

# **LeMoyne-Owen College**

## **Employee Handbook**

# TABLE OF CONTENTS

Foreword	I
ABOUT LeMOYNE-OWEN COLLEGE	II
MISSION STATEMENT	III
EQUAL OPPORTUNITY EMPLOYER	1
Accommodations for Individuals with Disabilities	1
Recruitment Practices	1
Posting	1
Promotions and Transfers	2
Employment of Relatives (Nepotism)	2
DRUG-FREE WORKPLACE	3
SMOKE-FREE WORKPLACE	4
SAFETY	4
Identification Badges	5
Safety Standards of Conduct	5
Safe Working Conditions	5
Weapons	5
Workplace Violence	6
EMPLOYMENT CATEGORIES	7
Salaried and Hourly	7
Exempt	7
Non-Exempt	7
SCHEDULING POLICIES	8
Work Schedules	8
Overtime	8
Time Keeping	8
BREAKS	8
Meal Periods	8
Rest Periods	8
COMPENSATION	9
Pay Schedule	9
Direct Deposit	9
Garnishments	9
EMPLOYEE PERFORMANCE APPRAISAL	10
Introductory Period	10
Grooming and Dress	10
Personnel Files	11
BENEFITS	11
Life Insurance and Accidental Death & Dismemberment	11
Long-Term Disability	11
Short-Term Disability	11
Hospital Confinement Indemnity Insurance	11
Specified Health Event Insurance	12
Cancer Indemnity Insurance	12
Health Care	12

Dental Care	12
Vision Care	13
TUITION REMISSION	13
WORKER'S COMPENSATION	13
BENEFITS CONTINUATION (COBRA)	13
CREDIT UNION	14
RETIREMENT SAVINGS PLAN	14
EMPLOYEE ASSISTANCE PROGRAM (CONCERN)	14
TIME AWAY FROM WORK	15
Vacation Days	14
Sick Days	15
Holidays	16
Bereavement Leave	16
Jury Duty	16
Military Leave	17
Voting Time	17
Family and Medical Leave Act (FMLA)	18
CODE OF CONDUCT	20
CONFIDENTIALITY	20
ATTENDANCE AND PUNCTUALITY	21
CHANGE OF ADDRESS/TELEPHONE NUMBER	21
DISCIPLINARY ACTION & COMPLAINT RESOLUTION	22
Performance Management (Progressive Discipline)	22
CONFLICT RESOLUTION	24
Conflict Resolution Process	25
CONFLICT OF INTEREST POLICY	26
SEXUAL HARASSMENT	30
WHISTLE BLOWER POLICY	33
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)	34
COLLEGE PROPERTY USAGE	38
E-mail, Voicemail, Computers & Technology Usage	38
E-mail Distribution List Policy	38
Software Copyright Policy	39
COLLEGE VEHICLE USE	42
MISUSE OF COLLEGE ASSETS	42
INCLEMENT WEATHER LEAVE	42
DELAYED OPENING	42
EARLY CLOSING	42
RESIGNATION & TERMINATION OF EMPLOYMENT	43
Resignation/Retirement	43
Termination	43
Expiration of Grant-Funded Positions	43
Reduction-in-Force	43
Final Pay Checks	43
Return of College Property	44
GENERAL INFORMATION	44

Accidents in the Workplace	44
Cell Phone Use	44
Charitable Giving	44
No Solicitation/Distribution Policy	45
Parking	45
Reporting Suspected Violations	45
<b>ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK FORM</b>	<b>46</b>

## **FOREWORD**

The LeMoyne-Owen College Employee Handbook is designed to acquaint employees with the College and provide information about working conditions, employee benefits, and some of the policies affecting employment. Employees are expected to read, understand, and comply with all provisions of the handbook, while realizing that it is not a contract of employment. The policies and procedures summarized in this handbook replace all previously published employee handbooks.

LeMoyne-Owen College reserves the right to revise, amend, or rescind the conditions and terms contained in this handbook, as it deems appropriate. Employees will be notified of changes as they occur. Although the College strives to maintain relationships, employment is on an at-will basis and may be terminated with or without notice, by either the employee or the College at any time.

Nothing in this handbook should be construed to create an employment contract.

# **LEMOYNE-OWEN COLLEGE**

## **Leadership. Opportunity. Change.**

LeMoyne-Owen College is a liberal arts institution with a history and vision of building tomorrow's leaders today. It has an excellent faculty and staff, with many holding advanced or doctoral degrees in their fields. By combining these strong academic credentials with a demonstrated commitment to service, the College is positioned to serve traditional and non-traditional students.

A Board of Trustees governs LeMoyne-Owen College. The President is the Chief Executive Officer and is an ex-officio member of the Board. Board members serve staggered terms of office. The Board chooses its chairperson and replaces members whose terms have expired. Its principal functions include the execution of corporate legal transactions, establishment of institutional policies, fund raising, appointment of the President of the College, and conferral of degrees upon candidates recommended by the College.

## **ACCREDITATION**

LeMoyne-Owen College is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (1866 Southern Lane, Decatur, Georgia 30033-40976; Telephone number 404-679-4501) to award the baccalaureate degree. The Teacher Education program at LeMoyne- Owen College is accredited by the National Council for Accreditation of Teacher Education (NCATE), [www.ncate.org](http://www.ncate.org). This accreditation covers initial teacher preparation programs at LeMoyne-Owen. LeMoyne-Owen College is a member of the American Association of Colleges of Teacher Education and is approved to offer programs leading to licensure by the Tennessee State Department of Education.

# MISSION STATEMENT

## Vision

To be an exemplary historically black college providing excellent liberal arts education that transforms urban students, institutions and communities.

## Mission

LeMoyne-Owen College provides a transformative experience educating students for urban-focused leadership, scholarship, service and professional careers.

**Purpose Statement:** LeMoyne Owen College strives to . . .

- provide an exciting and challenging academic and intellectual atmosphere and culture in which to teach and learn.
- promote the spiritual and moral development of each student.
- encourage the spirit of generosity and reinvestment in LOC with the graduates giving time, talent and financial resources.
- prepare students to be able to thrive in a diverse community.
- open new vistas of what is possible in the lives of all students by providing educational opportunities to those for whom these may not be readily available, especially the socially and economically disadvantaged.
- foster self-sufficiency, self-confidence and positive attitudes among our students.
- render high-quality service to all our constituents – students, faculty, staff, alumni, and all other supporters.
- produce highly qualified and sought-after graduates.
- become a resource to address social and economic issues of the community.
- contribute to the preservation of African American culture.

# EQUAL OPPORTUNITY EMPLOYER

## EQUAL OPPORTUNITY EMPLOYER

LeMoyne-Owen College is committed to recruiting a highly-talented and diverse faculty and staff, capable of exposing students to a wide range of cultures and perspectives and whose presence on the campus will enhance the diversity of the community in which the College resides. The College strives to provide its employees with the most rewarding and fulfilling employment experience possible. The College reaffirms its commitment to the principle of equal opportunity in employment and education for every current and prospective employee. LeMoyne-Owen College policy prohibits discrimination based on race, color, national origin, religion, sex, sexual orientation, age, disability, or veteran status or other protected criteria as defined by law.

## ACCOMODATIONS FOR INDIVIDUALS WITH DISABILITIES

LeMoyne-Owen College is committed to complying fully with Americans with Disabilities Act (ADA), and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

## RECRUITMENT PRATICES

The Office of Human Resources and the supervisor seeking to fill a job vacancy work jointly on recruiting and hiring staff and in using the services of the Office of Human Resources in finding, screening, and selecting candidates.

## LEMOYNE-OWEN COLLEGE IS COMMITTED TO:

- equal opportunity employment as an integral part of the process of recruitment, selection, placement, transfer, and promotion
- promotion from within whenever possible
- full and timely consideration of all candidates

## POSTING:

The employment opportunities webpage on the College website announces job openings to the College community and beyond to make openings available as widely as possible and to identify as many suitable candidates as feasible. Candidates may be hired only after the position has been posted on the College website for at least a week, or at least two weeks for positions at the Director's level or higher.

## EMPLOYEE REFERRALS:

Employees are encouraged to refer qualified people to LeMoyne-Owen College for employment.

## RESUMES AND EMPLOYMENT APPLICATIONS:

An interested applicant applies by sending his or her resume to ***jobs@loc.edu***, indicating the open job for which he or she is applying as listed on the College's employment opportunities web page at [www.loc.edu](http://www.loc.edu). An applicant may also fax the resume to (901) 436-1603, if unable to send it via e-mail. A human resources representative will conduct the initial screening of all resumes to determine those that should be forwarded to the hiring administrator for further consideration. The hiring administrator reviews applications and selects applicants to be interviewed.

## **GOOD FAITH SEARCH:**

An effort is made in good faith to include among the applicants members of groups under-represented at the College.

## **PROMOTIONS AND TRANSFERS**

LeMoyne-Owen is committed to the development of its employees and makes every effort to fill vacant positions with qualified employees. Employees are encouraged to explore vacant positions and career opportunities both within and outside of their current office. Interest in or application for a position vacancy will not affect the current position or status. Promotions are based upon knowledge, training, skills, and demonstrated ability.

After completing one year of service, employees interested in applying for other positions within the College, must follow the normal process of applying for open positions by submitting their cover letter and resume to jobs@loc.edu. Employees should notify their supervisor that they have made application for a different position at the College either before or within one business day of applying.

## **EMPLOYMENT OF RELATIVES (NEPOTISM)**

The College welcomes applications from all. No person related by blood, marriage, or adoption to an officer or administrator may be employed in the office of that officer or administrator, or in the division or department supervised by that administrator. Employment in, or a transfer to, an office where a supervisory relationship would exist between two relatives is prohibited. A relative is defined as a husband, wife, son, daughter, mother, father, sister, brother, aunt, uncle, grandmother, grandfather, niece, nephew, or any relative by marriage (i.e., in-law)

## **ALOCOHOL AND DRUG-FREE WORKPLACE**

LeMoyne-Owen College strives to provide a drug-free, healthy, and safe work environment. The purpose of the College's alcohol and drug policy is to provide a safe workplace for all employees and auxiliary services, to comply with federal and state health and safety regulations, to prevent accidents and to provide employees who are consistent models for our students. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform essential job functions and does not endanger others in the workplace.

The President and Cabinet may from time-to-time designate a place on the property owned or controlled by the College where alcoholic beverages may be served at functions or events sanctioned by the President.

The use, possession, sale, transfer, purchase or being under the influence of intoxicating liquor, illegal drugs, or other intoxicants by an employee on College time or College premises or while on College business is prohibited. Employees must not report for duty or be on College property while under the influence of, or have in their possession while on College property, any intoxicating liquor, illegal drug, or controlled substance. The College's full drug and alcohol policy is available in the Human Resources Office.

All employees are subject to applicable laws related to this matter and any violation of this policy will result in disciplinary action up to and including expulsion or termination of employment with the College and referral for prosecution or mandatory satisfactory participation in a drug or alcohol abuse assistance or rehabilitation program.

LeMoyne-Owen College is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any College employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, LeMoyne-Owen College has established the following policy, pursuant to T.C.A. Section 50-9-100 et. seq.:

1. It is a violation of College policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
2. It is a violation of College policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.
3. It is a violation of College policy for any employee to report to work under the influence of or to be impaired by alcohol.
4. It is a violation of the College policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
5. Violations of this policy are subject to disciplinary action up to and including termination.

As a condition of employment, employees must abide by the terms of this policy and must notify The College in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

### **SMOKE-FREE WORKPLACE**

LeMoyne-Owen is committed to taking all practical measures to create a safe and healthy work environment. To further this goal, LeMoyne-Owen has established a no-smoking policy to promote the well-being and health awareness of employees by reducing the risk of smoke-related illness in compliance with applicable laws and local codes.

Smoking is prohibited in all administrative and faculty offices, classrooms, and public areas of College buildings, and within 25 feet of a public entrance to College buildings. Smoking is also prohibited in LeMoyne-Owen College vehicles. Smoking will be permitted in designated outside/open areas of the College.

All employees are charged with the responsibility for ensuring adherence to this policy. In the event that an employee refuses to stop smoking in a non-designated smoking area, the violation should be reported to the employee's supervisor and may be subject to disciplinary action. Failure to observe this practice may lead to disciplinary action, up to and including termination.

## **SAFETY**

Safety is everyone's business. A safe and healthy work environment is the mutual responsibility of each employee and supervisor. Each employee is responsible for immediately reporting unsafe working conditions to his/her supervisor. Each supervisor is responsible for investigating alleged unsafe working conditions.

LeMoyne-Owen College is committed to promoting and providing our employees and students with a safe and secure work/study environment. The College is also committed to the adherence of OSHA's occupational health and safety regulations and provides training to employees to promote the use of safe work practices. Federally mandated notices concerning safety and health protection are posted for employees' information and review at various locations around the campus, including the Office of Human Resources.

## **IDENTIFICATION BADGES**

New employees will be issued photo identification badges after they have attended the new employee orientation conducted by the Office of Human Resources. The identification badge may be required for admission to on-campus events, admission to various buildings, or as verification of employment, if requested, by security officers. The identification badge is also an important security measure in that it immediately identifies the employee as a person belonging in our College community. The identification badge should be worn or carried while at work and kept in a secure place. Identification badges are issued by multi-media services, located in room 203 of the Gibson-Orgill Hall Building.

Identification badges, along with other College-issued equipment and property, must be returned to the Office of Human Resources upon voluntary or involuntary termination of employment. The employee will be responsible for the cost of lost or stolen identification badges.

## **SAFETY STANDARDS OF CONDUCT**

Reasonable rules of conduct are necessary for the orderly efficient safe operation of the College's business.

1. Practice Good Housekeeping by keeping work areas free of debris and obsolete items.
2. Contact Administrative Services to report unsafe Facilities/Buildings.
3. Report unsafe acts, accidents and injuries immediately to the supervisor and the Compliance Office.
4. Follow emergency instructions given during campus emergencies.

