

VOLUME 3 — All-College Employment Policies

This volume III describes policies pertaining to all employees. They have been adopted by the Board of Trustees to comply with legal requirements and/or to meet a community or social need. The policies are subject to change by the Board of Trustees. In the case of changes, the policies will, in all cases, be given for review to appropriate internal governing bodies prior to their promulgation and taking effect.

3.1 Working Conditions and Institutional Policies

3.1.1 Categories of Positions

Employees at the college are hired either on a salaried or hourly-rate basis. Salaried employees include faculty members and administrators; hourly-rate employees include faculty assistants and other clerical and support services employees. It is to all these employees that this volume III is addressed.

Students are also employed by the college. Two student employment programs exist, called campus employment and work study. Work-study students are those identified by the financial aid office as eligible for payment under the Federal Work-Study Program. Campus employment students are not eligible for federal assistance; the college pays them out of its own funds. The campus employment program also covers temporary summer student workers including high school students who are at least 16 years of age. High school students will be paid on the regular hourly payroll. Benefits described in this volume III are not applicable to campus employment or work study workers.

It should be noted that hourly-paid employees and administrators are ineligible for institutional financial aid beyond the college course benefit described in the fringe benefits section. (See subsection 3.8.)

3.1.2 Transfer Between Positions

When persons transfer from one campus position to another or shift from one category of employment to another, they will be notified in writing prior to the transfer date whether conditions of employment and fringe benefits transfer with them or if they are considered new employees. Employees are expected to give their present supervisor notice of two weeks before the transfer date.

3.2 Employee Responsibility

All employees, by virtue of their employment by the college, agree to accept the responsibilities of membership in the college community and adhere to the Codes of Conduct.

3.2.1 Employee Code of Conduct and Ethics

Preamble.

As members of the college community all employees are responsible for sustaining the highest ethical standards of this institution, and of the broader community in which we function. The college values integrity, honesty, and fairness and strives to integrate these values into its teaching, research, and business practices. It is the intent of the Employee Code of Conduct and Ethics to protect academic freedom, to help preserve the highest standard of teaching and scholarship, and to advance the mission of the college.

Definitions.

1. The term college means Southwestern College.
2. The term “student” includes all persons taking courses at the college either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the college or who have been notified of their acceptance for admission are considered “students” as are persons who are living in the college residence halls, although not enrolled in this institution.
3. The term “employee” means any person hired by the college to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of its faculty and includes any full-time and part-time employee of the college who holds managerial, administrative, clerical, technical, skilled craft, service, or other positions designated by the college to be subject to these rules, policies, procedures, and benefits.
4. The term “member of the college community” includes any person who is a student, faculty member, college official, or any other person employed or contracted by the college. A person’s status in a particular situation shall be determined by the office of human resources of the college.
5. The term “college premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the college.
6. The term “organization” means any number of persons who have complied with the formal requirements for college recognition or registration.
7. The term “policy” means the written regulations of the college as found in, but not limited to, the Employee Code of Conduct and Ethics, the college Policy Manual, the College website, Computer Use Policy, and Graduate/Undergraduate Catalogs.

Proscribed Conduct.

A. Jurisdiction of the College Employee Code of Conduct and Ethics

The Employee Code of Conduct and Ethics shall apply to conduct that occurs on college premises, at college sponsored activities, and to off-campus conduct that adversely affects the college community and/or employee’s fitness to perform his/her professional responsibilities. Employees that have teaching responsibilities are also required to comply with the Faculty Duties, Obligations, Rights, Academic Freedom and Code of Ethics [Volume IV, 4.5] and Employee Code of Conduct. Each employee shall be responsible for his/her conduct throughout his/her employment relationship with the college.

B. Conduct—Rules and Regulations

Employees are required to comply with basic standards of conduct and professionalism as members of the college community. Failure to comply with the Employee Code may result in disciplinary action up to and including termination as outlined in [Volume IV, 4.11.6-4.11.8 and Volume V, 5.7.1.5 Discharge from Employment; Disciplinary Action policy]. This list is non-exhaustive and the college reserves the right to discipline employees for conduct not listed below.

1. Neglect of duty and/or lack of due care and/or diligence in the performance of duties.

2. Unsatisfactory job performance or failure to maintain reasonable standards of performance.
3. Inappropriate appearance including failure to maintain personal appearance or dress, including uniform or style of dress, according to departmental standards.
4. Poor attitude and discourtesy toward others (for example, rudeness or lack of cooperation).
5. Excessive absenteeism or tardiness, or an unacceptable pattern of absences.
6. Insubordination, including refusal to comply with a supervisor's instructions unless the instructions are illegal, endangering, or unethical.
7. Gambling while on duty.
8. Unauthorized use of the college's name or letterhead for personal business.
9. Theft, misappropriation, and/or unauthorized possession or removal of property belonging to the college, members of the college community, or other persons with whom the college has a business relationship.
10. Concealing, falsifying, altering, misusing, or removing records, including electronic data records.
11. Direct or indirect misuse of college resources, including property leased to the college, for other than officially approved activities (including, but not limited to, employees, facilities, mail service, supplies, equipment, and college computing and communication resources, including computers, networks, electronic mail services, electronic information sources, voicemail, telephone services, and other communication resources).
12. Smoking in unauthorized areas.
13. Sleeping while on duty.
14. Failure or refusal to cooperate in or interference with college disciplinary proceedings.
15. Violation of the Conflict of Interest Policy.
16. Unauthorized use of alcohol or being under the influence of alcohol while on college premises or working for the college.
17. Providing alcoholic beverages to any student under twenty-one (21) years of age.
18. Violation of safety rules and policies.
19. Employees must comply with all federal laws, state laws, agreements with third parties, and college policies and principles pertaining to the use, protection, and disclosure of various types of confidential, proprietary, and private information. Such policies apply even after the employee relationship with the institution ends. Refer to the Confidentiality and Privacy Policy.
20. Discrimination, including harassment, against another community member, including but not limited to students, faculty, staff, administrators, and independent contractors

on political grounds, or for reasons of race, religion, sex, age, disability, and any other basis prohibited by state, federal, and/or local law, or for other arbitrary or personal reasons. Where actions are found to have occurred that violate this standard, the college will take prompt action to cease the offending conduct, prevent its recurrence and discipline those responsible. Refer to the college's Discrimination and Harassment Policy.

21. Harassment of any person, including, but not limited to, violation of the Sexual Harassment Policy.
22. Violation of the Sexual Misconduct Policy. [Volume II, 2.2]
23. Misuse or abuse of college resources, including funds, equipment or facilities. College resources must be reserved for business purposes on behalf of the college. They may not be used for personal gain, and may not be used for personal use except in a manner that is incidental and reasonable in light of the employee's duties. College resources include, but are not limited to, the use of college systems, such as telephone systems, data communication and networking services, and the domain for electronic communication forums; and the use of college equipment; and the use of procurement tools such as purchasing cards and petty cash; and the time and effort of other employees, students, and others at the college.
24. Disruption or obstruction of lawful institutional activities and functions.
25. Threats, intimidation, physical contact, physical abuse harassment, coercion, and any other conduct which threatens or endangers the health or safety of any person.
26. Attempted or actual theft, unauthorized possession, and/or damage to property of the college, any person, or any other entity.
27. Possession or use on the college premises of any weapon (i.e. firearms and dangerous knives), dangerous instruments, explosive devices, fireworks, or dangerous chemicals.
28. Unauthorized use of institutional resources or facilities for personal, commercial, political, or other improper purposes.
29. Theft, abuse, and/or misuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual's identification and/or password.
 - d. Use of computing facilities and resources to interfere with the work of a student, employee, or college official.
 - e. Use of computing facilities to and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the college computing system.

- g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation of the college Computer Use Policy.
30. Violations of other published college policies in hard copy or available on the college website.
 31. Intentionally misrepresenting personal views as the position of the institution.
 32. Conviction of criminal acts which demonstrate unfitness as an employee, including but not limited to crimes of moral turpitude.
 33. Possession, distribution, sale or use, or being under the influence of, illegal drugs while on college premises, participating in college-sponsored activities, representing the college, or performing job duties. Illegal drugs, as referred to in this policy, include drugs that are not legally obtainable, as well as drugs that are legally obtainable but used for illegal and unauthorized purposes.
 34. Violation of policies as defined in the college Campus Community Policies. [Volume II] Employees must abide by all rules and laws governing the use of copyrighted materials, patented ideas, licenses, and proprietary information. Employees must refrain from any activity that constitutes infringement of individual or college intellectual property and properly attribute the ideas and work of others.
 35. Interference with disciplinary procedures, including but not limited to destroying or concealing evidence, providing false or misleading information, intimidation of witnesses, or inducing a witness to provide withhold information or provide false information.
 36. Improper documentation, destruction, or making false statements, alterations, deletions, or omissions on college forms, records, or reports including but not limited to production records, time records, employment applications, and medical records.
 37. Violation of Whistleblower Policy.
 38. Failure or refusal to cooperate in or interference with an investigation by the college.

