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## SECTION 1: ORGANIZATION OF THE COLLEGE

### **1.1 Legal Authority Policy** *(Adopted 12-3-1968; Revised 2-4-2002, 11-12-2007)*

The Junior College District of East Central Missouri, its Board and employees will comply with all applicable public school laws of Missouri. Other sections and statutes, not specifically written for public schools but applicable to them will be complied with as interpreted and defined by the Coordinating Board for Higher Education and by legal counsel.

### **1.2 Mission Policy** *(Adopted 12-6-1994; Revised 10-6-2003)*

Institutional Mission. East Central College will provide an environment for lifelong learning.

### **1.3 Authority and Responsibilities of the Board of Trustees Policy** *(Adopted 6-6-1988; Revised 11-12-2007)*

The Board of Trustees of the Junior College District of East Central Missouri is the sole statutory legislative governing body responsible for the control and operation of East Central College.

The statutory responsibilities of the Board of Trustees include, but are not limited to, the following:

1. Approve the appointment, retention and dismissal of employees of the College, define and assign their powers and duties and fix their compensation.
2. Levy such taxes as are required for the operation of the College.
3. Establish fees for students in the amount necessary to maintain College courses.
4. Provide instructional programs and services and physical facilities.
5. Approve all contracts where the consideration to be paid is \$15,000 or more
6. Formulate and oversee disciplinary policy regarding students.
7. Comply with all applicable federal, state and local mandates.

### **1.4 New Instructional Programs Policy** *(Reaffirmed 12-2-1991; Revised 11-12-2007)*

The Board will approve all new instructional programs.

### **1.5 Organization of the College Policy** *(Adopted 2-7-1991; Revised 2-4-2002)*

The organization of the College shall be proposed by the President of the College and approved by the Board.

**1.6 Approval of Contracts Policy** *(Adopted 11-12-2007)*

The Board of Trustees shall approve all contracts where the consideration to be paid under the contract is \$15,000 or more. Approval requires an affirmative vote of at least four trustees. A contract requiring Board approval may not be signed by a representative of the College unless and until the Board has approved the contract. The Board hereby delegates to the College President the authority to approve and sign contracts where less than \$15,000 is to be paid.

**1.7 Elections Policy** *(Reaffirmed 12-2-1991; Revised 11-12-2007)*

All elections will be carried out in accordance with Missouri law.

**1.8 Sub-districting Policy** *(Adopted 12-2- 1991; Revised 2-4-2002)*

For the purpose of electing trustees, a sub-districting plan will be adopted by the Board of Trustees, approved by the Coordinating Board for Higher Education and reviewed following publication of each decennial census.

**1.9 Trustee Qualifications Policy** *(Adopted 11-12-2007)*

Members of the Board of Trustees shall be citizens of the United States and at least twenty-one years of age. They shall also have been voters of their respective sub-district for at least one whole year preceding their election or appointment.

**1.10 Trustee Elections Policy** *(Adopted 11-12-2007)*

The qualified voters of the Junior College District of East Central shall elect two (2) trustees for terms of six (6) years each on municipal election day in April of each even-numbered year. Unexpired vacant terms will be filled in accordance with law.

**1.10.1 Candidate Filing**

Before the sixteenth Tuesday preceding the election, the Board shall publish in at least one (1) newspaper of general circulation in the district the opening filing date, the offices to be filled, the place for filing, the closing date for filing and a statement that candidates filing on the first day of filing will be listed on the ballot in random order.

Qualified applicants for the Board may file a declaration of candidacy during business hours in the President's office commencing at 8:00 a.m. on the sixteenth Tuesday prior to the election and ending at 5:00 p.m. on the eleventh Tuesday prior to the election. The candidate shall declare his or her intent to become a candidate in person and in writing to the Recording Secretary of the Board of Trustees or designee.

The names of qualified candidates shall be placed on the ballot in order of filing, except that for candidates who file a declaration of candidacy prior to 4:30 p.m. on the first day of filing, the College shall determine by random drawing the order in which such candidates' names shall appear on the ballot. Each candidate filing on the first day shall draw a number at random at the time of filing. The College shall record the number drawn with the

candidate's declaration of candidacy. The names of candidates filing on the first day of filing shall be listed in ascending order of the numbers so drawn and ahead of the names of candidates filing on a later date.

The notice of election and certification of candidates must be submitted to the various election authorities by the tenth Tuesday prior to the election in the manner provided by law. After the tenth Tuesday prior to the election, the candidate list may only be modified pursuant to court order, in accordance with law.

Prior to the College's certification of candidates to the election authorities, a candidate may withdraw from the election by presenting to the College a notarized written statement of his or her intention to withdraw. After the deadline for certification of candidates to the election authority, a candidate may only withdraw pursuant to court order, in accordance with law.

The College will provide each candidate a copy of the Notice of Candidate's Obligation to File Financial Interest Statement and a plain language summary of the applicable laws provided by the Missouri Ethics Commission as required by law. Candidates must comply with laws concerning eligibility, campaign financing and campaign disclosures.

#### **1.10.2 No Election Held**

No election will be held if, after the last date of candidate filing, the number of candidates who have filed is equal to the number of positions to be filled by the election. However, if the number of candidates filing exceeds the number of positions, the election will be held even if a sufficient number of candidates withdraw so that the remaining candidates are equal to the number of positions to be filled.

#### **1.10.3 Certification of Results Policy**

Within seven business days after receipt of the official election returns from the election authorities, at least a majority of the then-qualified members of the Board of Trustees will tabulate the results so received and declare and certify the candidate or candidates receiving the greatest number of votes and the result of balloting upon any question. Said certification will be duly noted in the official minutes of the Board meeting.

### **1.11 Assuming the Office** *(Adopted 12-3-1968; Revised 2-4-2002)*

At the first meeting of the Board of Trustees after the election of a member or members of the Board of Trustees has been certified, said member or members so elected and certified shall present themselves for the purpose of being seated.

#### **1.11.1 Oath**

All members of the Board of Trustees shall be required to take and subscribe to an oath of office in the following form:

*“I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the State of Missouri, and that I will faithfully demean myself in the office of Trustee of the Junior College District of East Central Missouri.”*

**1.12 Seating of Members** *(Adopted 12-3-1968; Revised 2-4-2002)*

The President of the Board shall thereupon recognize newly elected members as members of the Board of Trustees, and they shall thenceforth be entitled and qualified to perform the duties of the office of members of the Board of Trustees.

**1.13 Vacancy on the Board of Trustees** *(Adopted 12-3-1968; Revised 2-4-2002)*

Any vacancy shall be filled by an act of the Board.

In the case of a vacancy occurring in the membership of the Board of Trustees from any cause, it shall be the duty of the Secretary to certify such fact to the Board and to each remaining member thereof.

After such certification, the Trustees at a regular or special meeting shall nominate and appoint a successor Trustee to serve until the next election held by or for the district when a Trustee shall be elected for the unexpired term.