## **SAFE WORK CONDITIONS**

All employees are responsible for creating a safe working environment at LeMoyne-Owen College. Employees shall report any potential or actual hazards to their supervisor. Hazards also include security violations or criminal activity that takes place on campus property. LeMoyne-Owen College is concerned for your safety and well-being in the workplace. Employees are directed to immediately (within 24 hours) report any workplace injury, no matter how minor you might think it is. Failure to do so may jeopardize your rights under the workers' compensation system.

## **WEAPONS**

It is the policy of LeMoyne-Owen College to maintain a safe and secure environment. Employees shall not bring on their person, in their personal belongings, or inside their vehicle any non-job-related weapons, knives or similar items to any College building, work-site, function or event. If an employee sees anyone other than a uniformed peace officer or member of LeMoyne-Owen

Police carrying a firearm or other dangerous weapon on College property, you should immediately notify LeMoyne-Owen Police using the College's emergency telephone number 911. Police officers will be dispatched to investigate and determine the armed person's status. Violations of this policy will lead to disciplinary action, up to and including immediate termination, and may result in legal consequences.

## **WORKPLACE VIOLENCE**

Violence has no place in the workplace and will not be tolerated. This includes intimidation, horseplay, violent acts, and threats of violence. LeMoyne-Owen College takes a strong stand against violence of any kind on its campus and in the surrounding community.

There is zero-tolerance for any threats, intimidation, or violent behavior, implied or actual, from employees or former employees, that are directed at other employees, any student, the public or College property. Every employee is personally responsible for conducting him/herself in a manner that meets with the intent of this policy. Violence or the threat of violence by any employee is unacceptable and subjects the employee to serious disciplinary action, up to and including termination, and possible criminal charges.

To the extent that an employee requires medical attention following an injury, your supervisor will assist you, along with support personnel (Campus Safety, Compliance) in obtaining the appropriate medical attention, whether on an emergency basis or otherwise. Employees should also report a "close call" – an unsafe practice or condition that may lead to or might have led to injury- so that the College can take action to prevent an actual injury. Employees are encouraged to take an active and serious role in helping the college maintain a safe workplace.

Each employee of LeMoyne-Owen College has a right to know the specific hazardous materials related to his/her workplace and the specific procedures for safety on the job. Areas that utilize large amounts of chemicals (i.e. labs, cafeteria, art/photo labs, maintenance, and custodial areas) require that immediate supervisors discuss the following with their employees required by OSHA's Hazcom Safety Training Program: (Hazardous Materials, PPE (Personal Protective Equipment), MSDS( Material Safety Data Sheets), Spill Procedures to include Hazardous Disposal and Emergency Response related to chemicals.

Federal Safety Posters are posted in the Brownlee Hall Building inside of the Office of Human Resources and outside of the Compliance Office for employees to review.

## EMPLOYMENT CATEGORIES

For purposes of salary administration and eligibility for overtime payments and employee benefits, the College employee is classified as follows:

### SALARIED

An employee who is guaranteed a specified bi-weekly amount of pay, which is not dependent upon the number of hours worked. Generally, salaried employees are full-time employees; however, in some rare cases they may also be less than full-time employees. For purposes of the Fair Labor Standards Act, a salaried employee is not eligible to receive overtime pay.

### HOURLY

- Full-time regular employee – An employee hired to work the College's normal, full-time, thirty-five hour work week on a regular basis. Such employees are "nonexempt" as defined.
- Part-time regular employee – An employee hired to work twenty hours per week but less than thirty hours per week on a regular basis. Such employees are "nonexempt" as defined.
- Temporary Employee – An employee engaged to work full-time or part-time with the understanding that the employment will end upon completion of a specific assignment. Such employees are 'nonexempt' as defined.

### EXEMPT

- To be exempt means an employee's job meets the test criteria for an executive, administrative, or professional exemption and the employee is not covered by the Fair Labor Standards Act.
- These employees are not paid overtime or granted compensatory time for hours worked over 40 in a work week.

### NON-EXEMPT

- A job is considered to be non-exempt unless its duties and responsibilities specifically satisfy the criteria set forth in one of the exemption tests. Non-exempt positions are found in:
  - clerical/secretarial,
  - technical/paraprofessional,
  - skilled crafts,
  - service maintenance, and
  - intermittent positions.
- An employer who requires or permits a non-exempt employee to work overtime is generally required to pay the employee overtime pay for hours actually worked in excess of forty (40) in a work week at a rate not less than time and one-half their regular rates of pay.

The Office of Human Resources determines the Fair Labor Standard Act (FLSA) status of each job title by applying the tests contained within the Fair Labor Standards Act. All employees are typically informed of employment classification and status as an exempt or non-exempt employee in their employment offer letter. If there is a change in position during employment as a result of a promotion, transfer, or otherwise, the Office of Human Resources will inform employees of any change in exemption status. Any questions regarding employment classification or exemption status should be directed to the Office of Human Resources.

## SCHEDULING POLICIES

### HOURS OF WORK AND OVERTIME

#### WORK SCHEDULES

The College's standard work week is Sunday through Saturday, with normal business operating hours of Monday through Friday, 8:30 a.m. to 4:30 p.m. A summer alternative 4-day workweek may be instituted in May through August each year as determined by the President. It is the responsibility of an employee's supervisor to inform him/her of specific work schedules, including start, meal, break, and ending times. Supervisors have the authority to rearrange work schedules to meet official needs, which may require changing work schedules, or requiring overtime. When schedules must be altered, your supervisor will give you as much advance notice as possible.

#### OVERTIME

Non-exempt employees are required to be paid overtime at the rate of time and one half their regular rate of pay for all hours worked beyond forty hours (40) in a workweek, in accordance with the applicable federal wage and hour laws.

#### TIMEKEEPING

All non-exempt (hourly) employees are required to complete timesheets. Hourly employees record time actually worked while administrative and professional employees record whether absent or present. The College is required by the Federal Fair Labor Standards Act (FLSA) to keep accurate records for time actually worked to ensure that employees will be paid correctly and will receive full credit for all work time.

Every employee is responsible for the accurate recording of time worked. It is the employees' responsibility to confirm its accuracy and sign the timecards. Altering or falsifying time records may result in disciplinary action, up to and including termination of employment.

#### BREAKS

#### MEAL PERIODS

Employees are authorized one unpaid meal period typically one hour, but not less than thirty (30) minutes during each workday/shift for all employees working at least a six-hour shift. The employee must be completely relieved of all duties during this period. Administrators have the authority to schedule the meal period to accommodate the needs of the Office. The failure to give a (30) minute meal period is a violation of state law. There are no State or Federal requirements for additional breaks. The Federal Law does require breaks of less than (30) minutes in duration to be paid if the employer chooses to grant such breaks. **Title 50-2-103 (h).**

#### REST PERIODS

Non-exempt support employees may be authorized by their supervisor and/or administrator to take a paid rest period of up to 10 minutes for each four-hour work period. Rest periods are not cumulative and employees must not use rest periods to offset late arrival or early departure from work, to extend the meal period or to accumulate paid time off from one day to the next.

## **COMPENSATION**

### **COMPENSATION**

As a new employee, it is important that the employee understands his/her total compensation package, the salary he/she receives, and the benefits he/she elects.

### **PAY SCHEDULE**

All employees of the College are paid on a bi-weekly pay schedule of every other Wednesday. The College's payroll cycle is based on a two-week, 14 calendar-day pay period. All bi-weekly payroll periods begin on a Sunday and end the second Saturday thereafter.

Timesheets must be approved by the employee's supervisor and forwarded to the Payroll Office by 9:00 am, Monday, of the week in which payroll checks are to be issued. All daily absences for employees (holiday, vacation, sick, and/or personal day) must be accounted for on a Leave Request Form and attached to the timesheet. An employee cannot report time for another employee. Falsification of time records violates this policy and is grounds for disciplinary action, up to and including immediate termination of employment. Employees whose support comes through grant or external contract funding may be required to submit an additional time sheet.

### **DIRECT DEPOSIT**

The College provides employees with the convenience of having their payroll checks directly deposited to their checking and/or savings account with any Federal Reserve System Financial Institution that is capable of receiving funds in this manner. The process is accurate and efficient. Employees should contact the Office of Human Resources for details and the necessary authorization form.

### **GARNISHMENTS**

If served with a legal instrument for the collection of an employee's debt, the College will withhold the appropriate amount prescribed by law until the debt is paid in full. Employees should make every effort not to involve the College in their personal affairs.

## **EMPLOYEE PERFORMANCE APPRAISAL**

Provides a formal and consistent method for documenting job performance and to illustrate the performance management cycle:

- (1) setting performance standards,
- (2) communicating those standards and expectations,
- (3) monitoring employee performance all year,
- (4) giving ongoing feedback; and
- (5) writing and conducting the performance appraisal.

The performance of each non-faculty employee shall be appraised annually in writing. The annual performance appraisal cycle for regular full-time and part-time clerical/supporting and administrative/professional employees begins in June each year.

All administrators are required to attend a mandatory training session on the Performance Management Cycle and administration of the performance appraisal form at least once, and retraining is mandatory in the event of significant changes to the appraisal process.

The College is committed to fostering an environment in which employees work together effectively. Our values emphasize the importance of employees resolving all conflicts quickly and appropriately as they arise. The appraisal should not be the first time that an employee is informed about performance concerns of the administrator.

## **INTRODUCTORY PERIOD**

The introductory period serves as a trial period during which employees demonstrate their ability to perform the duties and carry out the responsibilities of their position. The length of the introductory period is 90 days (3 months). The supervisor intends to meet with the employee at least twice during the introductory period to discuss and document performance. Employees typically receive a performance review annually from their date-of-hire. The successful completion of the introductory period should not be considered as creating a contract or as guaranteeing employment for any specific duration, as employment at the College is at-will.

If the supervisor indicates employee performance has not been satisfactory, and is therefore recommending termination, an Introductory Period Performance Appraisal form must be submitted to the Office of Human Resources preferably 30 days before the three-month introductory period expires for review/approval by the Director of Human Resources and Presidential approval, but no later than 10 business days within the expiration of the introductory period. As such, employment may be terminated at any time either by the employer or the employee.

## **GROOMING AND DRESS**

Employees are expected to be neat, clean, orderly, and dressed for work according to generally accepted business standards (appropriate for your office) or in uniform, if required for your position. Employees are required not to select clothing for work which is more appropriate for leisure, sports activities, or social functions than for the College environment. Where safety is a factor, common sense should be used when choosing clothing, shoes, etc., for work.

Administrators are responsible for monitoring and enforcing the dress code policy. If an employee's attire is questionable or does not comply with established official standards, the administrator will hold a private discussion with the employee regarding the inappropriateness of the attire. The administrator may also request that the employee be sent home immediately and instruct the employee to return to work dressed in more appropriate clothing.

## **PERSONNEL FILES**

LeMoyne-Owen College maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, change in employment status, training records, performance appraisals, and other employment related materials. Personnel files are the property of the College and access is restricted. Only authorized personnel who have a legitimate business purpose are permitted to review information in a personnel file. Employees may review their personnel files by making a written request and scheduling an appointment in the Office of Human Resources, with at least at 2-day advanced notice.

## **BENEFITS**

Full-time, 12-month employees hired in positions regularly scheduled for at least (30) hours per week are eligible to participate in the College's benefits. Part-time, 12-month employees regularly scheduled for at least (20) hours per week for are eligible for prorated vacation and sick time, as well as direct deposit, and membership in the Orion Credit Union. Part-time, regular employees who work 1000 hours each year are also eligible for participation in the College's 403B retirement savings program.

### **LIFE INSURANCE AND ACCIDENTAL DEATH & DISMEMBERMENT**

The College provides a \$10,000 life insurance benefit at no cost to the employee. In the event of accidental death and dismemberment (AD&D), the insurance benefit provides an additional \$10,000 of coverage. An optional voluntary supplemental life and AD&D insurance is also available at the employee's own expense through Unum and AFLAC. Evidence of good health may be required for this additional life insurance coverage.

### **INCOME PROTECTION COVERAGE**

#### **LONG-TERM DISABILITY**

The College provides long-term disability insurance for all full-time regular employees at no cost. This College-paid benefit provides for 60% of the employee's monthly salary in case of a disability that continues beyond ninety (90) calendar days.

#### **SHORT-TERM DISABILITY**

The College currently offers voluntary short-term disability insurance to employees through AFLAC and Unum. If the employee chooses to enroll in short term disability, he/she is responsible for 100% of the premium. The plan is designed to replace part of the income when the employee is unable to work due to pregnancy, accidental injury, illness or disease that is not work related. This is a voluntary plan paid by the employee. Premiums are paid on an after-tax basis.

### **OTHER OPTIONAL BENEFITS**

#### **HOSPITAL CONFINEMENT INDEMNITY INSURANCE**

The College also offers voluntary Hospital Confinement Indemnity insurance to employees through AFLAC. Policies include a hospital confinement benefit, a rehabilitation unit benefit, a surgical benefit, and much more. If the employee chooses to enroll in the Hospital Confinement Indemnity, he/she is responsible for 100% of the premium. This is a voluntary plan paid by the employee. Premiums are paid on an after-tax basis.

### **SPECIFIED HEALTH EVENT INSURANCE**

The College currently offers voluntary Specified Health Event insurance to employees through AFLAC. Features include a first-occurrence benefit as well as hospital confinement and continuing care benefits for: heart attack, coronary artery bypass surgery, stroke, end-stage renal failure, major human organ transplant, major third-degree burns, coma, and paralysis. If the employee chooses to enroll in the Specified Health Event insurance plan, he/she is responsible for 100% of the premium. This is a voluntary plan paid by the employee. Premiums are paid on an after-tax basis.

