's health insurance plan, if any. Please consult the insurance provider for specifics concerning this issue.

#### **CRIMES INVOLVING DRUGS**

As a condition of employment, employees must abide by the terms of this policy and must notify the Human Resources Office at Tusculum in writing of any charge or conviction related to a violation of a criminal drug statute no later than five calendar days after such occurrence.

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| <b>Tobacco Free Campus</b> |                           |                              |                |
|----------------------------|---------------------------|------------------------------|----------------|
| Reference Number<br>8.04   | Board Approval<br>02/2019 | Effective Date<br>01/01/2019 | Page<br>1 of 1 |

**PURPOSE**

Tusculum University (University) is committed to providing a safe and healthy environment for its students, faculty, staff and campus visitors. Because tobacco products have well-known health risks associated with their use and secondhand exposure that put all members of the Tusculum community at risk, the University has initiated a tobacco-free campus policy effective January 1, 2019.

**SCOPE and AUDIENCE**

This policy applies to all students, employees, University affiliates, contractors and visitors and is applicable twenty-four (24) hours a day, seven (7) days a week.

**DEFINITION of TOBACCO PRODUCTS**

Tobacco product is defined as any lit or unlit cigarette (including electronic cigarettes), cigar, pipe, bidi, clove cigarette, and other smoking product, as well as smokeless or spit tobacco also known as dip, chew, snuff or snus, in any form.

**POLICY**

The use, distribution, or sale of tobacco products, including the carrying of any lit smoking instrument, in University buildings or in or upon other University premises, sidewalks or parking lots adjoining University property or inside University-owned, rented or leased vehicles, or in your personal vehicle on University property is prohibited.

Tobacco and nicotine product advertisements are prohibited in university-sponsored publications and/or advertisements.

**ENFORCEMENT**

All University students, employees, visitors and contractors are required to comply with this policy, which shall remain in force at all times.

Any University student or employee found to be in violation of the tobacco-free policy will be subject to a monetary fine. Tickets will be issued by campus safety officer for violations of Tusculum's tobacco-free policy.

Any visitor or contractor found to be violating this policy shall be asked to discontinue the disallowed activity, and any failure by a visitor or contractor to discontinue the disallowed activity after being requested to do so shall result in the visitor or contractor being escorted off University premises by campus safety.

**PENALTIES****Student****Fines**

Any Tusculum student found to have violated this policy shall be subject to the following fines: 1<sup>st</sup> ticket – Warning; All subsequent tickets - \$25.00 fine.

All fines must be paid within seven (7) days of ticketing. Fines not paid within seven (7) days will automatically double in amount.

A student with a pending fine or fines may not register for classes or have transcripts released until all fines are paid in full.

Any student wishing to appeal a fine arising from the finding of a violation of this policy may do so with the Dean of Student Affairs.

### **Employee**

### **Fines**

Any Tusculum employee found to have violated this policy shall be subject to the following fines:  
1<sup>st</sup> ticket – Warning; All subsequent tickets - \$25.00 fine.

All fines must be paid within seven (7) days of ticketing. Fines not paid within seven (7) days will automatically double in amount.

Any employee wishing to appeal a fine arising from the finding of a violation of this policy may do so with the Chief of Human Resources.

Any employee who marked “No” on the Tobacco User question on the open enrollment benefit election form and is later found to be using tobacco will be assessed the difference in the higher tobacco-user medical plan premiums retroactively and charged the higher tobacco user health plan premium going forward.

### **AWARENESS and EDUCATION**

The implementation of this policy will be augmented by an awareness and education campaign that includes but is not limited to:

- Notification of Tusculum’s Tobacco-Free Campus policy to current and prospective students and employees through communication available on the University web site;
- Notification during the admission and enrollment process and/or during new hire orientation for faculty and staff, as applicable;
- Informational meetings, postings, and electronic notifications;
- Tobacco cessation programming for students and employees;
- Signs and notices bearing the message “TU Proud To Be Smoke & Tobacco Free” or similar signage will be posted at major vehicular crossways, pedestrian crosswalks and building entrances. However, the Tobacco-Free Campus policy applies to all University property whether or not notices are posted.

The State of Tennessee offers help to quit on its web site at <http://www.tnquitline.org/>.

**NOTE:** Tusculum University has the maximum discretion permitted by law to interpret, administer, change, modify, or delete this policy at any time with or without notice. Changes can only be made if approved in writing by the President of Tusculum University. Any delay or failure by Tusculum to enforce any work policy or rule will not constitute a waiver of Tusculum's right to do so in the future.