3.3 Equal Opportunity and Affirmative Action

Southwestern College is committed to a policy of nondiscrimination harassment/non-harassment of any its students, employees or contractors based on an individual's race, religion, color, gender, age, national origin, ancestry, marital status, registered domestic partner status, medical condition, sexual orientation, gender identity, genetic characteristics, physical or mental disability or any other legally protected characteristic. See section 2.1 for a more complete statement of the college policy in relationship to equal opportunity and affirmative action.

3.4 Institutional Policy on Disability

3.4.1 Policy for Employing People With Disabilities

It is the policy of the college to comply with the Americans with Disabilities Act (ADA) and applicable local laws that forbid discrimination in employment against qualified individuals with disabilities.

3.4.2 Procedure for Employing People With Disabilities

The purpose of these procedures is to support equal opportunity in employment for all qualified persons with disabilities and to accommodate qualified individuals with disabilities.

In support of the college's policy to comply fully with the Americans with Disabilities Act (ADA) and other federal and state laws that prohibit discrimination in employment against qualified individuals with disabilities, the business office will use the following procedures:

- a. Review recruiting, advertising and job application procedures to provide persons with disabilities meaningful employment opportunities. Upon request, the college will make applications available in alternative accessible formats, such as providing assistance in completing employment applications. Pre-employment inquiries will be made only with regard to an applicant's ability to perform the duties of the position, not any disabling condition. However, the college may make pre-employment inquiries into the ability of an applicant to perform job-related functions and may ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions;
- b. A list of positions requiring pre-employment physical examinations is available from the office of the Director of Human Resources and stated in the job description and advertisements for such positions. Medical examinations of existing employees will be required only when job-related and justified by business necessity;
- c. Maintain all medical-related information in a confidential manner in separate confidential files;
- d. Provide reasonable accommodation to all persons with disabilities, whether applicants for employment or employees, except where making an accommodation would create an undue hardship on the college;
- e. Entitle all qualified employees with disabilities to equal pay and other forms of compensation (or changes in compensation) as well as job assignments, promotion and demotion, leaves of absence (including sick leave), fringe benefits, and other terms, conditions, or privileges of employment; and
- f. Notify all individuals with disabilities that the college provides reasonable accommodation to qualified individuals with disabilities, by including a statement to this effect in the college's policy manual and by posting the Equal Employment Opportunity Commission's poster regarding non-discrimination against the disabled and other protected groups in conspicuous places upon the college premises where notices to employees and applicants for employment are customarily posted.

3.4.3 Accommodation Procedures

- a. All requests for accommodation from qualified applicants and employees with disabilities must be in writing, contain the name, address, and telephone number of the person requesting the accommodation, and describe the types of accommodations and the reasons for which the accommodation is being requested. Requests for accommodation must be referred to the human resources office;
- b. Upon receipt of an accommodation request, the director of human resources will meet with the applicant or employee requesting the accommodation to discuss and identify the precise

limitations resulting from the disability and potential accommodations that could overcome those limitations;

- c. If necessary, the director of human resources will discuss potential accommodations with the individual's supervisor or potential supervisor. Additionally, the director of human resources may contact outside agencies specializing in providing technical assistance for the disabled, or consult with medical experts about potential accommodations;
- d. In order to identify a reasonable accommodation, the director of human resources will undertake these activities:
 1. Determine the purpose and essential functions of the job involved;
 2. Consult with the disabled individual to determine specific physical or mental abilities and limitations as they relate to the essential job functions. Identify the barriers to job performance and potential methods of overcoming these barriers; and
 3. Consult with the disabled individual to identify potential accommodations and assess the effectiveness of alternative potential accommodations;
- e. In order to evaluate potential accommodations, the director of human resources may do one or more of the following:
 1. Request a written statement from the disabled individual's physician to verify the disability and legitimate need for an accommodation;
 2. Require the individual to be examined by a medical expert selected by the college to help identify effective accommodations;
 3. Require the individual to be evaluated by a psychologist, psychiatrist, rehabilitation counselor, occupational or physical therapist, or any other professional with knowledge of the person's disability; and
 4. Require access to the individual's medical records;
- f. The director of human resources or a supervisor who has a need to know (e.g., the disabled individual's supervisor, or, if an applicant, prospective supervisor), will determine the feasibility of potential accommodations. Proposed accommodations will be reviewed by the director of human resources. The factors taken into consideration shall include, but may not be limited to, the following:
 1. The nature and net cost of the accommodations needed, including tax credits and deductions or outside funding available to the college;
 2. The financial resources of the college, the number of employees at the college, and the effect on expenses and resources of the college;
 3. The overall financial resources, size, number of employees, and location and types of facilities of the college;
 4. Consideration of special types of employment operations where, on a case-by-case basis, providing a particular accommodation might be an undue hardship; and
 5. The impact of making the accommodation on the operation of the college, including the impact on the ability of other employees to perform their duties and the impact on the college's ability to conduct business;

- g. The college is not required to make a reasonable accommodation if such accommodation would impose an undue hardship on the operation of the college. However, if a particular accommodation would impose an undue hardship, the college must consider whether there are alternative accommodations that would not impose such hardship.

An undue hardship is an action that requires significant difficulty or expense in relation to the size of the college, the resources available, and the nature of the operation.

The concept of undue hardship includes any action that meets one of these criteria:

1. unduly costly;
 2. extensive;
 3. substantial;
 4. disruptive; or
 5. that would fundamentally alter the nature or operation of the college;
- h. The director of human resources shall determine whether an accommodation can be made without causing the college undue hardship. All accommodation requests involving expenditures not budgeted shall be reviewed by the vice president for finance and chief finance officer approved by the president of the college prior to granting any accommodation;
 - i. It is the college's choice in choosing among several effective accommodations provides an equal employment opportunity. If there are two or more effective accommodations, the college may choose the least expensive accommodation, or the accommodation which is easiest to provide;
 - j. Once the decision is reached as to whether an accommodation can be made without causing the college undue hardship or how an accommodation will be made, the director of human resources will inform the applicant or employee of the college's decision regarding the accommodation;
 - k. Although the duty to accommodate is legally triggered by a request from an applicant or employee, situations may arise where an employee who is known to have a disability may have difficulty in performing the essential job functions. In these circumstances, the employee's supervisor may discuss the matter with the director of human resources. If it is determined that the employee should be approached about the possibility of the college's providing a reasonable accommodation, the director of human resources and the supervisor will jointly initiate a discussion with the employee about the need for an accommodation

3.5 Other Employment Policies

3.5.1 Hiring Relatives and Friends of Current Employees

The college will not prohibit the employment of relatives in the same administrative or academic units, provided that one relative does not participate in making recommendations or decisions affecting the appointment, retention, promotion, demotion, or salary of the other relative, and provided that no preferential policy towards a relative be used to deny equal opportunity to others. It is college policy that no more than two members of the same family may be employed to work in the same administrative or academic unit on an ongoing basis. In unusual circumstances, the president of the college will develop an alternative supervision structure to

permit relatives to continue in positions at the college. In addition, any relative hired by the college must meet normal faculty or staff selection qualifications. For purposes of definition, relative means spouse, mother or father, mother-in-law or father-in-law, son or daughter, brother or sister, son-in-law or daughter-in-law, aunt or uncle, grandparent, and grandchild.

Nothing in section 3.5.1 will be interpreted to afford a preference in process or practice in the hiring of a relative.

3.5.2 Immigration Status Policy

All employees hired by the college must present documentation establishing their identity and employment authorization in accordance with the immigration laws of the United States within 3 days of hire.

Any employee failing to provide proper documentation as specified above, upon request, shall be ineligible for hire or continued employment with the college. Such failure shall be just cause for discharge of any employee, regardless of contract rights.