### **CANCER INDEMNITY INSURANCE**

The College also offers AFLAC's Cancer indemnity Insurance Plan which pays benefits to the employee or any covered person under this policy when diagnosed as having internal cancer. The Cancer indemnity Insurance Plan is designed to provide funds to help cover the extra expenses associated with cancer treatment such as experimental treatments, blood and plasma received, ambulance transportation, daily lodging, hospice, etc. The Plan also provides an annual Cancer Screening Wellness Benefit when a covered person receives a cancer screening such as mammogram, Pap smear, flexible sigmoidoscopy, colonoscopy, biopsy, PSA, etc. This is a voluntary plan paid by the employee. Premiums are paid on an after-tax basis.

### **HEALTH CARE COVERAGE**

The College offers one plan for health, dental and vision coverage, Blue Cross Blue Shield of Tennessee, through two networks: (P) network which includes Baptist and Methodist Hospitals, and the (S) network which includes Baptist Hospital only. Employees with minor children covered under either plan, may take their child to LeBonheur Children's Hospital for treatment.

#### **■ Health Care**

Enrollment in a health plan must be made within 30 days of an employee's hire date. Employees who fail to make a health plan selection during their initial enrollment period, may have the opportunity to enroll during the next open enrollment. Once enrolled, the benefits elected must remain in effect for the entire plan year unless there is a change in family status. Employees have 30 days from the date of a change in family status to notify the Office of Human Resources. Otherwise, changes cannot be made until the next open enrollment period.

#### **■ Dental Care**

Regular full-time employees of LeMoyne-Owen College are offered an HMO-type Dental care plan. The dental services allow employees to choose a primary dentist from a list of network providers. Only a low flat dollar amount called a co-payment is required for most services. There are no patient charges for most preventive procedures, no claim forms and no deductibles. Services covered generally include preventive, restorative and orthodontic care. LeMoyne-Owen College shares in the cost of coverage. Contributions may be paid on a before-tax or after-tax basis. Employees must enroll for coverage within the initial 31 days following their date of employment in an eligible status or during open enrollment. If an employee chooses to add or delete dependent coverage due to a change

in family status (marriage, divorce, birth of a child), the employee must submit a change form to Benefits within 30 days of the status change.

#### ■ **Vision Care**

The plan offers reduced fees for vision care services, including routine exams, quality eyeglasses and contact lenses, and advanced vision correction surgery. Contributions may be paid on a before-tax basis. The employee pays the total cost of the plan. Complete descriptions of all plan benefits are available in the Office of Human Resources.

#### **TUITION REMISSION**

Tuition Reimbursement is designed to promote the professional and educational development of LeMoyne-Owen College employees. Tuition remission may be granted to full-time and (part-time employees on a prorated basis), their children and/or their spouses after the employee has completed six months of full-time service at the College. The remission may be granted each semester for a maximum of 17 semester credit hours, upon submission of a tuition remission application by the eligible employee. Remission of tuition will be awarded only to the extent the employee and /or dependent does not qualify for any other form of Financial Aid.

#### **WORKERS' COMPENSATION**

In accordance with the applicable provisions of the Workers' Compensation Law of Tennessee, LeMoyne-Owen College maintains workers' compensation insurance to ensure that an employee who is injured on the job receives medical care and financial assistance when unable to work, as applicable. If an employee is injured or hurt while at work, LeMoyne-Owen wants to ensure that employees receive medical treatment. Employees must report any work-related injury or illness, no matter how minor, to their supervisor immediately, who in turn must immediately report the incident to Security, who will complete an accident report.

Injuries requiring treatment by a physician must be reported to the Office of Human Resources within 24 hours of the incident. If the injury requires medical attention, the employee must obtain treatment from a College-approved medical facility. A list of approved facilities is posted in each College building or work site. However, emergency medical attention for serious or life-threatening injuries should be obtained at the nearest available and appropriate medical facility (call 911 immediately).

If medical attention is needed, the Office of Human Resources will refer you to a medical clinic for treatment, as assigned by the College's workers' compensation insurance carrier.

#### **BENEFITS CONTINUATION (COBRA)**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under LeMoyne-Owen College's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination, or death of an employee; a reduction in hours; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee and/or dependent pays the full cost of coverage at the College's group rates plus a small administration fee.

The College, through Blue Cross/Blue Shield, provides each employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage. The notice outlines important details about the employee's rights and obligations.

## **CREDIT UNION**

ORION credit union is available to all LeMoyne-Owen College employees, whether employed full or part-time; and is a full service credit union that offers checking, savings, loans, and investment account opportunities. After satisfying the credit union's membership requirements, individuals may authorize payroll deductions and direct deposit to transmit funds. Enrollment applications are available in the Office of Human Resources for initial completion; however, employees are responsible for submitting their application directly to the credit union for processing.

## **RETIREMENT SAVINGS PLAN**

LeMoyne-Owen College offers a Tax-Deferred Annuity (TDA) Plan. The plan is a defined contribution that operates under Section 403(b) of the Internal Revenue Code (IRC). Under the plan agreement, a portion of the employee's compensation is not paid directly to the employee, but is applied on a before-tax basis to an annuity contract owned by the employee. These amounts, together with any earnings, are not subject to federal income tax until they are paid to the employee (or beneficiary) in the form of benefits. The plan is provided through The Teachers Insurance and Annuity Association and the College Retirement Equities Fund (TIAA-CREF).

Teachers Insurance and Annuity Association (TIAA)

TIAA provides a traditional annuity and a variable annuity through its real estate account.

College Retirement Equities Fund (CREF).

CREF is TIAA's companion organization, providing variable annuities.

Employees can choose to enroll, discontinue contributions, or change the amount deferred subject to plan provisions and payroll schedules. Complete details are available from the Office of Human Resources.

Employees regularly scheduled for a minimum of 20 hours per week over a 12-month period, may make employee contributions to the LeMoyne-Owen College Retirement Plan upon their date of hire after they have submitted an application to participate in the plan. After one year of employment, if an employee has 1) worked 1,000 hours in the previous 12-month period, and 2) has attained at least 21 years of age, employees are eligible to receive an employer-match contribution of up to 5.25% of their annual salary, based upon the percentage contribution the employee is making. For example, if an employee contributes 3% of his/her annual income to the retirement plan, the College will also contribute 3% to the employee's retirement account.

## **EMPLOYEE ASSISTANCE PROGRAM (CONCERN)**

CONCERN is LeMoyne-Owen College's employee assistance program provider. The services of CONCERN are a company-paid resource. There is no cost to employees or their dependents if services are used. If an employee and his counselor decide that additional services are required beyond short-term CONCERN counseling, and referral services are used, the employee will be responsible for any costs not covered by insurance.

If an employee needs to discuss a problem with a CONCERN counselor, he/she should simply call for an appointment at (901) 458-4000 or (800) 445-5011. Strict confidentiality is maintained by CONCERN. No one will know of your participation unless you tell them or give your counselor permission to speak with someone.

## TIME AWAY FROM WORK

### VACATION DAYS

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees are eligible for vacation leave time under this policy if they are regular full-time 12-month employees who work at least 35 hours per week or regular part-time employees who work at least 20 hours per week. The amount of vacation credit earned depends upon the employee's length of service

#### Full-Time Accrual Schedule

<u>Years of Service</u>	<u>Earn Vacation</u>
1 – 4	10 days
5 – 10	15 days
11 and up	20 days

#### Part-Time Accrual Schedule

<u>Years of Service</u>	<u>Earn Vacation</u>
1 – 4	5 days
5 – 10	7 days
11 and up	10 days

Vacation accrues the first day of employment, but is not earned until after twelve months of continuous active service. Individuals working 9-10 month schedules are not eligible for vacation. When an eligible employee separates from College service, the monetary value of all unused vacation entitlements is paid, if the employee has completed at least 12 months of service from their hire date. Employees are encouraged to take advantage of their vacation time. Earned but unused vacation time (up to a maximum of fifteen (15) days) may be carried forward to the next anniversary year, with approval of the divisional cabinet member.

### SICK DAYS

The College provides sick leave benefits to all regular full-time employees and part-time employees who work at least 20 hours per week. The benefits are accrued at the rate of 1 1/2 day each month of active service up to a maximum total of **36 days**. The benefits for regular part-time employees are accrued at the rate of 1/2 day each month of active service up to a maximum of **18 days**. Employees who regularly work between 30 and 40 hours per week, will accrue sick leave on a prorated basis relative to the percentage of a full-time position they work. Employees become eligible for sick leave benefits after three calendar months of continuous employment. Initial credits for sick leave are not entered into the record until completion of the introductory period (3 months). At that time, credit is given retroactively to the initial date of employment. Sick leave may not be taken until earned and may not be advanced. Sick leave accumulation is not reimbursable upon termination of employment. Holidays occurring during a paid sick leave will be paid as a holiday and not as a sick day. Absences due to a work-related injury will not count against sick leave accruals.

Sick leave is generally applicable to absences due to illness or incapacity of the employee, or member(s) of the employee's immediate family. After an accumulation of twenty-four (24) sick days, **employees earn three (3) personal days**, in addition to the sick time accumulated at that point. No more than three (3) personal days may be taken per calendar year.

Employees must personally notify their supervisor of their illness, as soon as possible before the start of a scheduled shift. They must describe the nature of their illness and confirm the date

that they will return to work. Sick leave pay may be granted for the first three (3) days without a physician's statement. However, absences due to an illness for more than three (3) consecutive days may require a physician's statement verifying dates of illness before further sick pay is approved. In such instances, a written release to return to work is required. The release must include any restrictions that may apply, and indicate that the employee is able to perform essential job functions. In cases of excessive use of sick leave, or sick leave for more than a brief time, employees may be required to present a health care provider's statement before receiving sick leave pay.

## **HOLIDAYS**

An employee must be in a paid status the entire work day before and after the holiday(s) to receive holiday pay. The College observes the following fixed holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Good Friday
- Two days for Spring Break as designated by the President
- Memorial Day
- Independence Day
- Labor Day
- Day before Thanksgiving
- Thanksgiving Day
- Day after Thanksgiving
- Winter Break - The President designates a Winter Break each year that typically begins approximately one week before Christmas and generally extends to the day after January 1<sup>st</sup>, provided that January 1<sup>st</sup> does not fall on a weekend date.
- Day before Christmas Day
- Christmas Day
- Day after Christmas Day

The employee must work the day before and after the holiday in order to receive holiday pay if scheduled, unless approved in advance by the immediate supervisor. Non-exempt hourly employees who are required to work on any of the above holiday(s) shall be paid at 1.5 times the employee's hourly rate.

## **BEREAVEMENT LEAVE**

LeMoyne-Owen College recognizes that bereavement is a difficult time for an employee. The College will therefore make every effort to ensure that the employee is able to attend to necessary family matters without loss of earnings and will provide an employee with time off upon the death of an immediate family member, for purpose of making funeral arrangements or attending the funeral, subject to prior supervisory approval. Bereavement leave with pay is granted for up to three (3) days per occurrence in the case of the death of a spouse, children, father/mother, sister/brother, step/foster parents, step/foster children, father/mother-in-law, sister/brother-in-law, grandparents, and grandchildren. The College reserves the right to request documentation or information that confirms leave to be taken under this policy.

## **JURY DUTY**

If an employee, regularly scheduled to work at least 20 hours per week, is summoned during regular work hours to serve on a jury or as a witness in response to a subpoena, the employee is provided with paid jury duty leave. The employee must notify his/her supervisor of jury duty by submitting a Request for Leave form with a copy of the summons or subpoena

attached. Employees must show the jury duty summons to their supervisor as soon as possible, so that arrangements can be made to accommodate their absence. If an employee is a plaintiff or defendant and/or voluntarily appears in court as a witness, an employee is not entitled to jury duty leave pay and the absence from work must be pre-approved. Employees are paid the difference between their normal pay less pay received from the court for serving on jury duty.

If a Leave Request Form is not filed before the leave date, one must be filed within three (3) working days after returning to work. Failure to file a formal Leave request Form may result in forfeiture of paid leave.

## **MILITARY LEAVE**

An employee should discuss with his/her supervisor any request for military leave. A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. At the conclusion of the approved leave, the College will allow the employee to return to his/her original position or to an equivalent one.

If the employee is covered by LeMoyne-Owen College's group health plan and the employee's leave is for less than thirty-one (31) days, he/she may not be required to pay more than the normal employee contribution currently being deducted from his/her pay check. If the leave is more than thirty-one (31) days, the employee may elect to continue coverage for up to 18 months while on Military Leave through COBRA coverage, at his/her own expense.

If the Military Leave has been granted beyond thirty-one (31) days and/or the employee does not wish to pay the required amount of premium, his/her insurance will be cancelled. If the employee returns to work and did not elect COBRA coverage, the employee may re-enter the plan after the required waiting period. Employees on Military Leave shall be eligible for all benefits as if they never left, e.g., vacation or sick days shall not be lost, or if a paid holiday falls during the leave, employees on Military Leave shall be paid holiday pay in accordance with College policy.

An employee may take leave for activities such as National Guard duty, weekend drills, or annual reserve duty. An employee has the option of using accrued vacation leave or taking leave without pay. If he/she enters active duty in the Armed Forces, voluntarily or involuntarily, an employee is entitled to return to his/her previous or equivalent position after discharge or release from active duty as long as he/she meets the basic eligibility criteria of the Veterans Reemployment Act: the cumulative period does not exceed 5 years; the employee must be discharged honorably; and the employee must apply for reemployment according to time limits, which are based on the length of military service

## **VOTING TIME**

LeMoyne-Owen College considers voting in local, state, and national elections to be a civic duty. Normally, employees should be able to vote on their own time, either by voting before or after work or by obtaining an absentee ballot. In the unusual case that an employee cannot vote through these methods, upon request he/she shall be given up to two (2) paid hours for time off to vote. The employee's supervisor will decide when during work hours the employee will be released to vote, unless regulated by state law. To minimize operational disruptions, employees should provide advance notification of the need for time off to vote.

## **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

Eligible employees may take up to 12 work weeks of unpaid, job-protected leave under the Family and Medical Leave Act (FMLA) in a rolling 12-month period for specified family and medical reasons.