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| <b>Weapons &amp; Workplace Violence</b> |                           |                              |                |
|---|---------------------------|------------------------------|----------------|
| Reference Number<br>8.05                | Board Approval<br>10/2018 | Effective Date<br>10/12/2018 | Page<br>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 University's premises or engaged in its business; unless it is a firearm permitted and stored in accordance with Tennessee law T.C.A. § 39-17-1313 and T.C. A. §50-1-312;

From the authority of T.C.A. § 49-7-161, the President and Board of Trustees of Tusculum University have determined that Tusculum University and all of its property is a weapon free school described in T.C.A. § 39-17-1309. No person, except a person who is a sworn peace officer, is allowed to carry a firearm on any property owned or operated by Tusculum University.

T.C.A. § 39-17-1309 states the following:

"FELONY, STATE LAW PRESCRIBES A MACIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS (\$3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY."

4. Intentionally damaging University 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 University premises, whether they are on or off duty; to employees traveling on business or representing the University; to employees off the premises but working for or representing the University; 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 University community or its interests.

Tusculum University 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 Chief Human Resources Officer or the employee's Vice President. All complaints will be investigated by the Chief Human Resources Officer 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 University 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 Chief Human Resources Officer, 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 University 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 Chief Human Resources Officer 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 University 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      | Board Approval | Effective Date | Page   |
| 8.06                  | 5/2012         | 7/1/2016       | 1 of 2 |

The purpose of this policy is to ensure safe operation of a Tusculum University 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 University.

It may become necessary for a Tusculum University employee to operate a Tusculum University 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 University students. As such, Tusculum University 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 University 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 University 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 University 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 University vehicle, or private vehicle in the course of Tusculum University business, an employee must have a valid driver's license and submit to a Motor Vehicle Report (MVR) being completed and approved by the Human Resources Department. 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 University employees, whether in a Tusculum University 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 University vehicle is involved) including time and date of the accident, persons involved, and any insurance information.

**Emergency**

All emergency situations involving Tusculum University employees, whether in a Tusculum University 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 University Vehicles, refer to Policy 11.06 Use of University Vehicles or if you are driving your personal vehicle refer to Policy 10.09 Travel.

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| <b>Confined Space Policy</b>    |                                    |                                    |                       |
|---------------------------------|------------------------------------|------------------------------------|-----------------------|
| Reference Number<br><b>8.07</b> | Board Approval<br><b>5/19/2023</b> | Effective Date<br><b>5/19/2023</b> | Page<br><b>1 of 1</b> |

Tusculum University is committed to providing a safe work environment for the well-being of its employees and contractors. This policy shall apply to all employees and contractors on the Tusculum University Property.

Entry into confined spaces can pose atmospheric and physical hazards which can be life threatening. This policy provides awareness of procedures designed to ensure the safety of all persons entering confined spaces on Tusculum University property and comply with regulations established by the Occupational Safety & Health Administration (OSHA).

Tusculum University maintains a written plan pursuant to OSHA code 29 CFR 1910.146 (c)(8) to identify confined spaces on campus, to determine if any spaces are classified as permit-required, and to establish the controls and responsibilities for entering, working in, and exiting confined spaces. Any area identified as a permit-required shall have no entry signs posted and, due to the level of risk, Tusculum University employees are prohibited to take part as an authorized entrant, attendant, or entry supervisor in any activity involving permit-required confined spaces. All such work will be authorized and performed by a qualified outside contractor.

Employees who violate this policy are subject to appropriate disciplinary action, up to and including termination of employment. If an employee is injured while participating in any unauthorized action or by failing to follow plan procedures may have workers' compensation benefits denied.

Tusculum's confined space written plan will be reviewed annually and updated as needed by authorized University officials. Since officials may rotate, a list of authorized representatives will be named in the written plan.

| <b>Conflict of Interest</b> |                           |                              |                |
|-----------------------------|---------------------------|------------------------------|----------------|
| Reference Number<br>9.01    | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>1 of 3 |

Tusculum University employees serve a public-interest role and thus have a clear obligation to conduct the business of the University 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 University.

A conflict of interest shall be deemed to exist whenever an employee of Tusculum University, 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 University, *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 University 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 University.

- A. The University 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 University 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 University 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 University. 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 University 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 University letterhead nor should information contained in the personal letters be written or construed as in the University 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 University equipment, supplies or properties for any purpose other than as designated and authorized by the University.
- I. Use of the name, seal or logo of the University 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 University'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 University resources or while working on University 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 University or teach a course similar to any Tusculum University course without prior approval from the Provost/Vice President of Academic Affairs.

Employees are required to disclose any potential conflict of interest to the Chief Human Resources Officer, 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 University committee meeting. Following the meeting, the potential conflict of interest must be disclosed to the Chief Human Resources Officer.

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 Chief Human Resources Officer. Any supervisor receiving notification of an actual or potential conflict of interest must immediately report it to the Chief Human Resources Officer. 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 Chief Human Resources Officer (or someone designated by the University 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 Chief Human Resources Officer (or someone designated by the University President in case of conflict) and the Provost/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<br>9.02                            | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>1 of 1 |

The University'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 University environment.