3.5.3 Sale of Employee Created Materials

College employees may occasionally, at their own expense, create materials which have commercial value and to which they retain intellectual property rights when those creations are sold for profit in markets outside the college. Examples of such protected products include a book, article, consulting materials, or presentation for which the employee receives a fee or royalties. Products that are the result of a direct college assignment for the employee and involve the expenditure of college resources or which are incurred in the fulfillment of assigned duties are not automatically the property of the creator. The disposition of proceeds from all such work will be negotiated by the employee with the college.

Generally, conflicts of interest relating to the sale of employee-created materials to students or colleagues are to be avoided. In some cases, materials created by a faculty member that are private in origin may legitimately be required for purchase by Southwestern students in a course or program in which the faculty member is teaching. In such a case, the faculty member shall seek the approval of the vice president for academic affairs, dean of the college in advance of publishing the requirement to students. These materials shall be provided at cost and without profit to the faculty member unless approved by the vice president for academic affairs, dean of the college. A possible exception to this policy is a published textbook, software, or other materials wherein the faculty member is an author and is guaranteed profits from royalties. In that case, the author's rights to profits accruing from the purchase by the faculty member's students shall be affirmed in the faculty member's contract.

Generally, the appropriate vice presidential level supervisor (vice president for academic affairs, dean of the college for faculty members) will routinely resolve any issues relating to the disposition of the proceeds from the sale of materials created by the employee. This decision shall be made in consultation with the employee and that employee's immediate supervisor. In the event that agreement is not possible or the situation is unusually difficult to assess, the matter shall be referred to the creative works and intellectual property committee. The committee shall then make a recommendation to the president, whose decision is final.

3.5.4 Proper Attire

The nature of the employee's position with the college will determine the type of attire that will be appropriate for work. All college employees are expected to dress in a professional manner which will present an appropriate image of the college to the community. Any specific attire requirements for particular positions will be reviewed with the employee by the employee's supervisor.

3.5.5 Outside Activities that Compete with College Operations

Employees are required to conduct their activities on behalf of the college with good faith and loyalty. Employees may not compete with the college or convert business opportunities of the college to their personal gain or advantage or the gain or advantage of another. Employees may not convert confidential information or trade secrets of the college to their personal gain or advantage or the gain or advantage of others. Doing so can lead to a formal reprimand or, depending upon the seriousness of the action, furnish grounds for dismissal.

In the event that an employee asked to provide a service to another institution, (e.g. teach a course or conduct a program), permission to provide that service should be secured.

3.5.6 Identification Card

It is required that all employees contact the business office after employment to obtain an identification card. These can be used as identification for library facilities and other activities on campus.

3.5.7 Conflict of Interest Policy for Employee-Student

An individual's status as an employee takes precedence over the employee's status as a student. There may be instances where policies or laws for students on a particular subject will differ from policies or laws for employees on that same subject. In those instances, employees must follow the policy as it applies to employees and may not claim that they are exempt from an employee policy due to their additional status as a student. In order to avoid conflicts of interest, full-time employees may not seek or hold a student office, either elected or appointed. An employee may not work on school assignments during work hours, unless the employee has obtained special permission from the appropriate supervisor.

In cases where an employee has a work-related issue, the employee must utilize the policies and procedures applicable to employees. Issues arising as a result of an employee's status as a student must be resolved according to policies and procedures applicable to students.

Individuals who are employees and students of the college are responsible for their conduct in both arenas.

3.5.8 Conflict of Interest Policy

The following Statement of Policy applies to each person who is identified pursuant to this policy as having substantial influence over college affairs. It is intended to serve as guidance for all persons who accept the significant responsibility of serving the college in these capacities. The purpose is to protect the college's interests when it is contemplating entering into a transaction or arrangement that might benefit the private interests of a person who has substantial influence over college affairs. This policy is intended to supplement but not replace any laws governing conflicts of interest applicable to non-profit and charitable corporations.

Persons in responsible positions are involved in the affairs of other institutions and organizations, as well as other constituencies of the college. However, persons who have substantial influence over college affairs serve the college and have a clear obligation to conduct the affairs of this institution and fulfill their responsibilities in a manner consistent therewith. All decisions of persons who have substantial influence over college affairs are to be made solely on the basis of a desire to promote the best interests of the college. The integrity of the college must be protected and advanced at all times.

Consequently, each person with substantial influence over college affairs is obliged (1) to disclose any known conflict of interest and to avoid participating in any decision or advocating any subject matter before the Board of Trustees or other decision maker in which the person has a conflict of interest; and annually (2) to disclose any possible personal, familial, business or other relationship that reasonably could give rise to a conflict involving the college; and (3) to acknowledge by his or her signature that he or she is in accordance with the letter and spirit of this policy.

3.5.8.1 Definitions

Interested Person: Any person who is identified pursuant to this policy as having substantial influence over college affairs who has a direct or indirect financial interest, as defined below, is an interested person.

Financial Interest: A person has a financial interest if the person has, directly or indirectly, through business, investment or family (a) an ownership or investment interest in any entity with which the college has a transaction or arrangement, or (b) a compensation arrangement with the college or with any entity or individual with which the college has a transaction or arrangement, or (c) an actual or potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the college is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are more than incidental. "Family" includes a spouse, parent or other ancestor, sibling (or spouse), child (or spouse), grandchild (or spouse) or great-grandchild (or spouse), or any other relative if the latter resides in the same household as the interested person.

Persons Who Have Substantial Influence Over the Affairs of the College: A person has a substantial influence over the affairs of the college if the person: (a) has ultimate responsibility for implementing the decisions of the Board of Trustees or supervising the management, administration or operation of the college; or (b) has ultimate responsibility for managing the college's finances. Other persons may also be determined to have substantial influence over the affairs of the college depending upon the particular facts and circumstances. Other indicators of substantial influence include the following: (a) the person has, or shares, authority to control or determine a substantial portion of the college's capital expenditures, operating budget and/or employee compensation; (b) the person manages a discrete segment or activity of the college (department head and/or director); (c) the person, by virtue of their position at the college, is in a position to know and personally benefit from information obtained in the performance of their duties. Using these standards as a guide, the vice president for finance shall make the final determination as to who constitutes a person having a substantial influence over the affairs of the college.

Covered Person: Persons who have substantial influence over the affairs of the college.

3.5.8.2 *Procedures*

Duty to Disclose: In connection with any actual or possible conflict of interest, an interested person must disclose the existence and nature of his or her financial interest to the president.

Determining Whether a Conflict of Interest Exists: After disclosure of the financial interest, the president shall determine if a conflict of interest exists. If so, the interested person shall not take part in the president's evaluation of, or decision upon, the transaction or arrangement.

Procedures for Addressing the Conflict of Interest: (a) The president shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement; (b) the president shall exercise due diligence with respect to the transaction/arrangement, including when practicable, the gathering of appropriate data from comparable transactions/arrangements; (c) the president shall determine whether the proposed transaction or arrangement is in the college's best interest and for its own benefit, whether the transaction is fair and reasonable to the college, and whether it reflects the fair market value of the goods/services being provided and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

Violations of the Conflicts of Interest Policy: (a) If the president has reasonable cause to believe that a covered person has failed to disclose actual or possible conflicts of interest, he/she shall inform the covered person of the basis for such belief and afford the covered person an opportunity to explain the alleged failure to disclose; and (b) if, after hearing the response of the covered person and making such further investigation as may be warranted in the circumstances, the president determines that the covered person has in fact failed to disclose an actual or possible conflict of interest, he/she shall take appropriate disciplinary and corrective action. If the president fails to make such disclosure with respect to his/her own conflicts of interest, the tasks referred to in (a) and (b) shall be performed by the Board of Trustees or a committee thereof, or the designee of either of them.

3.5.8.3 *Records of Proceedings*

The president shall maintain written records of decisions that are made under this policy which shall contain: (a) the names of the persons who disclosed or otherwise were found to have a financial interest in connection with the proposed transaction or arrangement, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the president's decision as to whether a conflict of interest in fact existed; (b) the names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection therewith; (c) the material terms of the transaction or arrangement that was approved and the date approved; (d) the data from comparable transactions/arrangements obtained and relied upon by the president and how it was obtained; and (e) if the final decision is inconsistent with the data from comparable transactions/arrangements, the justification for this discrepancy.