Upon appointment by the Board, the Secretary shall issue a certificate of appointment to the newly appointed Trustee.

When a person becomes a member of the Board of Trustees by appointment, the new member shall be seated at the next regular meeting after said appointment and after having taken the prescribed oath of office.

**1.14 Officers and Staff of the Board of Trustees Policy** *(Adopted 12-3-1968; Reaffirmed 12-2-1991; Revised 2-4-2002)*

The Board of Trustees shall select members and other personnel to serve as officers and staff.

**1.14.1 Officers**

The officers of the Board of Trustees shall be a president and a vice president who shall be members of the Board, and a secretary, treasurer and a recording secretary, who may but need not be members of the Board.

**1.14.2 Officers – When Elected**

Officers shall be elected at the first meeting of the Board in April following elections in each even numbered year. In the case of a vacancy in any office, such vacancy shall be filled as soon as practicable by electing a successor to the unexpired term of office.

### **1.14.3 Election – How Conducted**

The election of all officers may be by secret ballot and shall be held at a regular meeting or at a special meeting of the Board held for that purpose.

### **1.14.4 Term of Office**

Each officer of the Board shall be elected for a term of two years, shall assume office immediately upon election, and shall hold office until his/her successor shall be elected and qualified.

### **1.14.5 Duties of the Officers and Staff**

#### **President**

The duties of the President shall be, specifically:

1. To preside at all meetings of the Board of Trustees.
2. To appoint or provide for the election of all committees.
3. To call special meetings as required.
4. To perform such other duties as may be prescribed by law for action of the Board of Trustees.
5. To sign checks and conduct financial transactions in the absence of the treasurer.

#### **Vice President**

The duties of the Vice President shall be, specifically:

1. In the case of the resignation, absence or other disability of the President, to perform all of the duties of the President.
2. To perform such other and further duties as shall from time to time be assigned to him/her by the President of the Board of Trustees.

#### **Secretary**

The duties of the Secretary shall be, specifically:

1. To be the official custodian of the proceedings and records of the Board of Trustees
2. To sign documents, contracts, and other instruments on which the signature of the secretary is required or appropriate.
3. To be the custodian of the official seal of the district and of the official bond of the Treasurer which shall be recorded in the records of the district.

#### **Treasurer**

The duties of the Treasurer shall be, specifically:

1. To keep or cause to be kept complete records of the financial transactions of the district, to sign all checks and to report or cause to be reported the financial status of the Junior College District.
2. Such other duties as are imposed on the Treasurer under the Laws of Missouri.

### **Recording Secretary**

1. May be appointed by the Board of Trustees and may or may not be a member of the Board. Any compensation for serving as Recording Secretary shall be fixed by the Board of Trustees.
2. The duties of the Recording secretary shall be, specifically, to attend meetings of the Board of Trustees, to prepare a transcript of the proceedings, and at the direction of the Board of Trustees to sign all legal documents in the absence of the Secretary of the Board of Trustees.

## **1.15 Board Meetings Policy** *(Adopted 12-3-1968; Revised 2-4-2002)*

Board meeting procedures and schedules shall be established by the Board.

### **1.15.1 Regular Meetings**

The regular monthly meeting of the Board of Trustees is held on the first Monday of each calendar month at a time to be established unless such day occurs on a legal holiday or the Board selects an alternative date for the meeting.

All Board meetings shall be held at a place of sufficient size to accommodate the anticipated members of the public and at a time that is reasonably convenient. In addition, reasonable efforts shall be made to make the meeting accessible to individuals with disabilities. If any of these statutory requirements are not met, the nature of the cause for noncompliance for the meeting will be stated in the Board minutes.

Recording open meetings by audiotape, videotape or other electronic means is allowed by law. However, the Board will establish guidelines regarding the manner in which such recordings are conducted to minimize disruption to the meeting. Recording a closed meeting is prohibited unless permission has been granted by the Board.

### **1.15.2 Meetings to be Public**

All regular meetings of the Board shall be open to the public unless closed as authorized by law.

### **1.15.3 Representatives of the Employee Associations**

The Board of Trustees will officially recognize a member of each employee association selected by these bodies as their representatives. These representatives will receive notices of the Board meetings and agendas and will be invited to attend the Board meetings.

### **1.15.4 Notification of Meetings**

It is the policy of the College to inform the public of Board of Trustee meetings in accordance with the law. The Recording Secretary has the responsibility to post notice of Board meetings.



## **A. All Meetings**

In addition to the criteria listed below, notice of all Board meetings (regular, special and closed) shall be given at least 24 hours in advance of the meeting, exclusive of weekends and holidays when the College is closed, unless for good cause such notice is impossible or impractical, in which case as much notice is reasonably possible shall be given. The nature of the good cause must be stated in the minutes.

The notice shall be posted on a bulletin board or other easily accessible public place clearly designated for that purpose in the Administration Building.

All interested news media organizations will be notified of all meetings of the Board of Trustees.

## **B. Open Meetings**

Public notice of an open meeting will include the time, date, place and tentative agenda advising the public of the matters to be considered.

## **C. Closed Meetings**

Public notice of a closed meeting will include the time, date, and place of the meeting and the specific statutory exemption under which the meeting is closed.

### **1.16 Telephone Meetings Policy** *(Adopted 11-12-2007)*

The Board may hold a meeting with all or a majority of the trustees participating by telephone. Such telephone meetings shall be open to the public. Trustees may cast votes other than roll call votes at a telephone meeting. However, issues that require a roll call vote, including issues to be discussed and decided in closed session, may not be voted on at a telephone meeting. The College President will arrange for the meeting to take place in a location with the appropriate equipment so that Board members participating in the meeting by telephone may interact and the public may observe or hear the comments made. The College President will take measures to verify the identity of any remotely located participants.

### **1.17 Special Meetings Policy** *(Revised 11-12-2007)*

Special meetings may be called (1) at any time by the Board President, and (2) also may be called by the Secretary upon written request of a majority of the members of the Board of Trustees. Written notice of the special meeting, including the starting time and place of the meeting and the business to be conducted, will be given to each member and to the public at least 24 hours (exclusive of weekends and holidays) prior to the commencement of the meeting. The only exception to this is when, for good cause, such advance notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. No business will be transacted at special meetings other than that stated in the notice.

**1.18 Quorum Policy** *(Revised 11-12-2007)*

At all meetings of the Board of Trustees a majority of the Board will constitute a quorum to do business, but no contract shall be let, teacher employed or dismissed, or bill approved unless a majority of the whole board (i.e., four trustees) votes therefor.

**1.19 Closed Meetings Policy** *(Adopted 11-7-1988; Revised 1-2005)*

The Board of Trustees will comply with RSMo sections 610.010 - 610.030 regarding open meetings, records, and votes. All meetings, records and votes shall be open to the public unless closed as authorized by law. The Board reserves the right, as provided by law, to conduct closed meetings, including any records or votes, to the extent allowed under the Missouri Sunshine Law.