Therefore, while the University 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 Chief Human Resources Officer 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 University-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 University 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 Chief Human Resources Officer. 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 Chief Human Resources Officer 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 University's Sexual and Other Discriminatory Harassment policy.

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| <b>Nepotism</b>          |                           |                              |                |
|--------------------------|---------------------------|------------------------------|----------------|
| Reference Number<br>9.03 | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>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 University 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 University.

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 Chief Human Resources Officer. To the extent possible, the University will attempt to resolve the violation with the employees involved, generally through transfer within the University. It may be necessary to transfer one employee to another department, campus or otherwise separate the employees. If no such resolution is possible, the University 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> |                          |                            |                |
|---------------------------|--------------------------|----------------------------|----------------|
| Reference Number<br>9.04  | Board Approval<br>5/2012 | Effective Date<br>7/1/2012 | Page<br>1 of 1 |

The University requires that employee's activities away from the job must not compromise the University's interests or adversely affect the employee's job performance and his or her ability to fulfill all responsibilities to the University. In furtherance of the University'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 University will be particularly concerned about outside employment that will reduce the employee's efficiency in working for the University and/or involves working for an organization that does a significant amount of business or is in competition with the University (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 University's image (see "Code of Ethics and Rules of Conduct" policy). This prohibition includes the unauthorized use of any University 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 University.

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 University 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 University 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<br>9.05             | Board Approval<br>5/2012 | Effective Date<br>7/1/2012 | Page<br>1 of 1 |

All Tusculum University faculty, staff and students wishing to conduct a fund-raising activity that involves seeking both monetary and in-kind gifts to benefit the University, 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 University 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 University 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<br>10.01                  | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>1 of 2 |

Tusculum University 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 University'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 University's resources or office supplies for personal use or in the pursuit of personal gain.
7. Cooperate fully in Tusculum University 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 University. 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 University property or while representing Tusculum University 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 University and share such information only with permission from the President or when required by law.
13. Do not use your University 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 University or make statements purporting to reflect the Tusculum University'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 Chief Human Resources Officer. 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 University policies will result in discipline up to and including termination.

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| <b>Sexual and Other Discriminatory Harassment</b> |                           |                              |                |
|---|---------------------------|------------------------------|----------------|
| Reference Number<br>10.02                         | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>1 of 3 |

The University 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 University 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 University 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 University.

### **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, and 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 University.

### **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 Chief Human Resources Officer. 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 Chief Human Resources Officer.

All complaints by staff member employees will be investigated promptly, impartially, and as discreetly as possible by the Chief Human Resources Officer or someone designated by the University President when necessary.

All complaints by faculty member employees will be investigated promptly, impartially, and as discreetly as possible by the Chief Human Resources Officer, or someone designated by the University President when necessary, and the Provost/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 University 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 University 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 University 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 Chief Human Resources Officer.

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| <b>Disabilities &amp; Reasonable Accommodations</b> |                           |                              |                |
|---|---------------------------|------------------------------|----------------|
| Reference Number<br>10.03                           | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>1 of 1 |

It is Tusculum University'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 as amended, Tusculum University 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 University 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 University's own choosing. Information regarding any disability and other medical information will be kept confidential in accordance with the ADA as amended and retained in separate confidential files. [Note: As previously noted in this Handbook, Tusculum University, 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 Chief Human Resources Officer. 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 Chief Human Resources Officer. The Chief Human Resources Officer will consult with the employee's or applicant's supervisor and the University President to make the final determination regarding whether to grant the accommodation. The Chief Human Resources Officer 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 Human Resources Department.

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| <b>Grievances</b> |                |                |        |
|-------------------|----------------|----------------|--------|
| Reference Number  | Board Approval | Effective Date | Page   |
| 10.04             | 02/2018        | 03/01/2018     | 1 of 2 |

An employee is encouraged to report any concern or complaint based on a perceived violation, misinterpretation or misapplication of a Tusculum University 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 University, 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 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 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 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 Chief Human Resources Officer (or someone designated by the University President in case of conflict). The Chief Human Resources Officer 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 Chief Human Resources Officer (or someone designated by the University President in case of conflict) and a member of the Faculty Affairs Committee (FAC) to be designated by the Chair of the Committee. The Chief Human Resources Officer 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 University aware of and resolve problems before they escalate to the point of disrupting the University 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 Chief Human Resources Officer.

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| <b>Compliance and Reporting Policy</b> |                          |                            |                |
|--|--------------------------|----------------------------|----------------|
| Reference Number<br>10.05              | Board Approval<br>5/2012 | Effective Date<br>7/1/2016 | Page<br>1 of 2 |

Tusculum University 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 University is committed to providing all members of the University community, including students, administration, faculty, staff, alumni, vendors, and visitors, with a safe and productive environment.