3.5.8.4 *Annual Statements*

Each covered person shall upon his/her association with the college and annually thereafter sign and deliver to the president a statement which affirms that such person: (a) has received a copy of this conflict of interest policy, (b) has read and understands the policy, (c) has agreed to comply with the policy, and (d) understands that the college is a charitable organization and that

in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes. ([Appendix A – Disclosure/Certification document](#))

3.5.9 Outside Employment

Any employee seeking employment in a second position outside the college shall obtain the prior approval of the employee's supervisor or, in the case of faculty, the supervisor and the dean of faculty, excepting summer employment during the time period not covered by the faculty member's contract. If the supervisor determines that this employment jeopardizes either the employee's fulfillment of responsibility at the college or the mission of the college, the supervisor shall ask the employee in writing to terminate the additional employment by a specified date. If the employee declines to terminate the other employment, the supervisor may initiate processes whereby the employee will be dismissed from the employment of Southwestern College. The employee may appeal this action by using the grievance process outlined for administration and staff in Volume VI section 5.10 or, for faculty, the grievance process defined in Volume IV section 4.12.

3.5.10 Drug and Alcohol Policy

Southwestern College affirms its long-standing support of abstinence from both alcohol and illegal drugs. Southwestern supports the strict administration of regulations governing these substances and will enforce the guidelines set forth by various college programs. The program guidelines include but are not limited to: student affairs regulations, study abroad travel policy, Southwestern College travel policy, alumni relations policy, policies as set forth in the staff handbook, etc. Copies of the guidelines that govern each program are available from the business office.

The possession, use, or distribution of alcoholic beverages or illicit drugs by students or employees is strictly prohibited on the property of the college, even if an activity does not involve students or employees. No college funds will be expended for the purchase of alcoholic beverages or illicit drugs at any group activity taking place on or off college property (e.g. alumni event, campaign reception, etc.).

3.5.10.1 Students:

Students subject to these penalties will be afforded all due process rights to which they are entitled by law or under current policies affecting student discipline. In addition to the above sanctions, a student may be required to meet with a campus counselor. In lieu of suspension or expulsion a student may be required to complete a drug or alcohol abuse education or treatment program as a condition of continued enrollment. The cost of completing such a program will be the responsibility of the student.

3.5.10.2 Employees: Drug-Free Workplace

Employees are prohibited by law and by college policy from providing alcohol to persons under the age of 21 at any time or in any location. Employees are also prohibited from possession of alcoholic drinks on college property. The law prohibits the possession and distribution of any kind of illegal drugs at any time. The possession of illegal drugs or alcohol by an employee on college property is grounds for discipline or dismissal.

Employees are required to notify the college in writing of any criminal drug statute conviction for a violation occurring in the work place no later than five calendar days after such violation. Employees are also required to notify the college of any conviction relating to the illegal use of drugs or alcohol (e.g. driving under the influence, transporting liquor in opened containers, obtaining prescription-only drugs by fraudulent means, possession or sale of illegal drugs, etc).

Employees who observe a co-worker under the influence of alcohol or drugs on the job should report the incident by filling out a form that is available from the director of human resources. The form can be given to either the vice president or the employee's supervisor.

Employees who violate the terms of this policy may be reported to the appropriate law enforcement officials and may be subject to any of the following sanctions:

- a. Short term suspension with pay;
- b. Short term suspension without pay;
- c. Long term suspension without pay;
- d. Termination or dismissal from employment;
- e. Required participation in a drug and alcohol education, treatment, counseling, or rehabilitation program.

In addition to any suspension imposed as discipline, the employee may be required to participate in a drug and alcohol education treatment, counseling, or rehabilitation program. The cost of participation in such a drug or alcohol program is the responsibility of the employee. Failure to participate and complete a program, if required, will be grounds for termination or dismissal from employment.

Prior to applying sanctions under this policy, employees will be afforded all due process rights to which they are entitled under their contracts, if applicable. Nothing in this policy is intended to diminish the right of the college to take any other disciplinary action which is provided for in college policies.

3.5.10.2.1 Legal Sanctions

Local, state, and federal statutes prohibit furnishing alcohol to a minor, purchase or consumption of alcohol by a minor, driving while under the influence of alcohol or drugs, vehicular homicide, vehicular battery, transporting liquor in opened containers, obtaining a prescription-only drug by fraudulent means, and possession, use, sale of illegal drugs, stimulants, or anabolic steroids. Penalties range from fines through misdemeanor and felony charges.

3.5.10.2.2 Health Risks

The risks of using alcohol include but are not limited to impaired judgment, alcoholism, liver damage, pancreatitis, and congestive heart failure. The risks of using sedatives, hypnotics, and tranquilizers include but are not limited to nausea, vomiting, anxiety, blurred vision, respiratory depression, addiction, and death from overdose or unsupervised withdrawal. The risks of using narcotics include but are not limited to AIDS, hepatitis, and skin infections from non-sterile injections, endocarditis, addiction, and coma or sudden death from overdose. The risks of using inhalants include but are not limited to psychosis, accidental suffocation, heart failure, kidney failure, and bone marrow disorders.

3.5.10.2.3 Help and Information

The college will provide information and educational programs that attempt to keep the campus community informed about the consequences of using and misusing intoxicating alcohol and illegal drugs. Help is available for those persons who seek it. Employees are encouraged to initiate contact with their supervisor, counselor, a faculty member, or administrator who will work with them confidentially or refer them to an off-campus source of help.

3.5.11 Employee Safety/On-the-Job Injury and Illness

Safe working conditions are of primary importance throughout the college.

Each employee shall report any unsafe conditions to an appropriate supervisor. Typical examples of unsafe conditions include, but are not limited to, the following: wet or slippery floors; equipment left in such a manner as to be a safety hazard; defective or broken equipment; careless handling of equipment; all defective electric outlets, lamps, etc.

In the case of work-connected injury or illness, the employee's supervisor and the Business Office must be notified and a form for reporting the incident must be filed at the Business Office within 24 hours of the injury or illness and, if necessary, the employee must seek immediate medical care.

3.5.12 Health and Safety Policies

All employees are expected to be fully informed concerning the college's health and safety policies in Volume II, section 2.4.5. Volume II section 2.4.7 implements the Employee Right to Know Act of 1983 concerning the worker's right to know procedures for working with and Volume II Appendix 2.17 handling hazardous and toxic chemicals.

3.5.13 Family Members in the Work Place

Family members, including children, not employed by or a student of the college, are not allowed at the work place of any employee except for occasional, limited visits. Family members employed by the college or a student of the college are permitted in the work place of the employee as required for work or education-related reasons.

3.5.14 Flower Fund

The flower fund is maintained to provide flowers at the hospitalization or death of an employee, at the birth of an employee's child, or at the death of an employee's immediate family member (spouse, child, parent). This fund may also be used for the benefit of long-term former employees. When it is known that an occasion should be remembered, the Office of the President should be notified.

3.5.15 Flower Policy

The college will send flowers in the following situations, through the President's Office. If a division would like to do something in addition to what the college does, it will be considered personal pay. Or, if the college will not be sending flowers and there is an individual or group wishing to do so, this will be done on their own.

The college will send flowers when a death occurs in the employee's family – spouse, domestic partner, child, stepchild, parent, stepparent, grandchild, father-in-law, and mother-in-law.

For current trustees, former trustees, emeritus trustees, and honorary trustees, flowers will be sent when a death occurs in the family – spouse, domestic partner, child, stepchild, and grandchild.

Death in a donor's family will be considered on a case-by-case basis and the determination will come through the Institutional Advancement Office in conjunction with the president. An I.A. representative will contact the President's Office when flowers are to be sent and provide the condolence message.

3.5.16 Personnel Files

Personnel files are kept on each employee. They are the property of the college and access is restricted. Only supervisors and management have a legitimate reason to review information in a file. A current employee or a former employee may submit a request in writing to the director of human resources to view their personnel file. With advance notice the individual may review the file in the business office in the presence of an individual appointed by the college. Employment files will be kept for 7 years beyond the date of separation of employment with the college.

3.6 New Employees

3.6.1 Orientation

New employees shall be given a comprehensive orientation by the director of human resources or that person's designee. The intent of the orientation is to bring the new employee in contact with the various resource persons within the first few days of work.

Orientation will include:

Business Office (Benefits). All new employees should discuss the various health insurance options and other benefits available.

Campus Tour. All new employees will have a tour provided by the admissions office accompanied by the new employee's supervisor. Admissions will provide a comprehensive tour of the campus while the supervisor will introduce the new employee to other college personnel in their respective offices.