**1.19.1 Authorizing a Closed Meeting**

Public notice of closed meetings shall be given in accordance with Board policy and law. A majority of a quorum of the Board shall vote to close a meeting, in accordance with law. The reason for holding the closed meeting, with reference to the specific statutory exemption relied upon for closure and the roll call vote of each member on the question of holding a closed meeting, shall be announced publicly at an open session and entered into the minutes. Only business directly related to the specific exemptions may be discussed or voted upon at a closed meeting.

**1.19.2 Objection**

In the event a motion is made to close a meeting, record or vote and a Board member believes that the motion would violate the Missouri Sunshine Law if passed, the Board member may state his or her objection to the motion before or at the time the vote is taken. The Recording Secretary will enter the objection in the minutes. Once the objection has been made, the Board member shall be allowed to fully participate in the meeting, record or vote even if it is closed over the member's objection. If the Board member voted against the motion to close the meeting, record or vote, the recorded objection and the vote is an absolute defense to any claim filed against the Board member pursuant to the Missouri Sunshine Law.

**1.19.3 Meeting Location**

The Board shall only close that portion of the meeting facility needed to house the Board in closed session. Members of the public must be allowed to remain in the meeting facility so that they may attend any open meeting that follows the closed meeting.

**1.19.4 Confidentiality**

The Board members and employees in attendance are honor bound not to disclose the details or discussions of the closed meetings, records or votes. District employees who fail to keep closed information or closed meetings

confidential may be disciplined or terminated. The Board may publicly admonish Board members who fail to keep closed meetings, records or votes confidential in violation of this policy.

#### **1.19.5 Reasons for Holding Closed Meetings**

Unless otherwise determined by the Board, any meeting, record or vote pertaining to the following topics shall be considered a closed meeting, closed record, or closed vote:

1. Legal actions, causes of action or litigation involving the district and any confidential or privileged communication between the district or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court, except that the amount of any monies paid by the College shall be disclosed.
2. The lease, purchase or sale of real estate by the district where public knowledge of the transaction might adversely affect the amount to be received or spent by the district. Any minutes, vote or public record approving such a contract shall become available to the public upon execution of the lease, purchase or sale of the real estate.
3. Hiring, firing, disciplining or promoting of particular employees by the district when personal information about the employee is discussed or recorded. However, any vote on a final decision to hire, fire, promote or discipline an employee shall be made available to the public, along with a record of how each member voted, within 72 hours of the close of the meeting; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the 72-hour period before such decision is made available to the public.
4. Proceedings involving the mental or physical health of an identifiable individual.
5. Scholastic probation, expulsion or graduation of identifiable persons, including record of individual tests or examination scores, except that such records will be open to inspection by the student(s) and his/her/their parent(s), guardian(s), or other custodian(s) as permitted by law.
6. Testing and examination materials until the test or examination is given for the final time.
7. Welfare cases of identifiable individuals.

8. Preparations on behalf of the district or its representative for negotiations with employee groups, including any discussion or work product.
9. Software codes for electronic data processing and documentation thereof.
10. Competitive bidding specifications until officially approved or published.
11. Sealed bids and related documents until the bids are opened; sealed proposals and related documents until all proposals are rejected; or any documents related to a negotiated contract until a contract is executed.
12. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment. However, the names, positions, salaries and lengths of service of district employees shall be available to the public.
13. Records protected from disclosure by law.
14. Scientific and technological innovations in which the owner has a proprietary interest.
15. Records relating to municipal hotlines established for reporting abuse and wrongdoing.
16. Confidential or privileged communications between the Board and its auditor, including all auditor work product. However, all final audit reports issued by the auditor are to be considered open records.
17. Existing or proposed security systems and structural plans of real property owned or leased by the district where public disclosure would threaten public safety.
18. Records that identify and would allow unauthorized access to or unlawful disruption of the configuration of components or the operation of a computer, computer system computer network of the district if released.
19. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the district and a person or entity doing business with the district.

**1.20 Release of Information to the Public** *(Adopted 11-12-2007)*

Records of the College are open to the public unless closed in accordance with the action of the Board of Trustees in adopting this policy, state or federal law. All

records of East Central College subject to closure pursuant to Missouri's Sunshine Law (Chapter 610, Section 610.021 RSMO, as amended) are hereby closed. For purposes of release of records not closed pursuant to this policy, the Recording Secretary of the Board serves as the College's custodian of records. Members of the public may request the custodian of records to provide access to public records. After receipt of the request, the custodian will provide access within three business days or sooner if possible or explain in writing the reason for denial of access or for delay.

Members of the public may request copies of public records. A charge of up to ten cents per page may be made for copies no larger than 9 x 14 inches. The College may also charge a fee for search, research and duplication time in responding to requests for copies of public records. Such charges shall be in accord with Missouri's Sunshine Law (Section 610.026 RSMO). Prior to producing copies of requested records, the person requesting the records may, upon request, obtain an estimate of the cost. The College may require the payment of such fees prior to the making of copies.

**1.21 Rules of Order Policy** *(Adopted 12-3-1968; Reaffirmed 12-2-1991; Revised 8-14-2006)*  
Rules of order shall be established and followed by the Board.

**1.21.1 Order of Business** *(Revised 5/11/2015)*

The President, upon taking the chair, shall call the members to order on the appearance of a quorum. The order of business unless modified by the Board shall be as follows:

1. Call to Order
2. Recognition of Guests
3. Public Comment
4. Consent Agenda/Agenda
5. Minutes
6. Financial Reports
7. Bids
8. Actions
9. Personnel
10. Reports
11. Adjournment

**1.21.2 Rules of Order**

In all matters not covered by the rules of the Board, parliamentary procedures shall be governed by Robert's Rules of Order Revised, Part I, Articles I through VIII.

**1.21.3 Recognition** *(Adopted 12/3/1968; Reaffirmed 12/2/1991; Revised 5/11/2015)*

No person other than a member of the Board of Trustees, the President of the College or other chief administrative personnel of the district designated by the President shall be recognized to speak at any meeting of

the Board of Trustees except upon the consent of the majority of the Board or as designated under Policy 1.22 Public Comment.

## **1.22 Public Comment** *(Adopted 5/11/2015)*

To provide for full and open communication between the public and the Board of Trustees, the Board has established a Public Comment period during regular meetings of the Board of Trustees.