If any member of the University community has reason to believe or reasonably suspect that the University or any of its agents is acting contrary to any applicable federal, state or local law or regulation, NCAA regulations or procedures, or contrary to any established University 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 University prior to seeking resolution outside Tusculum University.

**Reporting** - Any University 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 complaint involves NCAA regulations or procedures, the employee should contact the Athletic Compliance Officer. 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 Tusculum Compliance Officer directly. Supervisors and managers are required to report suspected violations, or reports of violations they receive from their employees, to Tusculum University'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.

**Athletic Compliance Officer** – is currently the Associate Athletic Director. The Athletic Compliance officer has specific and exclusive responsibility to investigate and resolve all reported violations under the NCAA regulation and procedures. At the Compliance Officer's discretion, he or she shall advise the President and the Athletic Director.

**Tusculum Compliance Officer** – Tusculum University'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 approved by the President or by the Audit Committee of the Board of Trustees if President is involved 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 University to provide a foundation for protecting the financial resources of the University 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 University requires the following of its Board, Administration and employees:

1. The University Administration shall be committed to setting an example for ethical behavior.
2. The University Administration and the Board of Trustees shall work to create and maintain a positive workplace environment.
3. University 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 University will make a conscious effort to make training available in the area of ethics.
6. Appropriate and consistent discipline, as outlined in Tusculum University Policies, shall be taken after a thorough investigation of an incident of ethical violation.

Tusculum University 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 University policies and procedures which guide the employees' ethical behavior.

Tusculum University 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 University Audit and Financial Committees of the Board of Trustees.
3. Commitment to implement reasonable recommendations made by the University'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, 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/Bermuda's (except Facilities Management Department employees who may wear their uniformed shorts), t-shirts (unless containing the Tusculum University 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<br>10.08   | Board Approval<br>5/2012 | Effective Date<br>7/1/2012 | Page<br>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 University's technology. See the "Communication Systems, Equipment & Technology" policy for more information regarding use of University technology.

Significant personal exposure may be created by the inappropriate use of such social media. Employees are held accountable for violations of any University 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 University. Further, employees are prohibited from using social media for the following:

- To express individual and general dissatisfaction with the University.
- To incite workplace disruption.
- To defame the University 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 | Board Approval | Effective Date | Page   |
| 10.09            | 5/2012         | 7/1/2012       | 1 of 6 |

Tusculum University will reimburse reasonable expenses incurred by an employee while traveling on properly authorized University 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 University 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 University, mileage at the established per mile rate will be paid plus tolls. A rental car may be used if no University 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 University-related business.
- Costs for entertaining a University guest off campus, including expenses for the guest and up to two University employees, unless previous authorization has been given for additional University personnel (University dining facilities should be used for entertainment of University 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 University carries an accident policy that insures employees traveling on University 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 "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 "Request for Travel Advance" and the University 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 "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 "Pre-Authorization for Mileage Reimbursement Form" to the Provost/Vice President of Academic Affairs.

#### **Substantiation of Expenses**

- Receipts for expenses incurred by the employee must be attached to the "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 University's established per mile rate.
- The signed "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 University 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 University 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 University become University 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 any time 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.

### **University Owned Automobile**

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

## Automobile Rentals

- Automobiles must be rented in the name of Tusculum University. 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 University has corporate account numbers for discount rates available with several car rental agencies. Call the Vice President/CFO office for details.
- When the traveler rents a car in the name of Tusculum University, neither the Liability Insurance nor Collision Damage Insurance should be purchased.

## Personal Automobile Travel

- Reimbursement for use of personal automobiles by employees traveling on University 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 "Site Travel Reimbursement Form", have been reduced by 30 miles. No prior permission is required for this reimbursement; however, the "Site Travel Reimbursement Form" 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 University 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 University 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 University 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 University 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 University will pay only the single rate at hotels unless documented that two employees are traveling together for work purposes.

## Authorized Travel for Non-University Individuals

- When travel is approved by a Vice President or Athletic Director for an individual who is not an employee of the University, reimbursement will be provided in accordance with the University'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 University 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 University business belong to the University. The traveler has a responsibility to the University 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 University, 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 University’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 University may or may not choose to enter a claim of ownership of Intellectual Property created by its students or employees if Substantial University Resources (SUR) were used in its creation.

Substantial University Resources (SUR) includes all services, equipment or facilities, release time, or support staff or funding provided by the University 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 University, will also be construed as SCR.