### **EMPLOYEE ELIGIBILITY**

To be eligible for FMLA leave, employees must:

- have worked at least 12 months;
- have worked at least 1,250 hours for the company over the preceding 12 months;
- work at a location where there are at least 50 employees within 75 miles.

**NOTE: Calculation for 1,250 hours includes only actual hours worked.**

### **REASON FOR LEAVE**

FMLA leave may be taken for the following reasons:

- birth of a child, or to care for a newly-born child;
- placement of a child with the employee for adoption or foster care;
- to care for an immediate family member (employee's spouse, child, or parent) with a serious health condition\*\*; or
- because of the employee's serious health condition which makes the employee unable to perform the functions of the employee's job.

**\*NOTE:** Definition of child is 18 years or younger, or child incapable of self-care because of a disability.

**\*\*NOTE:** If the employee is on FMLA leave to care for a family member with a serious health condition and the family member dies during the FMLA leave, the FMLA leave ends at that time.

### **DURATION OF LEAVE**

Employees who are eligible, may receive up to twelve (12) work weeks of unpaid leave during any "rolling" 12-month period, measured backward from the date on which FMLA leave commences. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

An employee who is eligible, may take FMLA leave intermittently (in blocks of time), or by reducing his/her normal weekly or daily work schedule, when medically necessary for his/her own or immediate family member's serious health condition. Intermittent leave is not permitted for birth of a child, to care for a newly born child, or for placement of a child for adoption or foster care. If an employee requires intermittent leave or reduced- schedule leave, the employee must try to schedule his/her leave so that it will not disrupt the office operations.

At the beginning of the FMLA leave, employees must use any accrued sick leave (if applicable), then accrued vacation leave, and then accrued floating holiday hours before entering into a non-paid status. Employees will not accrue leave benefits while on a leave without pay status.

If an employee and his/her spouse are employed at LeMoyne-Owen, both the employee and spouse are limited to a combined total of twelve (12) work weeks of FMLA leave if the reason for the request is for the birth and care of a newborn child, foster care placement or adoption of a child. However, for other qualifying reasons under FMLA, each eligible spouse is entitled to twelve (12) work weeks.

If an employee is on an approved leave, he/she may continue participation in health care coverage during this period. While in a paid status (utilizing accrued leave benefits) the portion of the contribution cost is deducted from the employee's paycheck. If the employee should go on leave without pay, he/she will need to make arrangements to pay contribution costs. For more information, contact the Office of Human Resources.

## **JOB RESTORATION**

Upon returning from FMLA leave and if the employee is eligible, the employee will be restored to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. Exceptions are permitted when the original position is abolished during the FMLA leave due to reduction in force, reorganization, or if the employee would not otherwise have been employed even if leave had not been taken.

## **NOTICE AND MEDICAL CERTIFICATION**

When seeking FMLA leave, an employee may be required to provide:

- Thirty (30) days advance notice of the need to take FMLA leave, if the need is foreseeable, or notice as soon as practicable in the case of unforeseeable leave;
- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member must be returned before his/her leave begins, or if not possible, within fifteen (15) days of the Office's request to provide the certification. If the employee fails to do so, LeMoyne-Owen College may delay the commencement of the employee's leave or withdraw any designation of FMLA leave, in which case an employee's leave of absence would be unauthorized, subjecting the employee to discipline up to and including dismissal. Second or third medical opinions and periodic re-certifications may also be required;
- Periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work;
- Medical certification of fitness for duty before returning to work, if the leave was due to an employee's serious health condition.

Failure to comply with the foregoing requirements may result in delay or denial of leave.

## CODE OF CONDUCT

All employees, as members of the College community, are expected to take personal responsibility for their actions, conduct themselves in a positive and ethical manner, and maintain satisfactory job performance. Appropriate measures, including immediate dismissal, may be rendered for:

- violation of academic integrity and standards
- failure to follow established standards for requesting or reporting absences;
- inappropriate handling or disclosure of confidential information or records;
- inappropriate, disruptive, discourteous or irregular behavior adversely affecting students, employees, or visitors;
- solicitation/distribution of materials;
- acts of physical misbehavior or acts of violence, including provoking or participating in fighting or making threats;
- performance of duties in an irresponsible, unsafe manner or behavior not conducive to a safe and healthful work environment, which includes not adhering to the no-smoking policy;
- noncompliance with LeMoyne-Owen College's commitment to equal employment opportunity;
- commission of acts of discrimination or harassment;
- plea of nolo contendere or conviction for an illegal act, committed on or off the job, which adversely impacts job performance, attendance or the reputation of LeMoyne-Owen;
- unauthorized access, inappropriate use, or abuse of LeMoyne-Owen College's equipment or property, such as, but not limited to, copiers, computers, computer software, internet access, e-mails, fax machines and telephones;
- sleeping on the job;
- neglect of duty or failure or refusal to perform job-related duties and assignments;
- failure to follow LeMoyne-Owen College's policies and/or procedures;
- gambling or playing games during work hours;
- violation of safety or security regulations;
- behavior harmful to the reputation and mission of LeMoyne-Owen College;
- refusal to cooperate with a LeMoyne-Owen investigation;
- tape recording without authorization;
- failure to obtain or maintain, within a designated time, licensure or certification credentials necessary for continuation in the job;
- unlawful manufacture, distribution, sale, possession, or use of any controlled substance, illegal drugs, or alcohol;
- misuse, defacement or destruction of LeMoyne-Owen, student, employee, or visitor property;
- falsification of forms, time and attendance records, or other official records or documents, including employment, promotion, or transfer documents;
- unauthorized possession, removal, destruction, or use of property belonging to LeMoyne-Owen or a student, employee, or visitor;
- possession of firearms, weapons, explosives, or dangerous materials on LeMoyne-Owen property unless authorized;
- misappropriation of official or organizational funds.

## CONFIDENTIALITY

It is the policy of LeMoyne-Owen College that all organizational information obtained while working for LeMoyne-Owen (verbal, written, computer files, or the enterprise computer network) is considered confidential unless otherwise stated in writing. Matters of confidentiality must be respected by all employees representing LeMoyne-Owen and maintained in a manner which

ensures its privacy and safety. LeMoyne-Owen's organizational information and/or employee information should not be discussed in open areas (i.e., elevators, hallways, cafeteria, etc.). LeMoyne-Owen respects the security and confidentiality of every employee and students' records.

This policy also applies to the disclosure of information regarded as confidential within an office. All communication systems, e-mail, Internet access, and voicemail are the property of the College. Employees are encouraged to contact the Office of Human Resources for assistance in using either process. Any unauthorized access or disclosure of confidential information is subject to immediate disciplinary action, up to and including termination of employment.

## **ATTENDANCE AND PUNCTUALITY**

Unanticipated absences or tardiness can severely diminish and interrupt the quality and level of service the College provides to our students, and members of the College community. Therefore, LeMoyne-Owen expects all of its employees to assume diligent responsibility for their attendance and punctuality. If an employee is going to be late or absent, he/she must directly notify his/her supervisor as soon as possible, but no later than one (1) hour before the start of his/her shift.

In all cases, the employee is expected to give his/her name, office, reason for the absence or tardiness, details of any tasks that need immediate attention, and his/her expected time of return to work. If an employee is absent from work for three consecutive work days and fails to notify the immediate supervisor, the College will consider this action as the employee's voluntary resignation. Continuous unexcused tardiness or absenteeism of any time frame may result in disciplinary action, up to and including, termination of employment. Pre-approved leave, such as vacation, absence due to the FMLA, ADA, etc., will not be recorded as an occurrence of absence for purposes of disciplinary action under this policy.

## **CHANGE OF ADDRESS/TELEPHONE NUMBER**

If an employee has a change of address, name, or telephone number, he/she must notify the supervisor and the Office of Human Resources. The employee's current address/telephone number is needed in case of an emergency and to provide the employee with College communications, including annual tax information. Employees are responsible for submitting these changes to their supervisor and the Office of Human Resources. The Social Security number should be included. If an employee has a name change, she must also complete a new I-9 and present the Office of Human Resources with her new Social Security card bearing her new name.

## **DISCIPLINARY ACTION & COMPLAINT RESOLUTION**

### **PERFORMANCE MANAGEMENT**

The College established a progressive discipline system to serve as a fair and consistent means to enforce College rules and regulations and to address conduct or performance deficiencies. Please also refer to the Code of Conduct section of this handbook as it relates to employee performance. It is the policy of Lemoyne-Owen College to formally address disciplinary problems and manage them at the lowest supervisory level. Supervisors are expected to let employees know the performance expectations and to keep employees informed of their progress. Whenever an employee consistently violates a policy or procedure, performs unsatisfactorily, or does not meet the expectations established by the supervisor, the supervisor has the responsibility to implement a plan to improve performance. Any disciplinary action taken is to be just and in proportion to the seriousness of the violation.

Supervisors must work closely with the Office of Human Resources during any disciplinary action. The Director of Human Resources helps employees and supervisors to comply with standard practices, and also to ensure that LeMoyne-Owen College remains in compliance with State and Federal mandates. If a situation warrants corrective action, the disciplinary actions applied may include a verbal warning, a written warning, and/or termination from employment.

The College reserves the right to terminate the at-will employment of any employee at any time, with or without cause or notice. Examples of summary discharge include, but are not limited to:

1. Conduct that is in opposition to the College's nondiscrimination statement;
2. Insubordination;
3. Not completing tasks or assignments given;
4. Tardiness or frequent absences;
5. Improper attire per department policy;
6. Improper use of work privileges for personal gain;
7. Theft of College property, personal property, or theft of service;
8. Falsification of records, time cards;
9. Disorderly conduct while on the job;
10. Deliberate, frequent, and/or recurring violations of stated safety regulations, even if they are not intentional;
11. Use or possession of, or being under the influence of illegal substances or alcohol while at work;
12. Threatening physical harm, or actual physical violence to another member of the College community, on or off campus; or
13. Breach of confidentiality, which is defined as releasing to unauthorized persons, or misuse of confidential information to which an employee is privy because of his/her job.

### **Disciplinary Steps**

The specific actions taken in regard to employee performance deficiencies may vary from situation to situation. The College may take any disciplinary measures, including termination, without following the specific progressive discipline steps in cases of egregious or serious violations of policy.

The employee's supervisor may initiate progressive discipline steps by giving the employee an informal verbal warning or formal written warning, depending on the seriousness of the violation

and the particular situation. In making such warnings and taking other disciplinary action, supervisors should address the following information:

1. Identify performance issues that are being addressed.
2. Identify with particularity what actions are needed to correct performance deficiencies.
3. Specify the period of time the employee will be given to correct deficiencies.
4. Outline actions that will follow if performance deficiencies are not corrected.

### **Verbal Warning**

1. The supervisor notifies the employee of the issues with his/her performance and/or conduct.
2. The employee must be provided with specific examples of the issue(s).
3. The employee must have the opportunity to respond to the issue(s) raised.
4. The supervisor must make concrete recommendations for improvement to the employee.
5. The supervisor must emphasize in a constructive manner the College's expectation that the employee will resolve the issue(s).
6. The supervisor must inform the employee of the possibility of further action if satisfactory improvement is not made.
7. The supervisor must document the discussion with the employee, including date, issue, and recommendations made.

### **Written Warning**

1. The supervisor determines (a) that a problem previously discussed with an employee has not been corrected or is becoming more serious, or (b) that other disciplinary problems with the same employee have arisen.
2. The written warning must be from the immediate supervisor to the employee.
3. The warning must identify the performance and/or conduct issues, provide examples, describe the College's expectations and recommendations for improvement, and inform the employee of the possible consequences if satisfactory improvement is not demonstrated (further disciplinary action up to, and including termination).
4. The written warning must be reviewed with the employee during a face-to-face meeting with the supervisor.
5. The employee must have the opportunity to respond to the issues raised, make suggestions, and request the supervisor's assistance.
6. The employee and supervisor must sign the document to acknowledge receipt and understanding of the warning. The employee must be given a copy.
7. The original signed warning must be sent to the Office of Human Resources.

### **Performance Improvement Plan**

If the employee does not correct the deficiency after receiving a formal written warning, or if the immediate supervisor deems the deficiency sufficiently severe to warrant further action, the supervisor may establish a performance improvement plan (PIP) for the employee. In coordination with the Director of Human Resources, the PIP will be developed utilizing the LeMoyne-Owen College Human Resources Corrective Action Form.

The supervisor will review the job deficiencies again verbally and then present the employee with a corrective action form outlining the following:

1. A brief summary of past attempts by the supervisor to resolve the job deficiency, identifying dates on which verbal and/or written warnings have been issued.

2. A statement that past efforts have not seen a correction of the job deficiency and that the supervisor will closely monitor the employee. The period of monitoring shall be a minimum of 30 days.
3. A statement by the supervisor outlining meeting dates during the monitoring period to evaluate the employee's progress in correcting the job deficiency.

At the conclusion of the monitoring period, the supervisor shall meet with the employee to evaluate the employee's progress toward correction of the deficiency. The supervisor shall prepare a summary memorandum for this purpose, present it verbally and then give it to the employee.

It is not necessary to complete the performance improvement plan process before the supervisor may recommend further action, including dismissal. Should the employee's performance not improve sufficiently during the duration of the performance improvement period, the supervisor may make a recommendation for other action prior to the end of the performance improvement period.

### **Suspension**

Suspension without pay for employees may be utilized in lieu of termination to address some performance issues. The administration is not required to utilize suspension prior to making a recommendation for termination of employment. Suspension requires the pre-approval of the respective divisional Vice President in consultation with the Director of Human Resources, with final approval by the President. Notice of suspension is provided to the employee through memorandum documented by a personnel action form (PAF).