Computer Users. New computer users will meet with a IT staff member for an orientation to the operation of the computer as it relates to their areas of responsibility. Additional time should be provided for these persons to receive adequate training concerning specific office needs. All new employees shall receive a copy of the institution's computer use policy (Volume II section 2.11).

Employee Representatives. New employees will meet with their respective group representative to receive insight on the group who represents their particular area.

Sexual Harassment. Information will be given on reporting and preventing sexual harassment.

Identification Card. All new employees should already have their Southwestern College I-D card. This card may be used for admittance to events at Southwestern College.

3.6.2 Forms and Applications

The following information must be returned to the business office within three days of employment and should be updated during employment to reflect changes in address, marital status, or number of dependents.

Personnel Application. If a personnel application form was not filed prior to employment, one must be completed within three (3) days after beginning work.

Form W-4 Employee's Exemption Certificate. This certificate must show the employee's social security number and the number of exemptions claimed for income tax purposes.

Form I-9 Employment Eligibility Verification. This verification will require two forms of ID and must be completed within the first 3 days of employment. A list of acceptable documents is available at the business office.

Life Insurance Application. Application for participation. The college pays the premium cost for a \$20,000 life policy for employees working at least 30 hr per week.

Health/Dental Insurance Application. Information is available at the business office. A new employee has 30 days from date of hire to make a health insurance decision. Coverage will begin at the 1st of the month following employment. Premiums are deducted from salary checks (one-half from each check if two checks are issued during the month) to make payment. The college pays the premium at the beginning of the month and the employee reimburses the college with premium deductions out of their checks during the month. Persons with health insurance coverage elsewhere must provide proof of coverage in order to be waived from participation in the group policy. If an employee chooses not to enroll in health/dental insurance in the 30-day period they will not become eligible again until open enrollment which is the first day of October of each year unless a qualifying event happens. A qualifying event is the birth/adoption of a child, marriage, divorce, or loss of insurance. An employee must enroll within 30 days of the qualifying event. It is the responsibility of the employee to notify the business office about a qualifying event. Upon separation of employment, health and dental insurance coverage ends on the last day of the month that the separation occurs. Continuation of coverage is available through COBRA.

Flexible Benefits (Section 125) Pre-Tax Program. Employees who participate in the health/dental insurance program at Southwestern may also participate in the Flexible Benefits Program administered by AFLAC. Health care premiums paid by the employee through payroll deduction may be on a pre-tax basis. Participation in the pre-tax program is based on the plan year. If the employee participates in the pre-tax program, pre-tax changes cannot be made until open enrollment which is every October 1 unless there is a qualifying event (See health section above). If the employee does not want to participate in the pre-tax option, a waiver must be completed by October 1 of each year at the business office.

TIAA & CREF Retirement . Regular retirement is offered to all new full time employees and to all part time employees working at least 20 hours per week. The college will contribute 5% of the salary or wage of the employee toward TIAA-CREF Teachers Insurance and Annuity Association and College Retirement Endowment Fund retirement programs. Employees also have the option to contribute 5% from their paycheck. Employees desiring this option should make the choice known when application for the program is made.

Eligibility: All eligible employees are eligible to participate in the Retirement Plan immediately upon employment.

Supplemental Retirement Annuity (SRA)TIAA-CREF. The employee, at any time, can choose to contribute extra retirement money into a SRA. Applications may be completed at the

business office. Maximum contributions are based on IRS rules. A tax-sheltered plan is available as an alternative program.

College Handbook. Each new employee will be given the on-line address of the handbook. The employee will sign a form indicating they have received the address. The form should be returned to the office of human resources.

3.7 Compensation Policies

3.7.1 Salary Payments

Checks for salaried employees and specially contracted employees (including adjunct instructors) are available on the last banking day of the month. Payroll checks for hourly employees are issued every two weeks on Friday. They are calculated from the information submitted on the time cards covering the preceding two weeks. A statement of deductions accompanies each check. Employees may select direct deposit, employee's campus mailbox, U. S. mail or pick up at the business office, depending on the instructions provided by the employee to the business office.

3.7.2 Withholdings

The basic college procedure provides for the withholding of certain amounts, usually for taxes and welfare programs. The amounts withheld are subject to change during the contract year if such changes are necessitated by factors outside the control of the college administration.

3.7.3 Payroll Directives

The business office is to receive instructions concerning payroll matters only from the following sources: (1) the vice president for finance, chief financial officer for non-contracted personnel, (2) the president for contracted personnel, (3) the vice president for academic affairs, dean of the college for part-time faculty. Changes and new contracts must be submitted to the business office at least 5 days before the payroll payment date, otherwise, new information will not become effective until the next pay period.

3.8 Fringe Benefits

3.8.1 Mandatory Benefits

3.8.1.1 Worker's Compensation

An employee injured while on duty is protected under worker's compensation. All accidents must be reported to the proper supervisor within 24 hours. It is the responsibility of the supervisor to inform the business office the same day. Even if the injury is minor it should be reported. Employees who do not report injuries and illnesses promptly may jeopardize their coverage.

3.8.1.2 Social Security

Social security is carried for all employees except for certain individuals who are classified as self-employed. Benefits accrue each month under this program.

3.8.1.3 Unemployment Compensation

Employees of the college are eligible for unemployment compensation benefits. Those who leave the employment of the college because there is a "lack of work" are entitled to the benefits

of this plan. Employees should be aware that voluntary termination or discharge for cause are not normally covered by unemployment compensation.

3.8.1.4 *Employment Retirement Income Security Act of 1974 (ERISA)*

Employees are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all plan participants shall be entitled to the following:

- Examine, without charge, at the office of the director of human resources, all plan documents, including insurance contracts, and copies of all documents filed by the administrator, the director of human resources, and with the U.S. Department of Labor, such as annual reports and plan descriptions;
- Obtain copies of all plan documents and other plan information upon written request to the plan administrator. The administrator will make a reasonable charge for the copies; and
- Receive a summary of the plan's annual financial report. The plan administrator is required by law to make available to each participant a copy of this summary financial report.

In addition to creating rights for plan participants, ERISA imposes duties upon the people who are responsible for the operation of the employee benefit plan. The people who operate an employee's plan, called fiduciaries of the plan, have a duty to do so prudently and in the interest of the employee and other plan participants and beneficiaries.

No one, including an employee's employer or any other person, may fire the employee or otherwise discriminate against the employee in any way to prevent the employee from obtaining a benefit from this plan or exercising rights under ERISA. If an employee's claim for a benefit is denied, in whole or in part, the employee must receive a written explanation of the reason for the denial. The employee has the right to have the plan administrator review and reconsider the claim.

Under ERISA, there are steps an employee can take to enforce the above rights. For instance, if the employee requests materials from the plan and does not receive them within 30 calendar days, the employee may file suit in federal court. In such a case, the court may require the plan administrator to provide the materials and pay an employee up to \$100 a day until the employee receives the materials, unless the materials were not sent because of reasons beyond the administrator's control.

If an employee has a claim for benefits which is denied or ignored, in whole or in part, the employee may file suit in a state or federal court. If it should happen that the plan fiduciaries misuse the plan's money, or if the employee is discriminated against for asserting rights, the employee may seek assistance from the U.S. Department of Labor or file suit in federal court. The court will decide who should pay court costs and legal fees. If the employee is successful, the court may order the person whom the employee sued to pay these costs and fees. If the employee loses, the court may order the employee to pay these costs and fees.

Questions about the plan should be directed to the plan administrator. An employee should contact the nearest Area office of the Labor-Management Services Administration, U.S. Department of Labor for questions regarding this statement or about rights under ERISA.

3.8.1.5 Health Insurance Continuation (COBRA)

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) requires that employers who sponsor group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) at group rates in certain instances where coverage under the plan would otherwise end. Under COBRA, the employee or beneficiary would pay the full cost of the coverage at the college's group rates plus an administrative fee. When an employee becomes eligible to participate in the college health plan, a written notice is given describing rights granted under COBRA. This is intended to inform, in a summary fashion, of rights and obligations under the continuation coverage provisions of the law.

An employee, the employee's spouse, or dependent become qualified beneficiaries if the employee, the employee's spouse or dependent are covered under the employer's group health plan and would lose coverage upon the happening of one of the following events (called a qualifying event). It is the responsibility of the employee to notify the business office of a qualifying event.

Qualifying Events

- a. Death of the covered employee;
- b. Termination (for reasons other than gross misconduct) or reduction of hours of the covered employee's employment;
- c. Divorce or legal separation of the covered employee from a spouse;
- d. Entitlement of the covered employee for Medicare; or
- e. Dependent ceases to be dependent child under the group health plan.