### **Procedures**

#### **1.22.1 Rules for Public Comment**

A designated time will be set aside on the Board of Trustees regular meeting agenda for public comments on items either posted on the agenda or not posted on the agenda. The following rules will apply to the public comment portion of the meeting:

- 1) Each person wishing to address the Board will enter his/her name and the topic to be addressed on the form available in the meeting room prior to the start of the Board meeting.
- 2) Each speaker will be limited to no more than three (3) minutes for his/her comments.
- 3) Individuals will be permitted to address the Board only once during the public comment period.
- 4) Students and College employees have certain rights of confidentiality under state and federal law that the College scrupulously protects. The Board reserves the right to limit comments to the extent allowed by law to protect confidentiality.
- 5) The Board will not provide a response at the time of a speaker's presentation, but may ask questions or request clarification to ensure understanding of the speaker's comments. The Board will take all comments under advisement. The Board president may make clarifying remarks at the end of the public comment session to address any misstatements of fact.
- 6) Any exceptions to the above Rules for Public Comment are subject to approval by the Board of Trustees.

## **1.23 Voting Procedures** *(Adopted 12-3-1968; Revised 11-12- 2007)*

Voting at meetings of the Board of Trustees shall be conducted in accordance with the provisions set out below:

### **A. In General**

All motions will be recorded in the minutes, including the name of the person seconding any motion and the record of the vote. Minimally, the number of "yes" and "no" votes on any question shall be recorded in the minutes unless a

roll call vote is required by law. When a member abstains from voting, such abstention shall not be counted as a vote either for or against the proposal, but shall be entered in the minutes as an abstention. The President of the Board shall have a vote on all questions.

Any member upon request may have a brief explanation of their vote recorded on any question. Any member may also change his or her vote if such request is made prior to consideration of the next order of business.

Motions pass with an affirmative vote from the majority of the quorum present at the meeting, unless otherwise limited by Policy 1.18.

**B. Voting in Open Session**

Voting in open session must be conducted in a manner that allows the Recording Secretary to accurately discern and record the number of persons voting for or against the motion as well as the persons abstaining from the motion.

The Board may decide to vote by roll call in open session. Any member desiring a roll call vote shall so request it of the President and upon being recognized shall proceed to cast his vote first, the vote then proceeding in a clockwise manner until all have voted, and the vote shall be so recorded.

When voting to adjourn to closed session, the specific reason for closing the meeting must be announced publicly by reference to a specific section of the law and the vote must be taken by roll call.

**C. Voting in Closed Session**

All votes taken in closed session shall be taken by roll call, including the vote to adjourn.

**D. Additional Provisions**

1. No member of the Board may vote by proxy.
2. Every member present shall vote in accordance with Missouri law.
3. The reconsideration of a vote may be moved only by a member who voted with the majority and only at the same meeting at which the vote was taken.
4. If the motion to reconsider prevails, the matter under consideration shall be decided at that or the next regular session, and the matter as thus finally decided shall not be revived within a period of three months unless by consent of a two-thirds majority of the Board.

**1.24 Board Agenda Policy** *(Adopted 12-3-1968; Reaffirmed 12-2-1991; Revised 11-12-2007)*

The agenda for all regular and special Board meetings will be developed by the President of the College.

**1.24.1** An individual Board member may present any additional item for the agenda to the Board under the item "Approval of Agenda." It shall be added to the agenda upon the approval of a majority of the Board members present.

**1.24.2** Any individual or group who wishes to have an item placed on the agenda shall submit the item to the President at least seven (7) business days prior

to a regular or special Board meeting and he/she may place it on the agenda upon approval by three (3) Board members.

**1.25 Board Minutes Policy** *(Adopted 12-3-1968; Revised 1-2005, 11-12-2007)*

Minutes of all meetings will be kept in accordance with the provisions set out below.

- 1.25.1** Minutes of open and closed meetings shall be taken and retained by the Board, including a record of any votes taken at such meetings. This shall normally be the responsibility of the Recording Secretary of the Board. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each “yes” and “no” vote, or abstinence if not voting, to the name of the individual member of the Board.
- 1.25.2** The Recording Secretary will keep the official minute book of all Board meetings. These minutes must be approved by a majority vote of the Board of Trustees and signed by the President and Secretary of the Board.
- 1.25.3** Minutes are not considered official until approved by a majority of the Board of Trustees and signed by the President and Secretary of the Board. A draft version of the minutes shall be available for public inspection and/or copying once they are completed by the Recording Secretary and reviewed and approved by the President of the College. Draft versions shall be clearly marked "DRAFT" and are subject to revision until adoption by the Board of Trustees.
- 1.25.4** The minutes of all open meetings shall be published in the next Board of Trustees meeting agenda for approval and/or correction. All approved minutes of open meetings shall be maintained in a permanent file in the office of the Recording Secretary and made available for public viewing during regular working hours. Copies are available for a predetermined fee.
- 1.25.5** Minutes of all closed meetings shall be reviewed and approved by the Board at the next closed meeting and shall be maintained in the office of the Recording Secretary. Minutes of closed meetings are not available for inspection or copying by the public, except as provided in Policy 1.19.5 above.

**1.26 Board Committees Policy** *(Adopted 12-3-1968; Revised 1-2005)*

The President of the Board of Trustees will appoint all Board committees and outline specific responsibilities of each committee.

- 1.26.1** No permanent committee will be established.
- 1.26.2** Lay committees will be appointed on a temporary basis to accomplish certain goals, and then will be terminated at the conclusion of their duties.



- 1.26.3** Any committee appointed by or at the direction of the Board and which is authorized to report to the Board, or any committee appointed by or at the direction of the Board for the specific purpose of recommending, directly to the Board or the President of the Board, policy or policy revisions or expenditures of public funds shall be subject to the Missouri Sunshine Law in connection with the committee's meetings, records and votes.

**1.27 Board Travel Policy** *(Adopted 2-4-2002)*

The Board recognizes the benefits derived by the College through Board member attendance at local, state and national meetings and similar events on behalf of the College. The Board will reimburse Board members for normal expenses for hotel, food, registration, and transportation costs incurred while attending authorized conferences and meetings. Trustees will abide by administrative guidelines regarding reimbursement of travel expenses.

**1.28 Board Member Service Policy** *(Adopted 8-12-1991; Reaffirmed 8-29-2005; Revised 11-12-2007)*

No member of the Board shall directly or indirectly receive any compensation or remuneration nor derive any profit or gain from membership on the Board or from services rendered to the College. No Board member of East Central College will use any College equipment, supplies, or personnel for any purpose other than the College's business.

**1.29 Board Member Conflict of Interest Policy** *(Adopted 11-12-2007; Reaffirmed 8-26-2013)*

All trustees of the College shall adhere to the laws regarding conflict of interest and take steps to avoid situations where their decisions or actions in their capacity as Board members conflict with the mission of the College.

As used in this policy, "businesses owned by Board members" includes sole proprietorships, partnerships, joint ventures or corporations where the Board member is the sole proprietor, a partner having more than a ten (10) percent partnership interest, or a co-participant or owner of more than ten (10) percent of the outstanding shares of any class of stock.

**1.29.1 Sale, Rental, Lease or Provision of Personal Property**

Board members or businesses they own shall not sell, rent, lease or provide personal property to the district.