### **Termination**

1. The circumstances of the termination decision must be fully documented.
2. Prior to the termination meeting, the Director of Human Resources should review and approve the documentation.
3. A personal meeting must be held with the employee to inform him/her of the termination and to explain the circumstances. The supervisor should have another member of management present at the termination meeting.
4. A copy of the documented termination decision must be sent to the Office of Human Resources.

### **CONFLICT RESOLUTION**

LeMoyné-Owen College provides a process for employees to seek resolution of workplace conflicts and, when eligible, to file bona fide, formal concerns or complaints without fear, restraint, interference, discrimination, or reprisal. The Conflict Resolution Process is available only to regular full-time and part-time employees. However, all employees may take advantage of the process for resolution of conflicts that do not meet the definition of a formal complaint. The Conflict Resolution process offers informal and formal assistance with solving conflicts involving work processes, performance assessments, disciplinary action, and termination.

While the ultimate responsibility for all employee relations rests with the President, this procedure is administered through the Office of Human Resources. Normally problems and differences can be settled as part of the day-to-day routine. Employees are encouraged to seek informal resolution of their concerns and work-related problems through management before filing a formal complaint. Administrators and supervisory personnel should objectively investigate and discuss all complaints brought to their attention as soon as possible.

Such matters should be given immediate attention with the express intent of finding a reasonable solution to the complaint or concern.

## **CONFLICT RESOLUTION PROCESS**

### **Step 1: Initiate an Informal Discussion with a Supervisor or Office Head**

It is the goal of the College to create and promote open communication within the work environment whereby concerns can be resolved informally whenever possible. The employee is encouraged to speak with his/her supervisor concerning the issue, within seven (7) business days of the action that prompted the concern. In the event that the employee is uncomfortable speaking with his/her supervisor or office head about the concern, the employee may bring the concern to the Director of Human Resources who will help to answer questions or facilitate an informal resolution of the concern.

### **Step 2: Submit a Written Request for Formal Review**

The matter of conflict shall be presented in writing to the Office Human Resources within:

- Seven (7) business days of the situation or incident which led to the conflict; or
- Seven (7) business days of receipt of the written response from the employee's supervisor as it pertains to Step 1.

The employee's office head and the next level manager will receive a copy of the grievance for review as notification that a complaint has been filed.

### **Step 3: Review by Administrator or Next Level Manager**

The office head or next level manager will review the written complaint and prepare a file summarizing the matter of conflict and the proposed action/remedy within seven (7) business days from receipt of the written complaint. This memorandum will be reviewed with the employee and a copy will be forwarded to the Office of Human Resources for inclusion in the employee's personnel file. If there are no other levels of supervision or the employee is not satisfied with the applicable decision, the employee should proceed to Step 4.

### **Step 4: Review by the Director of Human Resources**

The employee may appeal the decision, in writing, within seven (7) business days to the Director of Human Resources, who shall immediately investigate the matter of conflict, and if necessary appoint an ad-hoc conflict resolution committee. The Director of Human Resources will take the steps he/she deems necessary to review and investigate the complaint. The employee and supervisor will be notified of the final decision within ten (10) business days.

# Conflict of Interest Policy

## Persons covered by this policy:

This policy applies to all trustees, administrators, faculty and staff of the College, whether full or part-time.

## Overview of Policy

The participation of employees in external activities that enhance their professional skills or constitute public service can be beneficial to LeMoyne-Owen College, as well as, the individual employee. External activities provide an opportunity to discover and pass on new knowledge, with the formation of alliances that enhance the College's academic and research missions. External activities can lead to Conflict of Interest with regard to an employee's College responsibilities. As such, this policy is intended to provide a framework for recognizing and managing employee Conflict of Interest, and whenever possible, to prevent even the appearance of Conflict of Interest. While the primary goal of this policy is to prevent an employee's external activities from adversely influencing LeMoyne-Owen College operations, this policy is also intended to protect employees from undue suspicion that their external activities may improperly influence College operations.

## Scope of the Conflict of Interest Policy

### A. Trustees

Trustees owe special care and loyalty to the College and must maintain the best interests of the College in all Board-related deliberations and decisions. This includes disclosing actual or perceived conflicts of interest at the earliest possible point of awareness. Trustees shall not make use of information relating to the College' business for personal gain of any nature by the Trustee or his/her immediate family.

### B. Administrators (Includes the President, Vice Presidents, Deans, Department Chairs, Executive Directors and Directors)

Administrators of the College owe special care and loyalty to the College and must exercise care in maintaining the best interests of the College in all College-related decisions by disclosing actual or perceived conflicts of interest. Since these administrators will be involved in such decisions practically on a daily basis, the opportunity for creation of conflicts (as well as the appearance thereof) is greatest and must be avoided.

- C. Faculty  
Faculty who hold full time appointments have a primary commitment to the College. The College Faculty Handbook and annual faculty employment contract shall define the faculty member's obligations to the College.
- D. Staff  
The College expects that staff members will recognize the possibility that their external activities, commitments, and interests may have adverse effects on the performance of their College obligations. This policy applies to both exempt and non-exempt staff.
- E. Part-time Appointments  
Part-time employees may have a high potential for conflict of interest because of multiple demands of their time. It is expected that part-time employees will disclose potential conflicts and fulfill their obligations.

**A. Statement of general policy**

- 1. It is the policy of LeMoyne-Owen College that its employees conduct the affairs of the College in accordance with the highest legal, ethical and moral standards.
- 2. It is the policy of LeMoyne-Owen College that Conflict of Interest should be avoided where possible, or otherwise disclosed and managed.
- 3. It is the policy of LeMoyne-Owen College that employees shall not use their College position to secure personal financial benefits for themselves or any member of their immediate family. A Conflict of Interest arises whenever the employee has the opportunity to influence College operations or business decisions in ways that could result in a personal financial benefit to the employee or a member of an employee's immediate family. Although certain specific examples of Conflict of Interest are provided in this policy, they are meant only as illustrations, and supervisors and employees are expected to use good judgment to identify possible Conflict of Interest and to manage such so as not to adversely influence LeMoyne-Owen College operations.
- 4. Nothing in this policy shall be construed to permit, even with disclosure, any activity that is prohibited by law.

**B. Definitions**

- 1. Conflict of Interest occurs when an employee or immediate family member receives personal financial benefit from the employee's College position in a manner which may inappropriately influence the employee's judgment or compromise the employee's ability to carry out College responsibilities or could be a detriment to the College's integrity.

2. External activity means involvement with any person, trust, organization, enterprise, government agency, or other entity that is not an entity associated with or under the control of LeMoyne-Owen College.
3. Immediate family includes the employee's spouse, dependent children and stepchildren.
4. Manage and managing means an affirmative action by supervisors and managers to monitor and direct an employee with regards to specific expectations.
5. Personal financial benefit is defined as anything of monetary value, including salary, commissions, fees, honoraria, equity interests, interests in real or personal property, dividends, royalty, rent, capital gains, intellectual property rights, and forgiveness of debt. "Personal financial benefit" does not include:
  - a. compensation received from LeMoyne-Owen College
  - b. payments from not-for-profit entities for participation in seminars, lectures or other educational activities
  - c. payments from government or not-for-profit entities for participation on advisory committees or review panels;
  - d. any financial interest arising solely by means of investment in a mutual, pension, or other institutional investment fund over the management and investments of which the employee or an associated immediate family member does not exercise control.
6. Administrator means the president, vice president, assistant or associate vice president, dean or director who has executive management responsibilities for supervising the employee.
7. College means LeMoyne-Owen College.
8. College responsibilities are defined as the responsibilities of a College employee to perform College activities as defined by College management, or contract.

### **C. Policy provisions**

1. An employee shall disclose to his or her administrator any situation in which the employee has a real or potential Conflict of Interest. The administrator shall determine an appropriate way to manage the Conflict of Interest and ensure that College business is not improperly influenced or adversely affected. In the event that the administrator concludes that there is no reasonable way to manage a Conflict of Interest, then the employee may be prohibited from participating in related College affairs. In other words, employees have a responsibility to immediately disclose any real or potential Conflict of Interest, and administrators have a duty to manage the conflicts in the best interests of the College.
  - a. An employee shall disclose Conflict of Interest in writing on the College's Conflict of Interest Disclosure Form, including a brief statement of the nature and extent of the conflict, which shall be submitted for review by the associated administrator. This disclosure should be completed at least annually, on a form designated by the College for such purposes. A new disclosure form should also be completed whenever there is a significant change.
  - b. If an administrator becomes aware of a Conflict of Interest that an employee has not disclosed, the administrator shall discuss the situation with the employee, require that a written disclosure be made as provided in this policy, and manage the

conflict. The administrator may also take appropriate action under Section F of this policy.

- c. Administrators shall carefully evaluate all circumstances relating to a potential Conflict of Interest before acting to approve or disapprove the associated activities.

2. The following are examples of Conflict of Interest requiring employee disclosure. These examples are illustrations only and are not meant to be exclusive.

- a. Employee or immediate family member owns, in whole or in part, a business entity with which the College does or proposes to do business, and the employee is In a decision-making role or otherwise is in a position to influence the College's business decisions regarding the business entity. Business entity examples for which an employee disclosure is required:

Finance or accounting services  
Athletic equipment services  
Consulting  
Counseling  
Catering  
PC or other hardware services  
Programming  
Architectural services  
Legal services  
Grant preparation  
Temporary personnel services  
Office or lab supplies  
Painting services  
Lawn and ground services

# SEXUAL HARASSMENT

## Introduction and Policy Statement

LeMoyne-Owen College is committed to having a positive learning and working environment for its students, faculty and staff and will not tolerate sexual harassment.

Sexual harassment is an attack on the dignity of individuals and the integrity of the College as an institution of learning. Academic freedom can exist only when every person is free to pursue ideas in a non-threatening, non-coercive atmosphere of mutual respect. Sexual harassment is reprehensible and threatening to the careers, educational experience and well being of all members of our community. Sexual harassment is a form of discrimination that violates College policy. It is also illegal under state and federal law.

This policy applies to all members of the LeMoyne-Owen College community. It allocates responsibilities for helping to ensure that College policy is fairly applied, explains the process by which complaints of sexual harassment may be brought forward, and provides sanctions for sexual harassment, which may range from reprimands to termination or dismissal, depending upon the severity of the offense.

## SECTION I: Applicability and Sanctions

This policy applies to all applicants for employment, employees, student employees, and students in both on and off-campus College-sponsored activities. In determining whether the alleged conduct constitutes sexual harassment, the College shall consider the record as a whole and the totality of circumstances, including the nature of the incident and the context in which the alleged incident(s) occurred. Sexually harassing conduct often involves a pattern of offensive behavior, although a single instance of physically threatening or otherwise sexually aggressive or abusive behavior can constitute sexual harassment. Individuals determined to have violated this policy shall be sanctioned, which could include termination.

The College also prohibits acts of sexual violence. Employees and students who believe they have been victims of sexual violence are urged to consult the College's Workplace Violence Policy.

## SECTION II: Definitions

### A. Complainant:

A person who is subject to alleged sexual harassment.

### B. Respondent:

An individual whose alleged conduct is the subject of a complaint.

### C. Sexual Harassment:

A form of illegal sex discrimination that violates Title VII of the Civil Rights Act of 1964. The definition of sexual harassment used by the College is the same as that formulated and published by the federal Equal Employment Opportunity Commission (EEOC). That definition defines sexual harassment as unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is an explicit or implicit condition of employment, or
- (2) Submission to or rejection of such conduct is used as the basis for an employment decision, or

- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

This form of harassment may involve the behavior of a person of either sex against a person of the opposite or same sex. The use of a position of authority as a way to accomplish any of the above may also constitute sexual harassment. The subjective belief of an employee or student that the behavior is offensive does not in itself constitute sexual harassment.

Examples of sexual harassment include but are not limited to:

- Pervasive displays of pictures, calendars, cartoons, or other materials with sexually explicit or sexually graphic content in a workplace or academic environment.
- An offer for some "benefit," a grade, or a bonus in exchange for sexual favors.
- Suggestions or threats that refusal of sexual favors might result in "negative" consequences or hinder one's academic career or professional standing.
- Constant unwelcomed efforts to change a casual friendship or professional relationship into a romantic one.
- Unwelcomed, persistent, and offensive sexually-oriented jokes and comments.
- Unwanted physical contact such as touching, patting or pinching.

### **SECTION III: Consensual Relationships**

Consensual romantic or sexual relationships between faculty and students, administrators and students, or between supervisors and employees, are inappropriate. The power differential inherent in such relationships compromises one's ability to decide freely. Faculty, administrators, and supervisors are warned against the possible risks of even an apparently consenting relationship. Any College employee who enters into a romantic or sexual relationship with a student or subordinate where a professional power differential exists must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove mutual consent.

Therefore, there are special risks in any sexual or romantic workplace relationship between individuals in inherently unequal positions. Parties in these types of relationships assume those risks. Due to the potential for conflict of interest, exploitation, favoritism, and bias, consensual relationships are strongly discouraged—particularly since they may undermine the real or perceived integrity and trust generally associated with the employee-employer or student-faculty relationship. In addition, romantic relationships are likely to be perceived differently by each party—especially in retrospect. One party may recall the relationship as being less consensual than the individual whose position confers power or authority believes.

### **Section IV: Sexual Harassment by Third Parties**

If a College student believes that she or he has been sexually harassed in a College academic program by an individual who is not a College employee or student, the student should report the alleged sexual harassment to the administrator (department chair or dean) responsible for that academic program or to the Dean of Students.

If a College employee (including a student employee) believes that he or she has been sexually harassed within the scope of his or her employment activities by an individual who is not a

College employee or student, the College employee should report the alleged sexual harassment to his or her supervisor, or any member of management, who in return should immediately bring the matter to the attention of the Director of Human Resources or other employee in the Office of Human Resources in the director's absence.

If the College determines that a third party has sexually harassed a College student in a College academic program or a College employee within the scope of her or his employment, the College will take corrective action. Individuals who are not students or employees of the College are not subject to discipline under the College's internal processes.