It is the general policy of Tusculum University 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 University Interest; Creator ownership with University and/or outside party interest; and University ownership:

- A. Creator ownership: If no use of Normal University Resources (NUR) 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 University 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 University 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 University may at any point convert non-cash considerations into cash. When revenue is received by the University 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 University 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 University 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 University interest: If prior written approval has been granted by the President for use of Substantial University Resources (SUR), ownership of IP is vested in the Creator. Additionally, the Creator agrees to provide, the University 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 SUR, the Creators must disclose the conception of the IP to the University through the Provost/Vice President of Academic Affairs. This disclosure must be in writing and at the time that the written request for the use of SUR is made. The University has 90 days from notification of conception by the Creator to grant or refuse approval for use of SUR. In the event that the University fails to either grant or refuse such permission within such 90 day period, permission shall be deemed refused. The University shall be the exclusive owner of all rights to any IP created using SUR without University permission.

Cooperative Work is produced with the use of Substantial University Resources (SUR) 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 University interest.

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

- 1) If University 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 University (with written authorization by the Provost/Vice President of Academic Affairs) prior to the award of development funds.

- 2) When Federal grants or state funding covers development costs, both the University and the Creator will be bound by the revenue sharing terms negotiated by the Creator, the University and the funder prior to creation of the IP.
- C. Creator ownership with University interest and/or outside party interest: Outside funding may be employed with SUR in the creation of an IP. In such a case, the Creator must notify the Provost/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 University's Office of Advancement and the Provost/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 University 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 University 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. University ownership: The University 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 University, 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 University. 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 University policy (see Policy 9.01 Conflict of Interest).
- C. Dispute resolutions: Disputes over interpretation or application of the Tusculum University IP policy should be resolved through the University's grievance policy (see Policy 10.04 Grievances).

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| <b>Communication Systems, Equipment &amp; Technology</b> |                |                |        |
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Tusculum University 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 University. All such communications are subject to review and monitoring by the University. The University'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 University students, faculty and staff to meet their daily requirements in meeting the overall mission of the University.

Users of the University'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 University itself.

This Communication Systems, Equipment & Technology policy (the "Policy") provides guidelines for the appropriate use of Tusculum University IT resources as well as the University's oversight of these resources. For purposes of compliance with other University 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 including cellular 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 University. For example, IT Systems include institutional and departmental information systems, faculty research systems, desktop computers, the University's campus network, and University general access computer clusters.

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

Systems Authority - While Tusculum University 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 University authority who certifies the appropriateness of an official University document for electronic publication in the course of University 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 University 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 University 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 University students, faculty, and staff. It applies to the use of all IT Systems. These include systems, networks, and facilities administered by the Tusculum University Department of Information Systems (TCDIS), as well as those administered by individual schools, departments, University laboratories, and other University-based entities. Use of IT Systems, even when carried out on a privately owned computer that is not managed or maintained by Tusculum University, 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 University 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 University. 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 University's non-profit status. The University 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-University purposes is generally prohibited, except if specifically authorized and permitted under University conflict-of-interest, outside employment, and other related policies. Prohibited commercial use does not include communications and exchange of data that furthers the University'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 University 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 University involvement, except for authorized lobbying through or in consultation with the University'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 University 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 University 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-University 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-University organizations or individuals across the University 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 University-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 University contracts. All use of IT Systems must be consistent with the University's contractual obligations, including limitations defined in software and other licensing agreements.
- G. Use in violation of University policy. Use in violation of other University policies also violates this AUP. Relevant University policies include, but are not limited to, those regarding sexual harassment and racial and ethnic harassment, as well as University, 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 University Access") A staff member may only encrypt with the permission of his or her supervisor.
7. **Responsibility for Content** - Official University 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 University's networks. Neither the University nor individual Systems Administrators can screen such privately published material nor can they ensure its accuracy or assume any responsibility for its content. The University 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 University authority, Users must produce valid University identification.

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

1. **Ethical and Responsible Use** - All Users of any institutionally maintained electronic data, data files, software, hardware, 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 University, to incite workplace disruption, to defame the University 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 University-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 listings 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 Information Systems, and others in positions of trust within the Tusculum University 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 University Access**

The University 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 University may determine that University 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 University 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 University 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 University; or
  - E. When required to preserve public health and safety.
2. Process - University access without the consent of the User will occur only with the approval of the President or Provost/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 University, 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 University authority.
  - A. It is the policy of Tusculum University to protect all institutional computing resources including, but not limited to, hardware and software, consisting of the actual equipment being supplied by the University 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 University retains the right to inspect accounts and files stored on any system owned, maintained and/or leased by said University. 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 University and "logging" on to its computing equipment, granting to the University prior unrestricted permission, subject to University policy, to review, examine and/or otherwise view, by any method at sole discretion of the University and without any additional advance notice to said user, any account and/or file stored on University computer resources.
3. User access deactivations - In addition to accessing the IT Systems, the University, 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 University's network, Users consent to University 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 University.