**1.29.2 Sale, Rental or Lease of Real Property (Real Estate)**

Board members and businesses they own may sell, rent or lease real estate to the College. Public notice of the transaction must be given prior to execution if the payment to the Board member or business exceeds \$500 per transaction or \$5,000 per year.

### **1.29.3 Employment**

The College shall not employ Board members for compensation even on a part-time basis. While a Board member remains on the Board of Trustees, the College will not accept an application of employment from a Board member, consider a Board member for employment or decide to employ a Board member. Board members may provide services on a volunteer basis.

### **1.29.4 Independent Contractor**

Board members may provide services to the College as independent contractors through businesses they own. If payment for the service exceeds \$500 per transaction or \$5,000 per year, the College must give public notice and competitively bid the service, and the bid or offer of the Board member's business must be the lowest received. Businesses owned by Board members may provide services on a volunteer basis.

### **1.29.5 Businesses That Employ Board Members**

Board members may participate in discussions and vote on motions for the College to do business with entities that employ the Board member as long as the business is not owned by the Board member and the Board member will not receive any financial benefit from the transaction. The Board member may need to submit a statement of interest as described below.

### **1.29.6 Statement of Interest**

If a Board member has a substantial personal or private interest in a decision before the Board, before voting the Board member shall provide a written report of the nature of the interest to the Board secretary. The written statement will be recorded in the minutes. A Board member will have complied with this requirement if the Board member has disclosed the interest in a personal financial disclosure statement that was filed or amended prior to the vote.

A "substantial interest" exists when the Board member, his or her spouse or dependent children, either singularly or collectively, directly or indirectly:

1. Own(s) ten (10) percent or more of any business entity; or
2. Own(s) an interest having a value of \$10,000 or more in any business entity; or
3. Receive(s) a salary, gratuity or other compensation or remuneration of \$5,000 or more from any individual, partnership, organization or association within any calendar year.

### **1.29.7 Self-Dealing**

A Board member shall not favorably act on any matter that is specifically designed to provide a special monetary benefit to the Board member, his or her spouse or dependent children.

A "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

A Board member will not directly or indirectly influence or vote on a decision when the Board member knows the result of the decision may be the acceptance by the College of a service or the sale, rental or lease of property to the College and the Board member, his or her spouse, dependent children in his or her custody or any business with which he or she is associated will benefit financially.

"Business with which a person is associated" means:

1. A sole proprietorship owned by the Board member, his or her spouse or any dependent children in the person's custody.
2. A partnership or joint venture in which the Board member or spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the Board member is an officer or director or of which the Board member, spouse or dependent children in the Board member's custody, whether singularly or collectively, own more than ten (10) percent of the outstanding shares of any class of stock or partnership units.
3. Any trust in which the Board member is the settlor or trustee, or in which the Board member, spouse or dependent children, singularly or collectively, are beneficiaries or holders of a reversionary interest of ten (10) percent or more of the corpus of the trust.

### **1.29.8 Use of Confidential Information**

A Board member shall not use confidential information obtained in the course of his or her official capacity in any manner with the intent to result in financial gain for himself or herself, any other person or any business.

### **1.29.9 Nepotism**

A Board member shall not vote to employ or appoint any person who is related within the fourth degree to such Board member by consanguinity or affinity. In the event that an individual is recommended for employment or appointment and the individual is related within the fourth degree to a Board member, the related Board member shall abstain from voting and shall leave the room during consideration of the question and the vote.

"Fourth degree of consanguinity or affinity" means parents, grandparents, great-grandparents, great-great-grandparents, spouse, children, siblings, grandchildren, great-grandchildren, great-great-grandchildren, nieces or nephews, grand-nieces or grand-nephews, aunts or uncles, great-aunts or great-uncles, and first cousins by virtue of a blood relationship or marriage.

**1.30 Personal Financial Disclosure Statements Policy** *(Adopted 11-12-2007)*

The Board of Trustees hereby adopts a policy establishing and making public its own method of disclosing financial interests of Board members, candidates and specified administrators, in accordance with law. Personal financial disclosure statements as described below shall be filed with the Missouri Ethics Commission and the East Central College Board of Trustees, on or before May 1 for the preceding calendar year, unless the person filing is a Board candidate. Candidates who are required to file reports (i.e., those who have engaged in reportable transactions in the previous calendar year) must file their reports within 14 days after the last day to file for office. The reports will be made available for public inspection and copying during normal business hours.

This portion of the policy dealing with the financial interest statement will be adopted in an open meeting every other year by September 15. A certified copy of this policy/resolution shall be sent to the Missouri Ethics Commission within ten (10) days of adoption.

**1.30.1 Board Member Disclosure**

All trustees and candidates for trustee will disclose in writing the following transactions if they occurred during the calendar year:

1. Each transaction in excess of \$500 per year between the College and the individual, or any person related within the first degree by consanguinity or affinity to the individual. The statement does not need to include compensation received as an employee or payment of any tax, fee or penalty due the College. The statement shall include the dates and identities of the parties in the transaction.

"First degree of consanguinity or affinity" includes parents, spouse or children by virtue of a blood relationship or marriage.

2. Each transaction in excess of \$500 between the College and any business entity in which the individual has a substantial interest. The statement does not need to include any payment of tax, fee or penalty due the district or payment for providing utility service to the College. The statement shall include the dates and identities of the parties in the transactions.

"Substantial interest" is ownership by the individual, his or her spouse or dependent children, either singularly or collectively, directly or indirectly, of ten (10) percent or more of any business entity, or of an

interest having a value of \$10,000 or more, or the receipt of a salary, gratuity or other compensation of \$5,000 or more from any individual, partnership, organization or association within any calendar year.

### **1.30.2 College President and Chief Purchasing Officer Disclosure**

The College President and the Chief Purchasing Officer (i.e., the Vice President of Finance and Administration) will disclose in writing the information required in 1) and 2) above. In addition, these employees will disclose the following information for themselves, their spouses and dependent children:

1. The name and address of each employer from whom income of \$1,000 or more was received during the year covered by the statement.
2. The name and address of each sole proprietorship the individual owned.
3. The name, address and general nature of business conducted by each general partnership or joint venture in which he or she was a partner or participant.
4. The name and address of each partner or co-participant in the partnership or joint venture unless the information is already filed with the secretary of state.
5. The name, address and general nature of business of any closely held corporation or limited partnership in which the individual owned ten (10) percent or more of any class of the outstanding stock or limited partners' units.
6. The name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the individual owned two (2) percent or more of any class of outstanding stock, limited partnership units or other equity interests.
7. The names and addresses of each corporation for which the individual served in the capacity of director, officer or receiver.

### **1.31 Responsibilities of the President Policy** *(Adopted 12-3-1968; Reaffirmed 12-2-1991; Revised 2-4-2002)*

The President of the district shall be the Chief Executive Officer through which the Board carries out its program and exercises its policies. The President may delegate to subordinate officers of the district such powers as he/she may deem desirable to be exercised under her/his supervision and direction.