In such a case, each qualified beneficiary would have the right to elect to choose continuation coverage if the group health coverage would be lost. The employee, employee's spouse, or dependent children (where applicable) would each, as a qualified beneficiary, have the option to select continuation coverage for a period shown as follows:

Reason for Termination under Group	Period
Voluntary termination of employee	18 months
Involuntary termination of employee (except for gross misconduct)	18 months
Reduction in work hours of employee	18 months
Disability of employee as determined under the Social Security Act	29 months
Death of employee	36 months
Divorce or legal separation	36 months
Employee becomes entitled to Medicare	36 months
Dependent child no longer qualifies as dependent under group health plan	36 months

3.8.1.5.1 Special Rule for Multiple Qualifying Events

If the employee elects continuation coverage following a termination of employment or reduction in hours and, during the 18 month period of continuation coverage, a second event (other than a bankruptcy proceeding) occurs that would have caused the employee to lose coverage under the plan (if the employee had not lost coverage already), the employee may be given the opportunity to extend the period of continuation coverage to a total of 36 months. If a beneficiary elected continuation coverage as the spouse, or dependent of a covered employee who experienced a termination of employment or reduction in hours and, during the continuation period, the employee or former employee became entitled to Medicare, the beneficiary may be given the opportunity to extend coverage for 36 months from the date the covered employee becomes entitled to Medicare.

3.8.1.5.2 Special Rule for Retirees and Newly Acquired Dependents

The retiree, spouse, or dependent of a retiree whose employer's group health plan is lost or substantially eliminated within one year before or after the employer's filing of a Title 11 Bankruptcy can elect to remain in the employer's group health plan until the retiree's death. After the retiree's death, the retiree's survivors can obtain up to an additional three years of continuation coverage.

Newly acquired dependents of qualified beneficiaries, such as children and spouses, are to be given the same opportunity to obtain coverage as for an employee with, and under the same conditions as, such dependent's coverage. The newly acquired dependent's coverage is not as a qualified beneficiary, and as such, their continuation coverage will end upon termination of the qualified beneficiary's continuation coverage.

The continuation coverage will not be conditioned on a physical examination or other evidence of insurability, and will be the same health coverage offered to college employees with very few exceptions. Please remember that the beneficiary will be required to pay the entire premium for this continued coverage and an administrative fee. Under COBRA, the employee's supervisor must notify the business office within 30 calendar days of an employee's death, termination of employment or reduction in work hours. The employee must notify the business office when eligible for Medicare entitlement, and of bankruptcy proceedings. In these cases, the business office must then notify the qualified beneficiary of the right to elect continuation coverage. This notice must be provided within 14 calendar days after the business office receives notice that one of these events has occurred. However, with respect to multi-employer plans, to the extent the plan so provides, the college may have an extended period of time for notifying the plan administrator of one of the qualifying events, and the plan administrator also may have an extended period for providing notice to the qualified beneficiary.

In all other cases, the employee or family member has the responsibility to notify the business office of a divorce, legal separation, a child losing dependent status, a disability as determined under the Social Security Act, or a newly acquired dependent under the group health plan. In these cases, the employee has 60 calendar days from the date that the employee would lose coverage because of one of the events described previously or notify the business office of the qualifying event. In all cases, the beneficiary has 60 calendar days from the date of the notice from the business office or from the date the beneficiary would lose coverage, whichever is later, to inform the health provider that the beneficiary wants continuation coverage. The election of continuation coverage is deemed to include an election for family members who will also lose

coverage under the group health plan unless otherwise specified. The continuation coverage extends from the date of one of the events described previously to:

- 18 months, in the case of termination or reduced work hours, 29 months, in the case of disability, or 36 months, in all other cases described previously except retirees and newly acquired dependents. See “Special Rule for Retirees and Newly Acquired Dependents.”
- The date the college no longer provides any group health plan to its employees.
- The premium for continuation coverage is not paid on time.
- The person whose coverage is being continued becomes covered under another group health plan unless the other plan contains an exclusion or limitation with respect to a pre-existing condition.
- The person whose coverage is being continued becomes entitled to Medicare benefits (unless the qualifying event is the employer’s Title 11 Bankruptcy).

The beneficiary is divorced from a covered employee, subsequently remarries and becomes covered under another group health plan, in which case the beneficiary can continue until the maximum allowed period of termination or upon being covered for pre-existing conditions, if the new plan excludes or limits benefits for the pre-existing condition coverage plan covers it, whichever occurs first.

To prevent a lapse in coverage, if the beneficiary selects continuation coverage, the beneficiary can pay any required premium within 45 calendar days after the election. If the college group health plan provides a conversion privilege to other beneficiaries, the college must also provide the beneficiary and family members with the opportunity to enroll under a conversion health plan during the 180-day period preceding the date that continuation coverage expires.

3.8.1.5.3 Independent Contractor and Other Service Performers

Self-employed individuals, independent contractors and agents, and directors who are (or were) covered by a group health plan maintained by an employer for one or more common law employees may also be eligible for continuation coverage. Continuation coverage is provided if the individual was covered under the employer's group plan by virtue of performing services for the employer.

3.8.1.5.4 Insurance for Workers 65 Years of Age

COBRA also affects the rights of employees and their spouses, who are over 65 years of age. The college must offer employees, and their spouses, age 65 and over, “working aged,” the same health insurance coverage that is offered to younger workers and their spouses. The college, at the discretion of the president, may occasionally agree to continue health insurance coverage for a limited time for a retired or semi-retired employee, normally between the ages of 62 and 65.

3.8.1.5.5 Administrative Information

The college’s plan administrator is the vice president for finance. A summary of the plan may be obtained from the business office. In the event that federal, state or local laws require different or larger benefits than stated in this volume the college will comply with the law.

3.8.2 Carrier Benefits

3.8.2.1 Retirement TIAA/CREF

The college will contribute 5% of the salary or wage of the employee toward TIAA-CREF Teachers Insurance and Annuity Association and College Retirement Endowment Fund retirement programs. Employees also have the option to contribute up to 5% from their paycheck. A tax-sheltered plan is available as an alternative program. Employees desiring this option should make the choice known when application for the program is made.

Eligibility: All eligible employees, working at least 20 hours per week, are eligible to participate in the Retirement Plan immediately upon employment.

3.8.2.2 Life Insurance

The college carries a group life insurance policy for each employee. The college pays the premium for a \$20,000 policy for each employee working at least 30 hours per week. Employees who leave the college may assume the total premium payment and continue the coverage. Information is available at the business office.

3.8.2.3 Health Insurance

Health insurance plans are available at group rates to all employees working at least 20 hours per week. Information regarding these plans is available at the business office.

When employees leave they may continue on the college health insurance plan at their own expense. This continuation option provides for varying periods of coverage and is at a rate established pursuant to COBRA regulations. Persons electing this option must make a selection regarding continuation coverage and should contact the business office for complete information.

3.8.2.4 Health Insurance for Retirees Over Age 65 Working Part-Time

Southwestern College retirees working less than 30 hours per week but more than 15 will be eligible to continue under the college medical plan as a retiree. Coverage will be provided through a Medicare supplement plan on a basis secondary to Medicare parts A & B only. (When the retiree loses eligibility as a full time employee, it is the retiree's responsibility to elect and pay for Medicare parts B & D. In no way will the college assume responsibility for gaps in coverage for the employee or their spouse's failure to elect coverage on a timely basis.) The coverage will be available to both the retiree and their spouse, provided the retiree continues to work part time and any required premium is paid. Once the retiree no longer works part time or works less than the 15 hours per week, the coverage will terminate and the retiree will be responsible for securing alternate coverage. The college will pay the lesser of the Medicare supplement premium cost for the employee (the spousal premium will be the employee's responsibility) or the amount of the health annuity benefit the college contributes toward all employees participating in the college's group health insurance plan.

3.8.2.5 Long-Term Disability Insurance

The college pays the cost of this group plan, which is available to full-time employees working at least 30 hours after one year of continuous employment with the college unless verification of disability insurance with the previous employer is provided. The plan provides an income benefit if the employee becomes disabled. Generally the benefit is available after a six-month waiting period, application, and proof of disability. Monthly income benefits are calculated at 60% of the wage base or \$5000, whichever is lower. The amount paid will be made up through disability

and social security disability insurance. Employees participating in the retirement program are also covered for payment of retirement contributions. This portion of the benefit is calculated on the original wage base.