### **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 University 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 University'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 University 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) provides email and mailing list services for Tusculum University's departments, organizations, and groups to use to conduct internal and external communication in support of the teaching and learning mission of the University. 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 University are the property of Tusculum University. 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 University 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 University will be considered the preferred e-mail account for University 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 Vice President/Chief Technology Officer;
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 University 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.
8. Email accounts that have been compromised and have been used to send out phishing or spamming emails, will be locked and remain locked until it can be determined by the systems administrator that the account no longer represents a possible threat and has been cleaned.

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 University's policy 10.02 Sexual and Other Discriminatory Harassment.
- Using e-mail to conduct unlawful activities
- Use of University 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 University is not responsible for lost e-mail.

### **Email Security**

Tusculum University cannot guarantee the privacy, confidentiality, and security of e-mail. Users are strongly advised to avoid sending personal and/or confidential information through University e-mail accounts. While Tusculum University 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 University 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 University. One may not abuse mailing lists for commercial use, unlawful activities, or spamming.

### **Establishing a Mailing List**

Tusculum University 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 University 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 University 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> |                |                |        |
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| 11.04             | 5/2012         | 7/1/2012       | 1 of 1 |

No employee should commit University 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 \$1,000.00, authorization must also come from the President.

Tusculum has notified all of its vendors that a Tusculum University 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 University. The following are general guidelines regarding purchasing at Tusculum University:

- 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 "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 University, or his/her designee, signs all contracts.

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

The University 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. University employee's wages are reported through the payroll system.

Payees must complete IRS form W-9 prior to receiving a check from the University. For payment of the Contracted Service, a "Check Request" 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>University Credit Cards</b> |                          |                            |                |
|--------------------------------|--------------------------|----------------------------|----------------|
| Reference Number<br>11.05      | Board Approval<br>5/2012 | Effective Date<br>7/1/2012 | Page<br>1 of 2 |

The Commercial Card program (University Credit Card) is intended to streamline and simplify the purchasing and accounts payable functions by eliminating waste and low value activities. The University Credit Card is a tool that allows timely purchasing of University materials and selected services costing less than \$1,000 (including shipping, handling and tax). The University 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 University Credit Card.

### **Application**

University Credit Cards are issued at the discretion of Tusculum University to qualified full-time employees (Cardholders). The need for the University 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 University 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 University and is only to be used for University purchases. The University 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 University Credit Card to activate the card.

If the University 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 University 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 Policy 10.09 Travel. For example, since the University does not reimburse for alcoholic beverages, no alcoholic beverages may be purchased with a University Credit Card. Similarly, the University Credit Card may not be used for "convenience" purposes, whether or not the Cardholder intends to issue a reimbursement to the University.

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 University. 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 University 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 University Credit Card, and you will be solely and personally responsible for the amount owed on the University Credit Card.

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

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

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| <b>Use of University Vehicle</b> |                          |                            |                |
|----------------------------------|--------------------------|----------------------------|----------------|
| Reference Number<br>11.06        | Board Approval<br>5/2012 | Effective Date<br>7/1/2012 | Page<br>1 of 1 |

The University maintains a limited fleet of vehicles available for use by employees conducting University business. Using a University 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 University 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 University vehicle. An employee may schedule a University vehicle on the Greeneville campus through the Administrative Assistant in the Facilities Management office and on the Knoxville campus through the Administrative Assistant at the front desk. Each University 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 (i.e. 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                  | Board Approval | Effective Date | Page   |
| 11.07                             | 5/2012         | 7/1/2012       | 1 of 1 |

### **Mail Service**

The Tusculum University 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 University's mail service may be subject to disciplinary action up to and including termination.

### **Telephone Service**

Extension phones are available on each Tusculum University campus. The University 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 University 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 University assigns e-mail and voicemail accounts. These accounts, rather than personal accounts, are one of the means by which official University 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 University, you do so at your own risk. Check your e-mail and voicemail accounts regularly. Do not assume that the University 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>   |                |                |        |
|------------------|----------------|----------------|--------|
| Reference Number | Board Approval | Effective Date | Page   |
| 11.08            | 05/2019        | 05/18/2019     | 1 of 1 |

The University provides parking areas at each of its locations for the benefit of its students, staff, faculty, guests, vendors and visitors. For all campus locations, faculty, staff and students must display a parking permit in the appropriate location on the vehicle and be visible at all times. The parking permit may be obtained from the Campus Safety office each academic year. All individuals utilizing the parking areas at Tusculum University must abide by the Vehicle and Parking Regulations which can be found at <http://web.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 University 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 University.