Within the framework of policies adopted by the Board, the President shall exercise discretionary authority in carrying out responsibilities of the position.

- 1.31.1** The President shall perform the following functions and be responsible for:

1. Designing and overseeing the organization and administration of the College.
2. Making policy recommendations to the Board on all matters that affect the College.
3. Recommending all additions or changes in personnel and in personnel policies.
4. Submitting an annual budget and administer the Board approved budget.
5. Formulating of all reports as may be required by the Board and by local, state, or national agencies.
6. Recommending to the Board site locations and site utilization.
7. Directing the development of the campus building program.
8. Recommending the establishment of citizen and trade advisory committees.
9. Lending influence in the development of higher education programs in local, state, and national committees and organizations.
10. Performing such other duties as may be assigned or delegated by the Board of Trustees.

**1.32 Evaluation, Planning and Assessment Policy** *(Adopted 6-4-1973; Reaffirmed 12-2-1991; Revised 11-12-2007)*

In order to determine the effectiveness of the College, the President of the College shall implement a process of planning and assessment of the College operations and shall report findings to the Board of Trustees on a periodic basis.

**1.33 Role and Relationship Between the Board of Trustees and the Chief Executive Officer Policy** *(Adopted 6-6-1988; Reaffirmed 12-2-1991; Revised 2-4-2002)*

The Board of Trustees recognizes and maintains the distinction between those activities which are appropriate to the Board as the sole statutory legislative governing body of the district and those administrative functions and duties which are to be performed by the Chief Executive Officer and his/her staff. In that regard, the Board views the legislative authority vested within itself as a body of the whole rather than as individuals acting unilaterally.

- 1.33.1** Based upon the premise of mutual respect and trust, the Board encourages a shared governance relationship that is characterized by open, honest, two-way flow of continuous communications based upon accurate, reliable information resulting from thorough study and analysis. In that regard, the Board looks toward the Chief Executive Officer to provide recommendations, suggestions and options relating to both short- and long-term goals and objectives of the district in a routine and timely

manner. This should allow the Board an adequate period of deliberation which would ultimately result in the adoption of policies that would enhance the well-being of the overall district.

- 1.33.2 The Board recognizes that if the Chief Executive Officer is to be strong and responsible for the prudent management of the district and its resources, likewise, the Board must also be strong, fully informed and recognize its responsibility to be fully supportive of the Chief Executive Officer by granting him/her full authority to carry out and implement the administration of the district in accordance with those policies adopted by the Board.
- 1.33.3 The Board will maintain an understanding and respect for the delineation of policy versus administration and will maintain a self-discipline that will avoid direct interference into the administrative functions of the district. The Board will encourage and be supportive of an atmosphere that will allow the Chief Executive Officer the flexibility and creativity to successfully exercise his/her administrative style necessary for successfully carrying out the administrative functions of the district.

**1.34 Citizens Advisory Committees Policy** (*Adopted 12-3-1968; Reaffirmed 12-2-1991; Revised 2-4-2002*)

Citizens Advisory Committees may be used to advise the College in specific areas of responsibility.

- 1.34.1 Such committees will be appointed to serve in a recommending capacity to College officials.
- 1.34.2 Committee members will be selected by the College administrative staff and approved by the Board of Trustees.
- 1.34.3 All committees will be chosen for a specific purpose and will be terminated when that purpose is fulfilled.

**1.35 College Governance Associations** (*Adopted 3-10-2003*)

The Board of Trustees of the Junior College District of East Central Missouri encourages the formation of voluntary associations representing employee classification groups for purposes of communication and participation in the business of the College. Each association must operate under a constitution and/or bylaws. No constitution and/or bylaws will in any way be written or be understood to limit the authority of the Board or the President in the governance of the College.

**1.36 Amendments to Policy** (*Adopted 12-3-1968; Reaffirmed 12-2-1991; Revised 11-12-2007*)

The policies of the Board of Trustees of East Central College may be amended, repealed, or added to upon motion made in writing for that purpose and an affirmative vote of four trustees.

## SECTION 2: INSTRUCTION POLICIES AND PROCEDURES

### **2.1 Accreditation Policy** *(Adopted 12-3-1968; Reaffirmed 12-2-1991; Revised 5-12-2008)*

East Central College will meet all standards and criteria for accreditation by the Higher Learning Commission of the North Central Association of Colleges and Schools. In addition individual programs will meet licensure and accreditation standards as required by the State of Missouri and as appropriate to ensure quality education to its students.

### **2.2 Degree Policy** *(Adopted 12-2-1991; Revised 4-2-2007; Revised February 2, 2015)*

East Central College offers a variety of degree programs approved by the Board of Trustees, the Missouri Coordinating Board for Higher Education, the Higher Learning Commission and specific accreditors.

The Associate of Arts (AA) Degree is the institutional transfer degree. The degree is comprised of the Department of Higher Education's statewide general education requirement and electives in the academic discipline of choice.

The Associate of Fine Arts (AFA) Degree is the institutional transfer degree for students studying in a fine arts program in studio art or music. A specifically articulated degree with selected Missouri public universities, the Associate of Fine Arts Degree is comprised of a general education core and the necessary coursework to prepare students for a course of study in studio art or music. The degree allows students to elect appropriate specialized coursework related to the particular fine arts baccalaureate program.

The Associate of Applied Science Degree (AAS) is the career technical and workforce preparation degree consisting of a combination of general education and program-based coursework. Many of the career fields offering the AAS degrees also offer options in certificates.

The Associate of Arts in Teaching (AAT) Degree is the institutional transfer degree for students preparing to study in teacher education programs. The degree is comprised of the Department of Higher Education's statewide general education requirements and electives in education and other disciplines related to teacher education. The degree is specifically articulated with Missouri public baccalaureate institutions offering teacher education programs and meets all the accreditation requirements of the Department of Elementary and Secondary Education (DESE).

The Associate of Science (AS) Degree is the institutional pre-engineering degree. A specifically articulated degree with selected Missouri public universities, the Associate of Science Degree is comprised of a general education core and the necessary coursework to prepare students for a course of study in engineering. The degree allows students to elect appropriate specialized coursework for various areas of engineering.



Degree requirements may be updated, altered and revised through appropriate College procedures. Students must satisfy the set of degree requirements in effect at the time of enrollment at East Central College or the degree requirements current at the time of completion.

**2.2.1 Graduation Requirements for the Associate of Arts Degree** *(Revised 10-19-2015)*

- A. Candidates for an Associate of Arts degree must meet the following degree requirements:
  - 1. Completion of a minimum of 60 college semester credit hours (a combination of the general education requirements and elective coursework), excluding developmental coursework, in an approved program of study.
  - 2. A minimum cumulative grade point average of 2.00 on all college credit earned.
  - 3. Satisfaction of the College residency requirement (a minimum of 15 credit hours must be completed at East Central College).