3.8.3 Institutional Benefits

3.8.3.1 Tuition Benefits

3.8.3.1.1 Trustee Tuition Grants

When a faculty member, administrator, or staff member works full time at the college, trustee grants are available to cover all or part of tuition for that employee's spouse and unmarried dependent children through age 24 unless the spouse or dependent child is also employed by Southwestern (and governed by section 3.7.3.2.3). Spouses may enroll as undergraduate students either in on-campus or professional studies programs. Dependent children may enroll as undergraduate students in on-campus programs and are also eligible to apply for participation in the tuition exchange programs described in the next section.

Trustee grants cover 25% of tuition during the first year of employment, 50% during the second year, and 100% during subsequent years. These grants and rates become available at the start of the school term (fall, spring, or summer) that follows the employment date.

Trustee grants are calculated on the basic cost of tuition for full or part-time enrollment. They do not cover charges for overloads, special fees, or room and board, and cannot be used for special academic programs.

Trustee grant recipients are encouraged to apply for Federal financial aid. Students who are eligible for trustee grants may also accept other Southwestern scholarships, Southwestern grants, Federal Pell Grants, SEOGs, and state-supported scholarships and grants. Please note, however, that if the student chooses to accept these other grants and scholarships, the trustee grant will only be applied to increase the total amount of grants and scholarships up to the 25%, 50%, or 100% benefit. This limitation does not apply to private scholarships (i.e. organization scholarships such as Rotary or 4-H, church scholarships, or company scholarships such as Wal Mart or Koch).

Trustee grants are not awarded automatically. Employees must make application for this benefit each year in the financial aid office.

Entering students must apply for admission through the admissions office, pay the appropriate application fee, and meet all regular requirements for admission. All students receiving trustee grants are required to maintain the cumulative 2.0 GPA required for all grants and scholarships awarded by the college. Arrangements for payment of accounts must be made through the college services office in the same manner as required of other students.

In the case of a full-time faculty member, administrator, or staff member who has become permanently disabled or is deceased and who had served at least eight years at the college immediately before this occurred, trustee grants are available for that person's unmarried dependent children for the time necessary to complete an academic program resulting in a degree.

3.8.3.1.2 Tuition Exchange Programs

The college participates in two tuition-exchange programs that let its employees' dependents enroll at other colleges and universities for little or no tuition cost.

Students who would be eligible for 100% trustee tuition grants at the college (above) are eligible to apply for participation in these exchange programs. Each program has specific methods for ensuring that exchanges between schools are balanced, so participation is not guaranteed. The number of students the college can send (export) to other schools is largely determined by the number of students it can enroll (import) who are dependents of employees at other member schools.

In cases where college employees ask to export more of their dependents than the college can accommodate, requests will be ranked first by seniority of the employee and then by family financial need.

The college liaison officer for tuition exchange programs is the director of institutional research and records. This person can provide lists of participating schools and details of the application processes. The liaison officer also certifies eligibility for applicants.

The CIC Tuition Exchange Program (CIC-TEP) is sponsored by the Council of Independent Colleges, which publishes a quarterly list of the 300+ member schools participating in the program. Export requirements are relatively easy to meet. One consideration is that no CIC-TEP school is required to import more than three new students a year, so a student's first choice school may have already accepted as many imports as it wants.

The Tuition Exchange, Inc. (TEI) is an independent organization coordinating exchanges among its 390+ members. Lists of participating schools are published twice yearly. Export requirements for this program are complex and depend on credits the college has accumulated by importing students from other TEI schools.

3.8.3.1.3 Student Import Policy

The college welcomes inquiries from dependents of CIC-TEP and TEI employees who are eligible to participate in a tuition exchange program. Imported students may enroll as undergraduate students in on-campus programs providing they meet all regular requirements for admission. In the case of CIC-TEP imports, the college limits its acceptances to the first three students annually who complete the application process. For TEI students, the college reserves the right to limit imports based on current enrollments. Imported students receive a tuition exchange scholarship for the amount of tuition. Students may accept other college aid only by agreeing that the tuition exchange scholarship is correspondingly reduced.

Tuition exchange scholarship recipients may also apply for federal Pell Grants and SEOGs and for state-supported tuition grants and scholarships. If the student accepts these kinds of aid, the college aid will be reduced according to this policy: the combination of federal and state grants and scholarships plus college aid is offered for up to (1) demonstrated need as determined by federal need analysis or (2) direct costs, whichever is lower. Direct costs are defined as tuition, a room and board allowance if living on campus, and a \$400 annual book allowance. In some cases external need-based aid should be declined in order to receive a full level of assistance.

3.8.3.2 *Other Benefits*

3.8.3.2.1 Activity Tickets

Every full-time employee is entitled to two season tickets for college-sponsored athletic and theater events. It is expected that the employee identification cards will be accepted for free admission to all away-from-home KCAC events. The college, however, will not reimburse an

employee the cost of admission, in the event that another college refuses to accept the identification card.

3.8.3.2.2 Moving Expenses

New faculty members and administrators may be eligible for reimbursement of some moving expenses. The amount available is dependent each year on budgetary allocations, individual need, and contractual agreement with the president or the president's designee.

3.8.3.2.3 College Courses

Employees of the college may take up to 9 credit hours without tuition charge each academic year. Enrollment may be in undergraduate or graduate courses, either on campus or in professional studies programs, provided the president of the college has opened the courses for non-revenue enrollment by college employees. The benefit is available to college employees whose contract specifies working at least 30 hours per week. Employees should be aware that this is a taxable benefit and will be reported by the college as such.

Approvals must be obtained as follows:

An employee wishing to enroll in undergraduate or graduate courses must receive the approval of his/her direct supervisor and his/her area vice president. Such approval is not automatic but will not be unreasonably withheld. The direct supervisor will monitor the employee's work performance and the needs of his/her department and may, on reasonable grounds related to the employee's work performance, suspend the employee's participation in courses. For all employees, participation in graduate study requires approval for admission from the director of the particular graduate program.

Requests to take more than one course without charge in any fall, spring, or summer term must be made in writing to and approved by the employee's direct supervisor and his/her vice president. Requests to complete more than 9 hours of credit in a given academic year must be made in writing to and approved by the employee's direct supervisor, his/her vice president, and the president. In the case of either request, the employee must present to his/her supervisor an acceptable plan of study, a rationale for the request for accelerated study, and must address any potential impact on the employee's availability to perform his or her customary work duties.

Hourly employees must make up time away from the job within the week the absence occurs. Employees who enroll as full-time students are not eligible for additional institutional financial aid. Time cards must show in and out times for participation in a college course.

The president may approve access to the tuition waiver benefit for employees who are working less than 30 hours per week. Such approval will be reflected in the employee's contract of employment.

The request for approval document can be found online.

3.8.3.2.4 Degree Completion

On occasion, the college enters into an agreement with an employee to provide financial support for the completion of a degree, most frequently an advanced degree at the master's or doctoral level. These funds are available only for a course of study that is approved in advance by the president or the president's designee (normally the applicable vice presidential supervisor). The

amount of support available will depend on annual budgetary allocations and the formula for support that may vary from year to year. In most cases, the support will be specified as part of the contractual agreement with the employee. Financial support for advanced study is not an entitlement and the college reserves the right to make individual decisions concerning persons and programs approved for financial support.

3.9 Leave Policies

3.9.1 Family and Medical Leave

In accordance with the Family and Medical Leave Act of 1993, eligible employees are entitled to a maximum of 12 weeks of job protected leave for certain family and medical reasons during a 12-month period.

3.9.1.1 Reasons for Leave

An eligible employee may request either family or medical leave for one or more of the following reasons:

Family leave may be requested:

- a. To care for an employee's newborn child during the first 12 months after birth.
- b. For the placement of a son or daughter with the employee for adoption or foster care.
- c. For the care of a spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a "serious health condition."
- d. The care of a residential partner or life companion who has a "serious health condition."

Medical leave may be requested:

For a "serious health condition" that makes the employee unable to perform the functions of the position of such employee.

A "serious health condition" is a health problem that requires either inpatient care or continuing treatment by a health care provider. These are serious conditions that impair on a chronic basis the employee's or family member's ability to engage in daily activity without assistance or to perform the functions of a position.

The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief.

3.9.1.2 Eligibility for Leave

To be eligible for leave, an employee must:

- a. Have worked for the college for at least 12 months; and
- b. Have worked for at least 1250 hours during the 12 months preceding the start of the leave.