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

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| <b>Use of Campus Facilities</b> |                |                |        |
|---------------------------------|----------------|----------------|--------|
| Reference Number                | Board Approval | Effective Date | Page   |
| 11.09                           | 10/2018        | 10/12/2018     | 1 of 1 |

Tusculum University 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 University Credit Card (Policy 11.05), Use of University 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 University 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 Haynes Boardroom should submit a request in writing to the Executive Assistant to the President.

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| <b>Use of Metal Detectors (Finders) and Digging</b> |                |                |        |
|---|----------------|----------------|--------|
| Reference Number                                    | Board Approval | Effective Date | Page   |
| 11.10   | 5/2015         | 5/16/2015      | 1 of 1 |

Tusculum University has various parts of its property that is listed on the National Register of Historic Places. Due to the rich history and local traditions that have been preserved at Tusculum University and in order to be good stewards of this history, Tusculum University must manage access to digging and metal detecting on all sites. The primary emphasis of managing metal detecting and digging at Tusculum University is to preserve the cultural resources here. Cultural artifacts provide the foundation for public interpretation and education. These artifacts whether recovered from the surface or below ground are almost always fragile and are certainly irreplaceable. From an interpretive and educational perspective, removal or movement of these artifacts can deplete their value. When the original location and context go undocumented, they are essentially destroyed.

#### Prohibition

Use of metal detectors (finders) or unauthorized digging is prohibited on all Tusculum University property or any other location that is; owned by Tusculum University; is at the Traditional University site in Greeneville, TN; is not being used as a private residence of one family unit; and, when the permission of the President of Tusculum University is not expressly given, in writing.

#### Exclusions

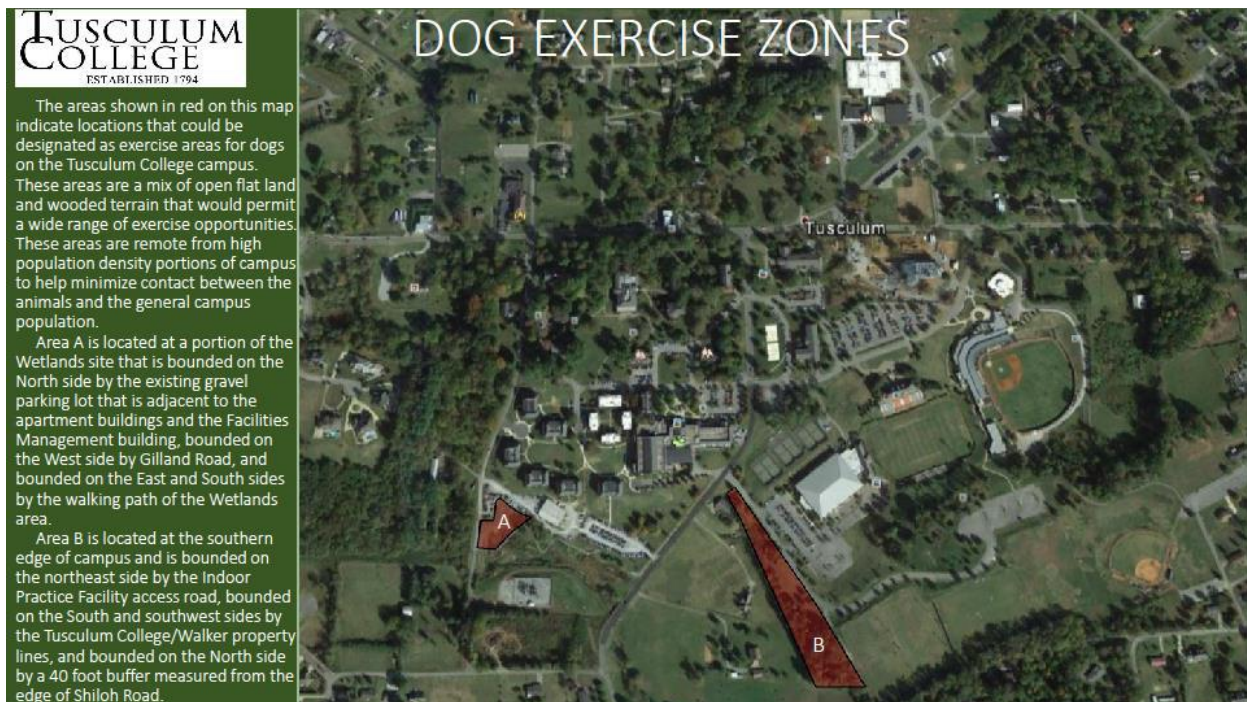
This policy only applies to the use of digging or metal detecting for reason of finding objects, as a hobby or for financial gain by a private party/business, in the ground or other natural resource and does not apply to hand held metal detectors that may be used by Campus Safety staff for the detection of weapons or for metal (or other) detectors that are being used in order to locate utilities in conjunction with a legitimate Facilities Management requirement.