#### **SECTION V: No Retaliation**

The College is committed to protecting the rights of both the complainant and respondent. No employee or student shall be reprimanded or subjected to retaliation for initiating an inquiry, filing a complaint in good faith, or participating in an investigation related to a claim of sexual harassment. Any conduct constituting retaliation or reprisal is a violation of this policy, which is subject to disciplinary action up to and including dismissal. The College may impose sanctions if it determines that an employee or student knowingly initiated in bad faith a claim of sexual harassment, knowingly provided false information, or intentionally misled a College representative during an investigation of this or a related complaint.

#### **SECTION VI: False Complaints**

Any member of the College community, who knowingly files a false complaint of sexual harassment, or who knowingly provides false information or intentionally misleads College officials who are investigating a complaint of alleged sexual harassment, is subject to disciplinary action, up to and including discharge for employees and suspension for students.

# WHISTLEBLOWER POLICY

## INTRODUCTION

LeMoyne-Owen College is committed to maintaining an environment of respect and trust consistent with the College's Mission Statement. In addition, the College is committed to complying with all laws and regulations applicable to it, and the College relies upon its employees to perform their duties in accordance with the College's policies and procedures. The College's internal controls and policies and procedures are intended to prevent and detect improper activities. The College encourages good faith reports by College employees and others of observed or suspected misconduct, waste, or noncompliance with law, regulations or College policies.

This Whistleblower Policy is designed to encourage and enable College employees and others who have good faith serious concerns about misconduct, including violations of law, regulations or College policies and procedures, to report their concerns. This Policy is not intended to supplant existing College policies. Thus, complaints or grievances such as those regarding discrimination or harassment, personnel, employment and labor relations matters, academic matters, and other matters for which the College has specific policies, should continue to be made and addressed in accordance with the policies and procedures applicable to such matters and applicable law.

## REPORTING MISCONDUCT

Any person may report allegations of misconduct. Reports shall focus on facts and should avoid speculation. Reports shall include as much detailed information as possible in order to better facilitate evaluation of the nature, extent and urgency of the investigation. Employees may report allegations of misconduct to their supervisor or other appropriate administrators across the campus as follows: President, Vice President for Academic Affairs, Vice President, Chief Financial Officer, or the Director of Human Resources. The College recommends that persons who are not employees of the College make reports to the College official whom the reporting person reasonably believes has responsibility over the affected area or holds one of the positions listed above. Anonymous reporting is also permissible, but such reports must include sufficient detailed information to warrant an investigation. Anonymous reports may be made by e-mail to [blowthewhistle@loc.edu](mailto:blowthewhistle@loc.edu) Reports also may be made outside the College to appropriate authorities.

A person making a report under this Policy may request that it be handled as confidentially as possible. Although the College will endeavor to handle all such reports in a confidential matter, other obligations and considerations may preclude the College from maintaining confidentiality in all circumstances.

## PROTECTION FROM RETALIATION

No individual who in good faith reports misconduct or suspected misconduct (whether internally or to authorities outside the College) shall suffer retaliation for making such a report. Individuals who believe that they have suffered retaliation may report it by one of the reporting methods identified above. Making a report pursuant to this Policy shall not insulate an individual from personnel or other actions that are warranted based upon performance or other factors and are not caused by making a report under this Policy.

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

### **FERPA Frequently Asked Questions (FAQs)**

#### **1. What is FERPA?**

FERPA is the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 CFR Part 99) and is a federal law that was enacted in 1974. FERPA protects the privacy of student education records. All educational institutions that receive federal funding must comply with FERPA.

#### **2. Why should I care about FERPA?**

If you're a student, it's important for you to understand your rights under FERPA. If you're a parent, you'll need to understand how the law changes once your student enters a post-secondary institution. If you're an employee of LeMoyne-Owen College with access to student education records, you're obligated to comply with FERPA and to protect those records according to the law.

#### **3. What are students' rights under FERPA?**

FERPA gives students four basic rights with respect to their education record:

- The right to control disclosure of their education record
- The right to review their education record
- The right to request amendment of inaccurate or misleading portions of their education record
- The right to file a complaint regarding non-compliance of FERPA with the Family Policy Compliance Office of the U.S. Department of Education

#### **4. What are "education records"?**

Education records are defined as records, files, documents, and other materials that contain information directly related to a student and are maintained by LeMoyne-Owen College or by a person acting for the College. Education records take many forms, including paper and electronic. Education records include:

- Grades
- Class lists
- Student course schedules
- Disciplinary records
- Student financial records
- Payroll records for employees who are employed as a direct result of their status as students (e.g. work study, assistantships, resident assistants)

#### **5. Are there any records that are not considered education records?**

The following records are excluded from the definition of education records:

- "Sole possession" records made by faculty and staff for their own use as reference or memory aids and not shared with others
- Personal observations

- College law enforcement records
- Medical and mental health records used only for the treatment of the student
- Alumni records
- Peer graded papers and exams prior to the grade being recorded in the instructor's grade book

6. **What does the law mean when it says that students have the right to control disclosure of their education records?**

It means that a student's education records may be disclosed only with the student's prior written consent. The prior written consent must:

- Specify the records to be released
- State the purpose of the disclosure
- Identify the party(ies) to whom disclosure may be made
- Be signed and dated by the student

7. **Does "written consent" have to be collected on paper?**

No. In recent years, the U.S. Department of Education has clarified that an electronic signature may substitute for a written one. In order to qualify as an electronic signature, appropriate authentication must occur. LeMoyne-Owen College's access account satisfies the requirements for an electronic signature. Since students must log in to LeMoyne-Owen College's e-mail system using their LeMoyne-Owen College access accounts, an e-mail note from a student's loc.edu e-mail address satisfies FERPA's written consent requirement. However because security measures for other e-mail systems are not as strict, an e-mail received from a Gmail, Yahoo mail, or AOL mail account for example would NOT qualify as written consent.

8. **Are there any conditions under which student education records may be disclosed without the student's consent?**

Yes, FERPA does contain some exceptions to the written consent rule. Those exceptions allow disclosure without consent:

- To College officials (including third parties under contract) with legitimate educational interests
- To comply with a judicial order or lawfully issued subpoena
- To appropriate parties in a health or safety emergency in order to protect the student or others
- To parents with proof of dependency
- To parents in cases of drug or alcohol violation when the student is under the age of 21
- To the provider or creator of a record to verify the validity of that record (e.g. in cases of suspected fraud)
- To organizations conducting research studies on behalf of the College, provided there is a written agreement between the College and the research organization
- To officials at an institution in which the student seeks or intends to enroll or is currently enrolled

9. **Who are "College officials"?**

"College officials" are College employees with general or specific responsibility for promoting the educational objectives of the College or third parties under contract with the College to provide professional, business and similar administrative services related to the College's educational mission. Individuals whose responsibilities place them within this category include instructors; faculty advisers; admissions counselors; academic advisers; counselors; employment placement

personnel; deans, department chairpersons, directors, and other administrative officials responsible for some part of the academic enterprise or one of the supporting activities; College security personnel; health staff; development officers; staff in Alumni Relations; administrative and faculty sponsors of officially recognized clubs, organizations, etc.; members, including students and alumni, of official college (or College) committees; staff personnel employed to assist College officials in discharging professional responsibilities; and persons or entities under contract to the College to provide a specific task or service related to the College's educational mission.

#### 10. **What constitutes "legitimate educational interest"?**

FERPA permits college employees to have access to student education records in which they have "legitimate educational interest." Such access does not require prior written consent of the student.

But what constitutes "legitimate educational interest"? Essentially, legitimate educational interest is necessary for employees to carry out their responsibilities in support of LeMoyne-Owen College's educational mission. A legitimate educational interest can be considered as a "need to know" that is essential to carrying out job responsibilities related to education.

It is important to understand several points related to "legitimate educational interest":

- Curiosity is not a legitimate educational interest. An employee having access to PowerCampus and the ability to view the record of a neighbor's son, does not mean that there is a legitimate educational interest in his grades and cumulative GPA.
- The fact of being a college employee does not constitute legitimate educational interest. The need to know must be related to the job responsibilities in support of the college's educational mission. In other words, records should be used only in the context of official business in conjunction with the educational success of the student.
- Legitimate educational interest is limited. While there may be a need to access education records for students at LeMoyne-Owen College, employees do not necessarily have a similar need to view records of students outside the College. In other words, access to information does not authorize unrestricted use.

#### 11. **Is there any student information that can be released without the student's permission?**

FERPA permits each institution to define a class of information as "directory information." FERPA permits public disclosure of directory information without the student's consent.

#### 12. **What is directory information?**

Directory information is information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. A list of LeMoyne-Owen College's directory items are available on the Registrar's Web site.

#### 13. **Is the College required to release a student's directory information?**

No. The only required disclosure of education records is to the student. All other disclosures, including those with student consent and disclosures of directory information, are at the discretion of the institution.

#### 14. **Can a student prevent the release of their directory information?**

FERPA requires each institution to allow students to block disclosure of their directory information. At LeMoyne-Owen College, we refer to this action as "confidentiality." The following are consequences of a student placing confidentiality on his/her record:

- Student's name/address is excluded from the LeMoyne-Owen College online directory and printed telephone directories.
- Student's name will not appear in the commencement program.
- Verification of enrollment, graduation, or degrees awarded will not be provided to third parties, including potential employers and insurance companies.
- No information will be released to any person on the telephone or via e-mail.

Requests for confidentiality are permanent until removed in writing by the student.

**15. When do student's FERPA rights begin?**

According to the law, a person becomes a student for purposes of FERPA when he/she is "in attendance" at an institution. This includes attendance in person or remotely by video-conference, satellite, Internet, or other electronic and telecommunications technologies.

At LeMoyne-Owen College, we define a student as someone currently or previously enrolled in any academic offering of the College. This does *not* include prospective students or applicants to any academic program of the College.

According to LeMoyne-Owen College policy, FERPA becomes effective on the first day of classes for those newly admitted students who have scheduled at least one course. A student who accepted an admission offer but did not schedule at least one course, or a newly admitted student who canceled his/her registration either before or after the semester begins, is not covered by FERPA.

**16. Do College employees have to obtain the student's permission before reviewing a student's education record?**

"College officials" are permitted access to student education records without student consent as long as those officials have a "legitimate educational interest" in that student's record. The student's permission is not required.

**17. Do parents have any rights under FERPA?**

In primary and secondary educational institutions (i.e. K-12), all FERPA rights belong to the parent. However, when the student reaches the age of 18 *or* begins to attend a post-secondary institution *regardless of age*, all FERPA rights transfer to the student.

For LeMoyne-Owen College students, the FERPA rights belong to the students, not the parents.

**18. What changes were made to FERPA in December 2008?**

The December 2008 update to the law did not change any of the four basic student rights under FERPA. The changes clarified portions of the law and incorporated interpretations that had been made over the years by the Family Policy Compliance Office and as a result of various court cases. A summary of the changes are available on the Registrar's web site.

**19. Where can I get more information about FERPA and LeMoyne-Owen College's student records privacy policies?**

Office of Student Records

## **COLLEGE PROPERTY USAGE**

### **E-MAIL, VOICEMAIL, COMPUTERS & TECHNOLOGY USAGE**

LeMoyne-Owen College may provide voicemail and e-mail systems, both internal and external (in the case of e-mail, through the Internet), as well as desktop computers, portable computers, servers, local area networks, intranets, printers, software, and removable storage media (e.g., floppy disks, CD-ROMs, hard disks) to assist in timely and efficient communication. These communication methods and other technology are referred to as "Technology Resources." The Technology Resources are owned by LeMoyne-Owen and are provided only for business use. All messages and other information and data entered, created, received, stored or communicated through the Technology Resources are the property of the College.

Some of the issues addressed in the Technology Resources Policy include the following:

- Technology Resources are for business use only.
- Employees should have no expectation of privacy in connection with the entry, creation, transmission, receipt or storage of information via the College's Technology Resources or the Internet.
- Employees consent to LeMoyne-Owen College's right to monitor its Technology Resources.
- No discriminatory/harassing or otherwise offensive usage of the College's Technology Resources is permitted.
- College Technology Resources may not be used to violate any law, including but not limited to copyright laws.
- Employees are prohibited from obtaining access to, or reviewing the files or communications of other users or deleting College files without a clear and authorized business purpose.
- The Internet is not secure. Employees should observe confidentiality protections at all times.
- The College's policies relating to solicitation and distribution apply to Internet and Intranet usage.

### **E-MAIL DISTRIBUTION LIST POLICY**

When used properly, electronic mail (Email) is a powerful tool for the exchange of information needed for daily business operations. However, indiscriminate use can take away time and resources needed for daily tasks. In a collaborative effort to ensure that Email is used for the daily business of LeMoyne-Owen College, the administration has approved the following policy to govern the use of employee and student Email distribution lists. Only designated personnel are authorized to disseminate campus-wide e-mail communications. Please refer to the policies and procedures manual for a list of approved personnel.

1. Employee e-mail distribution lists exist for the purpose of furthering the business of the College.
2. Users should restrict use of the distribution lists to messages of interest to the entire list.
3. Users should consider the proper chain of responsibility when sending messages. Messages of an informational nature should come from the person/office closest to the situation.
4. Users should send messages to the distribution list which is most appropriate for the context of the message. A message concerning College faculty members should be sent to "College Faculty" not to "All LOC Employees".

5. Never respond to an Email with a large distribution list using Reply to All. This causes a storm of unnecessary network traffic. Respond to sender only.

To clarify the policy, the following are examples of appropriate and inappropriate uses of the distribution list:

**Appropriate:**

- Messages from Administration concerning school business
- Announcements concerning illness/death of employees or students
- Announcements concerning College or campus school activities or functions (concerts, ball games, registration info, etc.)
- Benevolent requests such as blood drives, disaster relief, family in need, etc. must have prior approval at the cabinet level before communicating such solicitation.