3.9.1.3 Leave Entitlement

An eligible employee is entitled to take up to 12 weeks of family or medical leave in a 12-month period. The 12-month period shall be measured forward from the date the family or medical leave begins.

With respect to requests for leave for the birth or placement of a child for adoption or foster care with the employee, the employee's entitlement to obtain leave expires 12 months after the birth or placement.

3.9.1.4 Procedures for Family and Medical Leave

- a. Employees are required to provide 30 days advance leave notice, when the leave is foreseeable. If 30 days notice is not given, the leave may be denied.
If the leave is not foreseeable, then notice must be given as soon as practicable.
- b. An employee requesting leave to care for a seriously ill spouse, son, daughter, or parent, or due to the employee's own serious health condition which makes the employee unable to perform the functions of the position, must provide a medical certification issued by the health care provider of the employee or the employee's ill family member, unless such certification is otherwise restricted by law.
- c. An eligible employee who requests family leave for the birth, adoption, or foster care of a child or for the care of a child, spouse, or parent who has a "serious health condition" may exhaust paid vacation leave for part of the 12 weeks of leave to which the employee may be entitled under this policy. An employee may not substitute paid sick leave when the family leave is requested for the birth, adoption, or foster care of a child or for the care of a child, spouse, or parent who has a "serious health condition." Any period before and after birth where a mother is not able to work for medical reasons will be considered leave for a serious health condition.
- d. An employee who requests medical leave because the employee is unable to work due to a "serious health condition" must utilize paid sick leave upon the onset of the leave, which then becomes a part of the 12 weeks of leave which the employee is entitled to under this policy.
- e. All leaves must be requested on the appropriate form which is available in the personnel office. The length of leave desired, the reason for the leave, and the employee's signature must be on the form. Medical leave requests must include a medical certification issued by the health care provider of the employee or the employee's ill family member unless such certification is otherwise restricted by law.
- f. An employee may take intermittent or reduced leave to lessen the usual number of hours per day or work week. Intermittent or reduced leave schedules are subject to college approval unless medically necessary.

3.9.1.5 Return From Leave

- a. When an employee returns from family and medical leave, the college will attempt to return the employee to the position held prior to the leave. If this is not possible, the employee will be placed in a position of equivalent pay and benefits. If an employee is using unpaid leave intermittently or on a reduced schedule, the college may reassign the employee to a different position at the same pay level if necessary to accommodate the leave with minimum disruption of college activities and work schedules.

If there are layoffs or other reductions in force while employees are on family and medical leave, and they would have been included in those reductions had they remained, they lose their right to reinstatement, but do not lose their lay-off recall rights.

- b. The use of family or medical leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- c. An employee who requested leave for the employee's own serious health condition that made the employee unable to perform the employee's job, is required to obtain and present

certification from the health care provider that the employee is medically able to resume work.

3.9.1.6 *Benefits while on Family or Medical Leave*

- a. For the duration of family or medical leave, the college will maintain the employee's medical insurance coverage at the same level as provided to the employee prior to the leave. Employees who are granted approved family or medical leaves of absence are responsible to arrange to pay for their portion of the premium for the family medical plan prior to leaving. Failure of the employee to pay his or her portion of the premiums may result in cancellation of the coverage.
- b. Holiday pay, bereavement pay, or jury duty pay is not paid while on a family or medical leave of absence.
- c. Except as otherwise set forth in this section 3.6.6, vacation and sick leave is not accrued during family or medical leave. Accrual will commence upon reinstatement from the leave of absence.

3.9.2 Other Leaves

3.9.2.1 *Funeral Leave*

A maximum of four days off with pay will be allowed when a death occurs in the employee's immediate family. The immediate family is a spouse, domestic partner, child, stepchild, sibling, parent, stepparent, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

For the funeral of other relatives or when serving as a pallbearer, time may be taken and charged to vacation time.

3.9.2.2 *Sick Leave*

Sick leave shall cover all absences from duty because of (a) illness of the employee or (b) illness of a member of the immediate family of the employee (spouse, child, parent, parent-in-law) or (c) compliance with quarantine regulations promulgated by the health authorities.

Sick leave with pay will be accrued on the basis of one working day per month based on number of hours worked. An employee may not take sick leave until it has been earned. Unused sick leave may be accumulated, not to exceed appropriate maximum.(See 5.12.2).

If an employee is absent for more than three days for personal illness, a written release from the employee's physician must be presented to the benefits administrator by the employee on the employee's return.

Accrued sick leave is a fringe benefit and has no cash value. Sick leave must be used in units of at least one hour. For limitations on the maximum amount of sick leave that can be used, see the benefits summary (5.9.1).

3.9.2.3 *Jury Duty Leave*

Employees who perform jury duty continue to receive full pay from the college.

3.9.2.4 *Maternity Leave: Administrators and Staff*

The college will allow 5 business days off with pay for an administrator or staff employee for the birth or adoption of a child. The employee may also use accumulated paid vacation and

accumulated sick leave for the birth or adoption of a child. An eligible employee who requests family leave may exhaust paid vacation and sick leave which then becomes a part of the 12 weeks of leave which the employee is entitled to under the Family Medical Leave Act of 1993. FMLA offers eligible employees job protection up to a maximum of 12 weeks in a 12-month period. See Section 3.9.

Faculty: In accordance with the Family Medical Leave Act of 1993, eligible employees are entitled to a maximum of 12 weeks of job-protected leave for certain family and medical reasons during a 12 month period. Refer to volume IV, Faculty Personnel Policies for faculty.

3.9.2.5 Military Leave of Absence

Employees who are members of the National Guard or reserve components of the Armed Forces of the United States that are required to serve two weeks of active reserve duty will be placed on a two-week military leave of absence with pay. Paid leave for two weeks of active reservist duty will not use accrued vacation time and during the two week paid reservist leave, benefits to which an employee is normally entitled will continue. Vacation will continue to accrue during the two week paid reservist leave. Any military leave of absence for more than the two weeks will be an unpaid military leave. The reservist can use accrued vacation for the unpaid portion of the military leave. Accrued sick leave cannot be used for the unpaid portion of the military leave.

The employee must notify the supervisor as far in advance as possible and supply a copy of the notification letter regarding leave for any military leave requests. The supervisor is to notify the Payroll/Benefits Administrator when any military leave is granted with the start and end date of leave and the anticipated return to work date.

The law (USERRA, Uniformed Services Employment and Reemployment Rights Act of 1994) provides that the employee will be eligible for reemployment to the same job they left or the job they would have attained if they had not left, if certain criteria are met. If the employee elects to return to work following an extended military active duty, they are granted full reinstatement rights at no loss of seniority or benefits as specified by law. For more information, please contact the human resources office.

3.10 Health Insurance Benefit

A monthly health insurance benefit is available to all eligible employees and will be set each year as part of the annual determination of salaries and benefits. This benefit is applied to the college group health insurance premium for the employees.

3.11 Budgeting and Purchasing

Building budgets and monitoring expenditures are among the most important responsibilities of employees. The policies herein are designed to promote appropriate and prudent management of these responsibilities.

3.11.1 Budgeting Process

The college's budget is developed each year by the president and the college's administrative council in consultation with other college employees. The budget is presented to the Board of Trustees for approval.

3.11.2 Budget Modification or Cancellation

A budget may be revised, amended or declared inoperative in any way at any time by the president or the Board of Trustees.

3.11.3 Disclosure

Copies of the audited financial statements for the previous three years for each of the fund accounts related to the college shall be available in the business office.

3.11.4 Purchasing and Related Matters

See volume II.

3.12 Appendix A

DISCLOSURE/CERTIFICATION

Are you aware of any relationships between Southwestern College and yourself or a member of your family, as defined by this policy, that is or may represent a conflict of interest?

____ No

____ Yes

If yes, please specifically identify and describe each such relationship.

Are you aware of any relationship between any other person, entity, or institution and yourself or a member of your family as defined by this policy that is or may represent a conflict of interest?

____ No

____ Yes

If yes, please specifically identify and describe each such relationship.

During the past 12 months, did you or a member of your family receive any gifts or loans from any source from which the College buys goods or services or otherwise has significant business dealings?

If yes, please list them, their source, and their approximate value.

Source

Item

Approximate Value

I certify that I have read and understand the College's policy on conflict of interest, agree to abide by the policy, and the foregoing information is true and complete to the best of my knowledge and belief.

Name (please print)

Signature

Date