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| <b>Pets on Campus</b> |                |                |        |
|-----------------------|----------------|----------------|--------|
| Reference Number      | Board Approval | Effective Date | Page   |
| 11.11                 | 5/2016         | 7/1/2016       | 1 of 1 |

Tusculum University permits pets on its campus under limited circumstances; this policy applies both to the Tusculum University community and the general public. As a general rule, employees and students are not permitted to bring their pets to work / school. Certain exceptions may exist for employees requiring a Service Animal (see Employee Handbook Policy 10.03 – Disabilities and Reasonable Accommodations) or students requiring a Service and/or Comfort Animal (see Student Handbook Policy – Section IV. Code of Student Conduct – Behavior Education . . . L. Support Services for Individuals with Disabilities). However, the University does permit pet owners to walk their pets on campus “after hours” as set forth below. Animals are not permitted outside these designated areas or inside any Tusculum University building.

In an effort to better maintain the campus, pet owners are required to keep their animals within the confines of one of the two (2) designated pet areas on campus (see map below).



Should you choose to bring your pet on campus, the following rules will apply:

- Pets must have up-to-date vaccinations and flea/tick protection.
- Pets must be leashed at all times. Animals must not be permitted to initiate contact with anyone other than the owner, or engage in disruptive or aggressive behavior (e.g. sniffing, jumping up, rubbing, barking, growling, etc.).



- As an owner, it is your responsibility to clean up the animal's waste. All waste must be picked up and disposed of in a plastic bag in the trash can located in the designated area. Plastic bags will not be provided by Tusculum University – the owner is responsible for carrying bags for waste disposal.

By bringing your pet on campus, you agree that any damage caused by the animal to other individuals or the University's property is the sole responsibility of you as the pet owner.

Campus Safety has the authority to enforce these rules. Failure to abide by these rules will result in fines and/or remove of the animal from campus.

|                  |  |
|------------------|--|
| First Violation  | Warning/Removal from Campus                        |
| Second Violation | \$75 Fine/Removal from Campus                      |
| Third Violation  | \$150 Fine/Remove from and Prohibition from Campus |

Having a pet friendly campus and keeping the grounds in good shape is a community effort. If you notice other pet owners who are not following these rules, please report the violation(s) to Campus Safety at 423-636-7318.

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| <b>Disciplinary Action</b> |                           |                              |                |
|----------------------------|---------------------------|------------------------------|----------------|
| Reference Number<br>12.01  | Board Approval<br>10/2018 | Effective Date<br>10/12/2018 | Page<br>1 of 2 |

Tusculum University expects and requires that all its employees adhere to all rules and expectations contained in this Handbook. Further, the University 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 University utilizes a ninety (90) day introductory period during which the University may terminate the employment relationship immediately, with or without cause and with or without notice.

### **Progressive Discipline**

Generally, after the ninety (90) day introductory period, discipline will be progressive as indicated below; however, in the University'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 University's expectations regarding improvement. A memorandum should summarize the discussion (Form 21, Counseling Discussion), attaching additional explanation and/or documents if necessary and sent to the Human Resources Department to place in employee's personnel file.
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 University representative and sent to the Human Resources Department to place in employee's personnel file.
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 University to be inappropriate. A memorandum should summarize the issues (Form 23, Termination), attaching additional explanation and/or documents if necessary and sent to the Human Resources Department to place in employee's personnel file.

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

### **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 Chief Human Resources Officer regarding any disciplinary action taken against a staff member. The supervisor must immediately notify the Chief Human Resources Officer and the Provost/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 Chief Human Resources Officer for placement in the employee's personnel file. If the disciplinary action involves faculty, the documentation must also be provided to the Provost/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 Chief Human Resources Officer.

Any discipline beyond a verbal or written warning will be carried out by the Chief Human Resources Officer or Provost/Vice President of Academic Affairs, under the direction of the President of the University, who has ultimate authority regarding the termination of a Tusculum University 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<br>12.02                        | Board Approval<br>02/2018 | Effective Date<br>03/01/2018 | Page<br>1 of 1 |

Employment with Tusculum University is on an “at-will” basis unless formalized by a written contract between the individual employee and the University and signed by the President of the University. While the University 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 University policies is not eligible for rehire.

Voluntary Resignation – An employee who voluntarily resigns his or her employment is urged to notify the Director/Dean of their area and the Human Resources Department (preferably in writing) prior to the intended termination date giving a minimum of two (2) weeks’ notice. When possible, exempt employees are encouraged to provide one month’s notice to ensure proper transitioning and recruitment of replacement. Proper notice will allow the University 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/Dean 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 University 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.

An exit interview will be scheduled by the Human Resources Department and will be conducted on the employee’s last work day. Failure to be present for the scheduled exit interview will cause forfeiture of payment of PTO even if the minimum notice requirement has been satisfied.

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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