**2.2.2 Graduation Requirements for the Associate of Science Degree** *(Revised 10-19-2015)*

- A. Candidates for an Associate of Science degree must meet the following degree requirements:
  - 1. Completion of an approved program of study, consisting of a minimum of 60 college semester credit hours (a combination of the general education requirements and elective coursework), excluding developmental coursework and career technical coursework.
  - 2. A minimum cumulative grade point average of 2.00 on all college credit earned.
  - 3. Satisfaction of the College residency requirement (a minimum of 15 credit hours must be completed at East Central College).

**2.2.3 Graduation Requirements for the Associate of Arts in Teaching Degree** *(Revised 10-19-2015)*

- A. Candidates for an Associate of Arts in Teaching degree must meet the following degree requirements:
  - 1. Completion of an approved program of study, consisting of a minimum of 60 college semester credit hours (a combination of the general education requirements, program requirements and elective coursework), excluding developmental coursework.
  - 2. A minimum cumulative grade point average of 2.75 on all college credit earned.

3. Satisfaction of the College residency requirement (a minimum of 15 credit hours must be completed at East Central College).

#### **2.2.4 Graduation Requirements for the Associate of Applied Science Degree** (Revised 10-19-2015)

- A. Candidates for an Associate of Applied Science degree must meet the following degree requirements:
  1. Completion of an approved program of study, consisting of a minimum of 60 college semester credit hours (a combination of the general education requirements and program requirement coursework), excluding developmental coursework.
  2. A minimum cumulative grade point average of 2.00 on all college credit earned.
  3. Satisfaction of the College residency requirement (a minimum of 15 credit hours must be completed at East Central College).

#### **2.2.5 Graduation Requirements for the Associate of Fine Arts Degree** (Revised 10-19-2015)

- A. Candidates for an Associate of Fine Arts Degree must meet the following degree requirements:
  1. Completion of an approved program of study, consisting of a minimum of 60 college semester credit hours (a combination of the general education requirements and elective coursework), excluding developmental coursework.
  2. A minimum cumulative grade point average of 2.00 on all college credit earned.
  3. Satisfaction of the College residency requirements (a minimum of 15 credit hours must be completed at East Central College).

#### **2.2.6 Second or Subsequent Degree or Certificates**

Any student seeking an AAS, AS, AAT, AFA or a certificate as a second or subsequent degree or certificate must complete all requirements for the desired degree or certificate. A student may not receive more than one Associate of Arts Degree.

#### **2.2.7 Regulatory Agency Approved Programs or Accredited Programs**

Degree programs with external regulatory approval or accreditation will follow the rules of the regulatory body or accreditor regarding transfer in of credit, residency in the program or other action related to the program

of study. Such rules will be made available to the students in program documents, admissions packets, fact sheets or the college catalog.

## **2.3 Definition of Credit Hour** *(Adopted 7-12-2010)*

East Central College measures units of coursework by the semester credit hour. The semester credit hour is a recognized unit for college credit coursework and is used to determine degree requirements and course equivalency in transfer.

### **2.3.1 Traditional Coursework**

For a traditional face-to-face lecture course, the Carnegie unit and state regulation have been used to determine a semester credit hour value (i.e. a minimum of 750 minutes of instruction or “seat time” per credit hour per semester period). For non-lecture courses (i.e. science laboratories, studio coursework, career technical courses, music activities) additional instructional time per credit hour is necessary to achieve the College’s learning objectives determined for the course or instructional activity.

### **2.3.2 Distance/Web-Based/Hybrid Learning**

For the College’s distance learning courses (i.e. online and hybrid), the credit hour value is based on the learning objectives determined in the traditional model of the coursework. Students would, therefore, be required to spend comparable amounts of time to achieve the desired learning objectives. To earn the credit hour value assigned to the course, students must demonstrate achievement of the course-based learning objectives at a satisfactory level.

## **2.4 Course Credit Options** *(Adopted 4-7- 2003; Revised 5-12-2008, 8-31-2009)*

East Central College provides students various options regarding college credit. Students may receive credit in any of the following ways:

Satisfactory Course Completion

Transfer Credit

Dual Credit

Dual Technical Credit

Credit by Articulation

Military Credit

Credit By Exam:

CLEP

DANTES

Advanced Placement

Departmental

Other sources, including non-regionally accredited institutions, will be considered on a case-by-case basis. Guidelines, limitations and exclusions for each are stated below.

#### **2.4.1 Credit Earned at Other Institutions**

Students must request that official transcripts be sent to East Central College from all previously attended post-secondary institutions. Transcripts will be reviewed and credit accepted if the course(s) correspond to East Central College coursework and are consistent with the transfer policy outlined in Board Policy 2.4.

#### **2.4.2 Dual Credit**

Students attending participating taxing district and service area high schools may elect to take part in the East Central College dual credit program. Following the guidelines approved by the Department of Higher Education, the College approves certain courses in selected high schools as being eligible for college credit. Participating school districts must satisfy the criteria for faculty qualifications and development, required minutes of instruction, assessment and outcome measures and any other contractual requirements as stipulated by the Department of Higher Education. Students meeting the eligibility criteria are admitted to the College and can elect enrollment in available coursework. Students participating in the program will pay the current credit hour tuition and fees of East Central College as determined by residency requirements and are entitled to all of the privileges and services of on-campus students but are not eligible for financial aid.

#### **2.4.3 Dual Technical Credit**

Secondary students attending participating high schools and/or regional career centers may elect to take part in the East Central College dual technical credit program, available to institutions with current articulation agreements in place, and operated under guidelines of the Regional Tech Prep Consortium. Following these guidelines, the College approves selected courses that are aligned with career technical programs offered by the College. College faculty in the programs will provide guidance in instruction, curriculum, assessment and outcome measures and any other requirements as stipulated by the Department of Higher Education. Students meeting the eligibility criteria are admitted to the College and can elect enrollment in available coursework. Students participating in the dual technical credit program will pay the per course processing fee as established by East Central College.

#### **2.4.5 Credit by Articulation**

Under arrangements with agencies providing post secondary programming, East Central College grants credit by articulation agreement. Through signed and authorized articulation agreements entered into with regional career centers, union education and training programs, and state agency education and training programs, students may receive credit. Credit may be awarded on a course by course basis, associated with coursework offered at East Central College or credit may be awarded in “block” form upon

completion of a post secondary program of study for which students will be required to produce completion documents. Credit by articulation may also be awarded in partnership with post secondary institutions providing the program content delivery. Guidelines, restrictions, procedures and any costs associated with the articulation process are available through the school district, East Central College or other participating educational entity.

#### **2.4.6 Military Credit**

Students with coursework and course credits acquired during military service must provide an official copy of their DD214 and/or an official transcript for review. Credit transcription will occur upon receipt of all official documentation.