**Inappropriate:**

- Computer for sale, house for rent, etc.
- Repairman needed
- Any form of solicitation or advertising for personal profit
- Chain mail or any message requesting you to forward it to multiple users

## **SOFTWARE COPYRIGHT & NETWORKING**

### **Software Copyright Policy**

Most software available for use on computers at LeMoyne-Owen College is protected by the United States Copyright Law of 1976, as amended. Educational institutions are not exempt from the laws covering copyrights. In addition, software is normally protected by a license agreement between the purchaser and the software seller. The software provided through the College for use by faculty, staff, and students may be used only on computing equipment as specified in the various software licenses.

It is the policy of the College to respect the copyright protection given to software owners by federal law. It is against College policy for faculty, staff or students to copy or reproduce any licensed software on College computing equipment, except as expressly permitted by software license. Also, faculty, staff, and students may not use unauthorized copies of software on College-owned computers or on personal computers housed in College facilities.

Unauthorized use of software is regarded as a serious matter and any such use is without the consent of LeMoyne-Owen College and subject to disciplinary action.

### **Guidelines on Software Copyright Policy**

#### **Scope of Policy**

The prohibition against unlawful copying applies to all faculty, staff, and students. The policy applies equally to all software for microcomputers, minicomputers, servers, or any other devices. It also applies to software documentation.

## Sanctions for Violation

Disciplinary action will be taken against individuals violating this policy in the course of College-related activities, or individuals found using College facilities to conduct or assist in unlawful copying, under the applicable disciplinary procedures appropriate to students, staff, or faculty as the case may be. For example, unlawful copying would be considered as misconduct by members of the College staff and faculty, and in appropriately severe circumstances could result in discharge for cause.

The possible disciplinary actions for violation of the policy, such as termination of employment or student status, will depend on the facts and circumstances of each case and is likely to include restitution to the copyright owner. In addition, individuals may be denied access to College computers or related facilities. Computers, workstations, etc., found to be in violation of this policy; i.e., loaded with unauthorized software, will not be serviced by any member of the IT staff.

## Responsibility for Compliance

When the College acquires software; the using department is responsible for reading and adhering to the terms of the license agreement and preventing unauthorized copying. Supervisors and department heads shall ensure that employees and other persons having access are advised of restrictions and do not make unauthorized copies impermissibly. Additionally, each employee is required to sign a document stating that he/she has read this policy, fully understand and will abide by it. This document will be placed in the permanent personnel file. Software purchased by individuals is the responsibility of the individual and will not be supported by IT staff. Persons who knowingly aid in unauthorized copying also may be held responsible under this policy.

Examples of unauthorized copying are the loaning of software to another person with the intent that the borrower will make an unauthorized copy, or by knowingly allowing one's computer to be used for making an unauthorized copy.

All College laboratory computers (including library computers) shall have on them, or nearby and visible to the user, a notice stating that unlawful copying is prohibited. The suggested form for such notice is:

**NOTICE:** Copying software or documentation may be subject to the Copyright Law.  
Unlawful copying is prohibited.

Copies of this policy and these guidelines shall be distributed to students periodically by the Office of Student Affairs. Supervisors are charged with ensuring that applicable staff employees are aware of this policy and academic department heads shall make their faculty aware.

## Network Policies and Procedures

The IT staff maintains the production network infrastructure that many people depend upon to get their daily work completed. To assure efficiency and effective services, policies and procedures have been established to guide the use of computer network software and network equipment. Use of new applications is permitted only in ways that do not pose a risk of interference to others on the network. Production use of the network takes priority over experimentation at all times.

All users are required to contact the Help Desk before using a new or unfamiliar network program, device, or protocol. The Help Desk can help determine if the item in question is compatible with the infrastructure in advance, preventing problems before they occur.

The following rules apply to network use:

- All users are expected to follow an acceptable code of conduct that "demonstrates respect for intellectual property, truth in communication, ownership of data, system security mechanism, and individuals' right to privacy and freedom from intimidation, harassment, and unwanted annoyance."

- Connecting devices to the network for the purpose of providing remote access is not permitted. For example, connecting a modem to an office computer so that one can access the network from one's home computer is not permitted. The connection of such a device requires the written permission of the Director of IT. Such devices present a security and operational threat to the network and a possible violation of LeMoyne-Owen College license agreements.
- If such a mechanism is discovered, the device or computer will be disconnected from the network until the appropriate permissions have been obtained or the external connection has been removed. The only permitted mechanisms for remotely accessing the network are those provided through IT.
- All devices with a network interface that are attached to the network (including printers, computer systems, laboratory equipment, scanners, communications devices, etc.) must be registered with IT when attached to the network. When a device is registered, network name and numbers will be assigned to the device and owner contact information will be collected.
- No device or program that has the potential of disrupting network services to others is permitted on the network without prior approval from IT.
- Programs that cause excessive broadcast levels are forbidden.
- Routers, switches, firewalls, bridges, repeaters, and the protocols used by such devices may not be used on the network without specific permission from IT.
- Unregistered devices are subject to disconnection from the network, without notice, whether or not they are disrupting network service. Although IT will generally make an effort to contact the owner of a device before disconnecting it, situations in which network operation is severely disrupted may necessitate immediate disconnection of a device without notice.
- Because of their high potential for network disruption, devices speaking bridging or routing protocols without specific permission from IT are also subject to disconnection from the network without prior notice.
- Various College offices, departments, and computing facilities may impose additional restrictions on the use of their computers and access to the network.
- Network bandwidth may be restricted for specific applications to maintain efficient and effective service of the network.
- Use of any Peer to Peer application (downloading of movies, music or other copyrighted material) by faculty, staff or students is prohibited on any college owned computers unless approved by the Director of IT.

## **COLLEGE VEHICLE USE**

Employees driving on College business must maintain a valid driver's license of the proper class. Employees are required to wear seat belts while operating College or private mileage vehicles. In addition, a Defensive Driver Training course may be required every three years. Coordination of a Defensive Driver Training course is available through the Office of Human Resources. If an employee is injured in a vehicle accident, the failure to wear safety belts can be cause for denial of injury leave benefits. The passenger restraint systems in College vehicles may not be modified. No employee shall operate a vehicle on College business while under the influence of alcohol and/or drugs.

Employees are responsible for the citations they receive while driving a College or private mileage vehicle. Employees must have written authorization to operate College vehicles. In the event of an accident, employees must report the incident immediately. Authorized drivers are also required to immediately report all on-the-job vehicle accidents and inform their supervisor and the Director of Human Resources when their driver's license is expired, revoked, or suspended. A Vehicle Accident Report must be completed immediately after the event.

## **MISUSE OF COLLEGE ASSETS**

All College-owned property such as vehicles, computers, telephones, faxes, copy machines, etc., is to be used for College business only. Employees are responsible for the proper care and use of College equipment and supplies. Any damaged or unsafe equipment, repairs, and replacements of equipment should be reported to the employee's supervisor. Computer hardware and software are property of the College. Employees are expected to use College equipment safely and properly. Abuse or misuse of College property may be cause for disciplinary action, up to and including termination.

## **INCLEMENT WEATHER LEAVE**

The College is committed to maintaining business and operations during inclement weather periods. However, in the event of life-threatening weather conditions, the College may deem it necessary to close the campus officially or delay normal reporting times.

**DELAYED OPENING:** LeMoyne-Owen will open at a specified time to be generally announced by 5:00 a.m. on local radio and television stations.

**EARLY CLOSING:** As deemed necessary, the campus may close early due to inclement weather. When this becomes necessary, the decision to close will generally be made jointly between the Vice President for Academic Affairs and the Dean of Students.

**CLOSING:** Classes, examinations, and operations will be cancelled. It is the department head's responsibility to determine "closings" for employees scheduled to work during the weekend.

Employees are encouraged to register for campus e-Alerts, which notifies employees via their cellular phone and/or computer when there are emergency closings.

Regular full-time or part-time employees scheduled to work (not on vacation leave, sick leave, or leave of absence), will be provided paid leave in the event of a delayed opening or business closing. Employees who do not report to work or arrive late when the College has not been officially closed or delayed, must use vacation or a personal leave day. If these balances have been exhausted, the employee will not be paid for those hours.

## **RESIGNATION & TERMINATION OF EMPLOYMENT**

There are several types of separation classifications. These include voluntary termination by resignation or retirement and involuntary termination by layoff, suspension or dismissal.

### **RESIGNATION/RETIREMENT**

While no notice is required when an employee wishes to resign, a minimum notice of two weeks is expected, so that the College can make temporary arrangements and begin the replacement process. However, 30 days notice is desirable in exempt positions in order to have enough lead time to properly provide for a smooth transition. At the time of resignation, exiting employees are encouraged to receive an exit interview and will be required to return all College-issued property. Employees submitting resignations will be paid through the last day worked and will receive their checks on the first payday following resignation. Employees with at least one-year of service will be eligible for payment of all vacation time earned but not taken at the time of separation.

Written notices of resignation or retirement should be submitted to an employee's supervisor and the Office of Human Resources. In addition, the College reserves the right to accept an employee's notice of resignation and to accelerate such notice and make an employee's resignation effective immediately, or on any other date prior to the employee's intended last day of work that LeMoyne-Owen deems appropriate. In such instances, an employee will be paid through the date designated by him/her in the letter of resignation as the intended last day of work.

### **TERMINATION**

In addition to complying with the College's policies, practices, and procedures, all employees are required to observe certain standards of behavior while at work. Supervisors must obtain approval from their executive administrator (presidential cabinet-level administrator) and with the Office of Human Resources before discharging an employee. The recommendation for discharge, along with appropriate documentation, is forwarded to the President for action. Discharges for either failure to meet performance expectations or misconduct must be documented and reviewed by the Director of Human Resources. A dismissal or discharge may result in the employee being ineligible for rehire at LeMoyne-Owen College, as well as affect the employee's COBRA rights.

### **EXPIRATION OF GRANT-FUNDED POSITIONS**

Employees hired in grant-funded positions, through an external funding source, may have the duration of employment determined by the specific funding agreement. In some cases, employment may expire on predetermined dates; in others, employment may be terminated because funding has been reduced or eliminated.

### **REDUCTION-IN-FORCE**

From time-to-time, it becomes necessary to eliminate regular staff positions to meet organizational needs. When this occurs, LeMoyne-Owen strives to handle these matters in a systematic and consistent manner. The Office of Human Resources recommends that departmental management give employees a minimum of four weeks advanced notice prior to layoff or elimination of a position. The department may provide comparable pay in lieu of notice. Reduction-in-force is coordinated through the Office of Human Resources and approved by the President.

### **FINAL PAY CHECKS**

Employees, who have completed their three (3) month introductory period, will be paid any salary and wages earned up to the date of termination. There is no payment for unused vacation if the employee has not completed at least one year of service to the College. Final checks will be issued within the next pay period following employee's termination date and mailed to the employee's home address currently on file.

## **RETURN OF COLLEGE PROPERTY**

Departing employees will be required to complete an Exit Checklist Form confirming that all appropriate College property has been returned (i.e., keys, equipment etc.) on or before the last day of employment at LeMoyne-Owen. Completed forms must be submitted to the Office of Human Resources. If the terminating employee has items that belong to the College, or has an outstanding financial obligation to the College, the actual cash value of such items or financial obligation may be withheld from the employee's final pay, pending the return of the items or payment of the obligation.

In addition, the departing employee will be required to sign a confidentiality statement confirming that he/she has returned all confidential data pertaining to the College and agrees to comply with the College's institutional policies on security, computer access, confidentiality of College's data, data standards and data integrity.

## **GENERAL INFORMATION**

### **ACCIDENTS IN THE WORKPLACE**

Employees are expected to adhere to safety/health rules and use required safety protective equipment. When an employee suffers a work related injury or illness, the employee's supervisor should be immediately notified and an incident report form should be completed and submitted to the Office of Human Resources.

### **CELL PHONE USE**

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of college phones. Personal calls during the work hours, regardless of the phone used can interfere with employee productivity, safety and be distracting to others. Employees are directed to make personal calls during breaks and lunch periods and to ensure that friends and family members are aware of the department's policy. The college will not be liable for the loss of personal cellular phones brought into the workplace. Employees are not authorized to use personal cell phones in place of college-provided communication devices.

### **CHARITABLE GIVING**

On an annual basis and in accordance with the provisions in this policy, designated charitable organizations approved by the LeMoyne-Owen College Committee of Trustees may participate in a workplace fund-raising campaign. Employees of the College may authorize deductions from their pay for donations to these designated organizations.

#### **Methods of Payroll Deduction**

Employees may authorize payroll deduction in one of two ways:

1. The Payroll Office will deduct one lump sum payment.
2. The Payroll Office will deduct a set amount each month. The date of the first deduction will be based on payroll schedules and deadlines.

Employees may authorize payroll deductions only during the annual campaign period, but they may stop payroll deductions anytime.

## **NO SOLICITATION/DISTRIBUTION POLICY**

### **NO SOLICITATION**

To avoid disruption of College operations, the following rules apply to solicitation and distribution of literature (written or electronic i.e. pamphlets, bulletins, or documents) on College property. With the exception of authorized LeMoyne-Owen charitable giving campaigns such as United Way or other development activities, persons employed by or students of the College may not solicit or distribute literature on College property at any time for any purpose. Employees of the College may not solicit at any time, for any purpose, on College grounds or property.

Employees may not distribute literature at any time for any purpose in the working areas. Working areas are all areas of the College where employees are performing work, except cafeterias, employee lounges, lobbies and parking areas. Working time does not include break periods and meal times or other periods during the work day when employees are not properly engaged in performing their work tasks. Working time includes the working time of both the employee doing the solicitation or distribution and the employee to whom the solicitation and distribution are directed.

Use of campus mail, e-mail, and mailing lists for anything other than official LeMoyne-Owen business is prohibited. Solicitation of LeMoyne-Owen employees from any vendors or contractors is prohibited. No personal solicitations for charities or activities for employees or their families are permitted.

### **PARKING**

Due to limited off-street parking on campus, the College has reserved designated parking areas for faculty, employees, students and visitors. Handicapped parking is also available for persons with disabilities who have the appropriate state-issued hangtag or license plate. The College assigns employees to reserved parking spaces based on a first-come, first-served basis. Parking hangtags must be purchased at the beginning of each academic year during the fall semester from the cashier on the first floor of Brownlee Hall. To avoid having vehicles ticketed and/or towed, parking permits should be placed in a visible location inside the vehicle, e.g., hanging from the rear view mirror.

### **REPORTING SUSPECTED VIOLATIONS**

To report a compliance or safety violation, employees should contact the Compliance Office and/or the Office of Human Resources. Security and Criminal violations should be reported immediately to Campus Safety.

## Receipt of Employee Handbook Acknowledgement

The employee handbook describes important information about LeMoyne-Owen College, and I understand that I should consult the Office of Human Resources regarding any questions not answered in the handbook. I have entered into my employment relationship with LeMoyne-Owen College voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or LeMoyne-Owen College can terminate the relationship at will, with or without cause, at any time so as long as there is not violation of applicable federal or state law.

I understand and agree that, other than the President, no other executive, administrator or representative of the College has any authority to enter into any agreement for employment other than at-will; only the President has such authority, and then only in writing signed by the President. This handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of employment with LeMoyne-Owen College. By distributing this handbook, the College expressly revokes any and all previous policies which are inconsistent with those contained herein.

I understand that, except for at-will employment status, any and all policies and practices may be changed at any time by the College, and that the College reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the President of the College has the authority to adopt any revisions to the policies in this handbook.

I understand and agree that nothing in the employee handbook creates, or is intended to create, a promise or representation of continued employment. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document.

I have received the handbook as indicated by my signature below, and understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

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**Employee Printed Name**

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**Employee Signature**

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**Date**

## LeMoyne-Owen College

### A. POLICY ON INTELLECTUAL PROPERTY, PATENT AND INVENTION

#### I. PREAMBLE:

It is the intent of this policy of LeMoyne-Owen College (LOC) to encourage and assist members of the faculty, staff, and student employees of the College with their professional development, utilization of their talent, discoveries and inventions for the maximum benefit to academia and to the public.

#### II. GOAL:

The goal of this policy is to promote the progress of the science and the arts, to encourage patentable and copyrightable products through the provision of an established policy.

#### III. OBJECTIVES:

1. To support scholarly work, creative activities and research of the faculty, staff, and student of LOC.
2. To encourage publications of scholarly work.
3. To contribute to the economic development locally, nationally, and globally.
4. To establish policies for the ownership on Intellectual Property.
5. To establish policies for shared income related to patentable inventions produced at LOC.
6. To facilitate and manage the patent application, execution, licensing, and equitable distribution of Licensing Income to further support scholarly work of the employees of LOC.
7. To encourage and assist LOC's employees to develop and commercialize inventions for the benefit of personal gains as well as for the benefit of the College and the public.
8. To protect LOC's resources.
9. To protect LOC's reputation as a forward looking academic institution.

#### IV. Definitions:

##### General Definitions:

- a. **Assignment of Rights:** A written statement assigning or transferring ownership of an Intellectual Property from a College employee to the College or from the College to the employee
- b. **Author or Creator:** LOC employee responsible for the creation of a copyrightable or patentable work.
- c. **College Employee:** All faculty members, staff, and student employees, with full or part-time status. A student employee is defined as a person who is enrolled as a student in the College and who is also employed by the College.
- d. **Copyright:** An original scholarly work of authorship, including words or phrases, in the form of a tangible medium of expression from which it can be reproduced.-
- e. **Curriculum:** The descriptive collection of LOC courses, such as course descriptions, course sequences, intended learning outcomes that constitute an area of specialization.
- f. **Educational and Research Activities:** Teaching, research or investigation, or the supervision of research or investigation relating to the general field of inquiry of the College employee.
- g. **Externally Funded Research:** Research and development work, sponsored by governmental, commercial, industrial, or other public or private organizations, that is the subject of a Research Agreement or other official arrangement with LOC.

- h. **Intellectual Property (IP):** An intangible asset that may lead to the development of tangible products such as copyrightable and patentable materials, trademarks, software, and trade secrets.
- i. **Internally Funded Research:** Any research project funded by the College with LOC funds.
- j. **Invention:** Any discovery related to technological development, new use or application, process, new know-how, new design, painting, music, or any new scientific processes that may be patentable or copyrightable under the United States or International Patent Laws.
- k. **Inventor:** A person or persons responsible for an invention.
- l. **Institutional Works:** Works that are produced as a result of specific allocation of LOC funds for a specific LOC purpose.
- m. **Research Disclosure:** A document submitted by one or more College employees to the Office of Academic Affairs (OAA) that describes potentially patentable materials.
- n. **Scope of employment:** Activities that have been assigned to an employee incorporated within the employee's job description.
- o. **Substantial Use of College Resources:** The use of College resources by a College employee with the exception of the customary use of office space, laboratories, studios, libraries; library collections, subscriptions or services; secretarial or other staff assistance; computer time or computer or lab equipment on hand; network or Internet access; standard office equipment and supplies.
- p. **Trade Secret(s):** Information including, but not limited to technical or nontechnical data, a formula, a technique, a drawing, a process, financial data, financial plans, product plans, or a list of actual or potential customers or suppliers which: (i) derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper and legal means by, other persons, who can obtain economic value from its disclosure or use; and (ii) is the subject of efforts that is reasonable under the circumstances to maintain its secrecy.
- q. **Work:** Any copyrightable material, such as literary, scholarly, musical, dramatic choreographic, pictorial, graphic, sculptural, motion pictures, audio visual sound recordings, architectural, computer software or database, and recorded lectures.

**V. Definitions related to funds generated through Intellectual Property:**

- a. **Equity:** Shares of common or preferred stock, options to purchase, warrants and other convertible instruments, and any other instruments representing an ownership interest in a commercial venture or the right to acquire the same. However, Equity shall not include the receipt of real or personal property; e.g., real estate or equipment.
- b. **Gross Income:** Profit/Income received from the sale, lease, or licensing of intellectual property, or bonuses, payments, or other profit/income derived from equity received as a result of sale, lease, or licensing of intellectual property, or profit/income received from the sale of equity received as a result of sale, lease, or licensing of intellectual property.
- c. **Licensing Income:** Money received by the College as a result of the grant of an option to license or a license to another entity in consideration for the option or license granted to the entity. Licensing Income may include, but not be limited to, upfront payments, milestone payments, annual licensing fees, royalties and other forms of revenue received from another entity. Licensing Income does not include Equity or proceeds derived from liquidating Equity.

- d. **Net Revenue:** The gross income minus direct or indirect cost related to the cost of copyright registration, patent execution, commercialization, defense, maintenance, and administration of intellectual property.
- e. **Net Licensing Income:** Licensing Income received by the College less the College's out-of-pocket patent, and other legal and licensing expenses.

**VI. Ownerships of Intellectual Property by the Inventor:**

- a. **Copyrightable Material:** Ownership of personal copyrightable materials, such as scientific writings, articles, and presentations, shall remain the property of the author (faculty and staff members, artists in residence, and visitors). The right of ownership shall remain with author unless the work was the outcome from direct allocation of funds from LOC for a specific project.
- b. **Book, Articles, and similar works:** The ownership of pedagogical, scholarly, or artistic works, including but not limited to thesis, papers, and articles, shall remain with the inventor. LOC does not have a claim or right to ownership to fiction, nonfiction, novels, textbooks, poems, musical compositions, or other works of artistic imagination.
- c. **Patentable or copyrightable work produced during sabbatical or short term vacation:** Any scholarly or artistic work produced during such period will remain the property of the inventor or creator except when the creator or inventor transfers rights, in writing, to the College to produce income or to increase the positive image of the institution.
- d. **Loss of Intellectual Property Rights:** Intellectual Property Rights may be lost if the inventor or any co-inventor makes a non-confidential public disclosure prior to filing a patent application. Therefore, confidentiality of ideas and procedures of invention is the utmost responsibility of the inventor and co-inventors.
- e. **Course Material:** Copyrights shall be owned by the creator unless the copyrights are subject to any claim of ownership by another entity or individual. In that case, Course Material shall be owned by the entity or individual with the valid claim of ownership because of prior copyright of inclusion in a prior professional publication.
- f. **Work created by a student:** Copyrights shall be owned by the creator in response to their course work assignment or work created on their own time and without substantial use of College resources and educational and research supervision by the employee of the College, regardless of their employment status at LOC. LOC can use their invention for teaching purposes but only with the written permission of the inventor.

**VII. Externally Funded Research:** All patentable or copyrightable Intellectual Property developed by the LOC employee(s) performing work sponsored by governmental, commercial, industrial, or other public or private organizations shall be determined according to the policy of the funding agency.

**VIII. Ownerships of the Intellectual Property by the College:**

- a. **Work by an employee:**  
The College specifically directs a faculty member, staff member, or a student to create a specific work or as a part of specific duty as described in the job description or an employment agreement.
- b. **Curriculum** shall be owned by LOC.
- c. **Work of non-employees:** Ownership of works created by non-employees that are the result of a request or direction of the College, utilizing LOC's ideas, efforts, and resources shall remain with the College. A written agreement, stating that rights were assigned to the College, from non-employees is required.

**IX. Use of the College's name in Copyright notices:**

The following notice should be placed on the College-owned materials in order to protect the copyright:

*Copyright©[year] The LeMoyne-Owen College. All Rights Reserved*

No other institutional or department name is to be used in the copyright notices, although the name and address of the department to which readers can direct inquiries may be listed below the copyright notice. Additionally, works should be registered with the United States Copyright Office using its official forms. The url link <http://www.copyright.gov/> is helpful.

**X. Responsibilities:**

***Responsibilities of the employee inventor or creator to the College:***

- a. **Research Disclosure of Commercial Value.** All LOC employees who create an invention that may have commercial value are obligated to disclose such Inventions to OAA if the activity was part of their educational and research activities and involved substantial use of college resources. The Research Disclosure should be submitted well in advance of making a public disclosure of the potential invention to protect patentability of the potential invention.
- b. **Assignment of Rights.** The College shall have ownership of any invention of commercial value that involved substantial use of college resources within the scope of employment. Each College employee is required to assign to the College all domestic and foreign rights to any such invention.
- c. **Confidentiality.** The College desires to uphold acceptable standards of confidentiality. Therefore, it is imperative that all LOC employees would receive permission from OAA before having discussions pertaining to the creation of patentable inventions or disclosure of Trade Secrets.

***Responsibilities of the College to the inventor or creator:***

- a. **Research Disclosure.** The OAA will assist the College employees in completing a Research Disclosure. College employees are encouraged to discuss their ideas with the OAA in the early stage of the research.–
- b. **Timely Determination of Interest.** The OAA is obligated to review the Research Disclosure within fifteen working days of the request and to communicate next steps to the College employee(s).
- c. **Reasonable Efforts to Commercialize.** The OAA is obligated to seek and expedite the process of getting copyright and patent for the invention.
- d. **Identification of Commercial Partner:** The OAA will assist the inventor to identify a commercial partner for any invention for which the College has ownership rights and to negotiate licensing terms that are fair and equitable to all parties involved.
- e. **Release of Rights.** The College is obligated to offer to release the right, in writing, to the College employee(s) if the College decides not to pursue or maintain Patent protection or wishes to discontinue efforts to commercialize the invention, creation of artistic work.
- f. **Determination of Inventors and Non-Inventors:** Inventor of a patent is determined according to United States patent law.

**XI. Distribution of funds generated through Intellectual Property or patents:**

**Licensing Income Sharing:** Subject to restrictions, arising from overriding obligations of the College; pursuant to gifts, grants contracts, or other agreements with outside entities, the College will, following assignment of Inventions and patent rights by the Inventor(s) to the College and distribute Net Licensing Income as follows:

50% to Inventor(s)

50% to the College as given below:

- 10% to the Inventor(s) Department or Center to support and encourage further research. In this category all academic and non-academic units are included.
- 10% to the Office of Academic Affairs
- 30% to the Operations Budget of the College

*This distribution formula may change for a specific invention after negotiations with the inventor and with the approval, in writing, of the OAA.*

In the case of Multiple Inventors, the inventors will determine the allocation of their shares in writing when the work is first started.

Distribution of proceeds derived from liquidating Equity will be determined according to the specific circumstance of the Equity arrangement.

**XII. Disputes:**

- a. The OAA will establish, an ad hoc Intellectual Property Committee that will review any disputes and will inform the OAA of the decision. The Intellectual Property Committee will consist of faculty members nominated by the Faculty Senate and staff members, if needed.
- b. The OAA will inform the concerned party or parties of the decision within fifteen days after receiving the decision of the Committee.
- c. If the party or parties are not satisfied with the decision of the committee, within fifteen working days, the concerned parties can appeal the decision to the President of the College. The President will have final authority to settle any disputes. The President will inform the concerned party or parties with fifteen working days of his final and binding decision.

**XIII. Modification of the Intellectual Property Policies and Procedures:**

The policies stated here-in may be reviewed and revised after consultation with the faculty and staff and notification of any changes in the existing policies will be made.

**LeMoyne-Owen College**  
Research Disclosure of Commercial Value Form

**DATE:** \_\_\_\_\_

**Lead Inventor:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Co-Inventor:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Co-Inventor:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Title of Invention:** \_\_\_\_\_

**Funding sources:** \_\_\_\_\_

**Publication (s):** List any publications or any anticipated publications:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

I/we agree to assign to LeMoyne-Owen College my/our rights of Intellectual Property of this invention. I/we also agree that any income resulting from this invention will be distributed according to the policies of the College.

Lead Inventor: \_\_\_\_\_

(Name, Signature, Date)

Co-Inventor: \_\_\_\_\_

(Name, Signature, Date)

Co-Inventor: \_\_\_\_\_

(Name, Signature, Date)