#### **2.4.7 Credit by Exam**

##### **A. Credit by Nationally Recognized Examination**

Students may complete nationally recognized achievement performance tests (CLEP, DANTES, Advanced Placement and have official results sent to the registrar for processing. Credit transcription will occur upon receipt of official results that reflect achievement of a minimum score as determined by the College. A fee per course will be assessed.

##### **B. Credit by Departmental Examination/Review**

Students who demonstrate a high level of proficiency within a subject area may petition the academic discipline or program faculty for credit by examination or review. If this petition is approved, discipline or program faculty would prepare an appropriate measure (test or other instrument) of proficiency and establish with the student guidelines for passing. The decision of the faculty is final. A fee per course will be assessed.

#### **2.5 Transfer Credit Policy *(Adopted 8-31-2009)***

East Central College is committed to assisting student transfer to and from East Central College and facilitating credit transfer to and from other post secondary institutions. Transfer in credit will be analyzed in terms of level, course content, comparability and compatibility with degree programs and course offerings at East Central College.

##### **A. Transfer In Credit Procedures**

- 1) Courses completed at any Missouri public institution in compliance with the Missouri Department of Higher Education's guidelines and agreements concerning the transfer and articulation of credit will be accepted in transfer if appropriate to a student's program of study.

- 2) Courses completed at any institution maintaining current articulation agreements with East Central College will be accepted in transfer as outlined in the agreement.
- 3) Courses completed at any regionally accredited institution will be reviewed for course equivalency and program relevance and accepted for transfer accordingly.
- 4) Courses completed at non-regionally accredited institutions will be reviewed as follows:
  - i. The transfer institution's accreditation status will be examined.
  - ii. Information provided by the school or the student regarding the completed coursework (e.g. transcripts, catalog descriptions, course syllabi, faculty credentials, etc.) will be distributed to the appropriate program/academic department official for recommendation to the Chief Academic Officer.
  - iii. After an evaluation has been completed and the results communicated to the student, the student may appeal the decision regarding transfer to the Registrar and the Chief Academic Officer.
- 5) Courses completed at a foreign institution will be reviewed as follows:
  - i. Student is required to provide an official transcript, along with an English translation, and an explanation of the foreign institution's grading procedures.
  - ii. Information regarding the completed coursework will be distributed to the appropriate program/academic department official for recommendation to the Chief Academic Officer.
  - iii. After an evaluation has been completed and the results communicated to the student, the student may appeal the decision regarding transfer to the Registrar or the Chief Academic Officer. Such an appeal will require a review through an international credit evaluation service, as directed by the Registrar's Office. The cost of the evaluation must be paid by the student prior to the evaluation.
- 6) Experiential learning will be reviewed as follows:
  - i. Student will submit a written request to the Registrar describing the experiential learning and provide supporting documentation. Student will make a formal request for course/credit equivalency.
  - ii. Information regarding the request will be distributed to the appropriate program/academic department official for recommendation to the Chief Academic Officer.
  - iii. After an evaluation has been completed and the results communicated to the student, the student may appeal the decision regarding transfer to the Registrar and the Chief Academic Officer.
- 7) Military credit will be reviewed as follows:
  - i. Student will provide an official copy of his/her DD214 and/or a transcript from his/her military service.

- ii. Courses completed through the military will be reviewed for course equivalency and program relevance using ACE credit recommendations and accepted for transfer accordingly.
  - iii. After an evaluation has been completed and the results communicated to the student, the student may appeal the decision regarding transfer to the Registrar and the Chief Academic Officer.
- 8) Dual credit coursework will be reviewed based on the policies and guidelines of the Missouri Department of Higher Education (MDHE) with respect to the transfer in of dual credit coursework. Limitations and exclusions may apply based on the MDHE policy and guidelines statements.
  - 9) All other incoming credit transfer requests not covered by the aforementioned procedures must be made in writing to the Registrar's office.

## **2.6 Course Placement Policy** *(Adopted 5-12-2008)*

The College may enroll students in programs and courses on the basis of placement tests, pre-enrollment interviews, physical examinations, achievements in previous work or other appropriate criteria.

## **2.7 Curriculum Development and Review** *(Adopted 5-12-2008)*

The faculty and instructional administrators will be responsible for proposing, regularly evaluating, and revising the College's educational programs and courses. For career programs, advisory committees made up of knowledgeable professionals may advise the faculty on developments in the field and possible changes in the educational program. A College-wide curriculum committee will review and approve changes in courses and recommend changes to existing programs and the addition of new programs. As appropriate, transfer institutions will be contacted to determine the transferability of courses and programs.

All courses and programs will be periodically reviewed and evaluated by faculty and administrators to ensure that the College's educational offerings remain current, cost effective, and relevant to the needs of students and the community. All changes, additions and deletions to transfer and career programs will be reviewed by the President and submitted to the Board of Trustees for approval.

## **2.8 Discontinuance of a Program Policy** *(Adopted 6-4-1979; Revised 5-6-2002)*

The Chief Academic Officer will submit to the College President an annual status report making recommendations with respect to the College's instructional programs. Recommendations to enhance, continue, reduce, restructure or discontinue any program(s) may be based on the results of program review, program consolidation/reorganization, Board staffing decisions or declared financial exigency.

### **Procedures:** *(Revised 5-12-2008)*

- 2.8.1** Prior to the development of an annual staffing plan, the Chief Academic Officer (assisted by faculty in related disciplines, division chairs, and the

career education administrator) will analyze selected instructional programs with questions similar to the following:

1. What are the employment or transfer opportunities for students enrolled in that area, both immediate and short-range?
2. What is the size of the yearly reservoir of potential students in that area?
3. Is the instructional area necessary to support other instructional areas within the College and/or the College mission?
4. Are there value-added benefits to the student's career opportunities and income by completing the program of study?
5. What changes in technology have or will likely affect the instructional area?

**2.8.2** Upon completion of the analysis, the Chief Academic Officer will submit to the President of the College a status report on the College's instructional programs, including any recommendations for action.

**2.8.3** Upon review of the Chief Academic Officer's report, the College President will, in concert with the administrative leadership of the College, make an administrative decision regarding the College's instructional programs.

**2.8.4** The President will make recommendations to the Board of Trustees as appropriate.

**2.8.5** In cases of retrenchment, affected faculty, including the division chairpersons, may submit a written appeal of such decisions to the Board of Trustees. The decision of the Board will be final.

**2.8.6** If the Board accepts retrenchment recommendation(s), the Board will follow procedures as outlined in Full-time Faculty Non-reappointment procedures.

## **2.9 College Committees Policy** *(Adopted 12-3-1968; Revised 5-12-2008)*

The President of the College is authorized to create appropriate committees and to appoint representative employees to such committees, both standing and ad hoc, deemed necessary to support and enhance the mission and effectiveness of the institution.

The Chief Academic Officer will annually recommend to the President the appointments of advisory committee members to assure the academic currency and economic development potential of each program.

### **2.9.1 Career and Technical Advisory Committee Procedures** *(Adopted 10-1-990; Revised 4-7-2003)*

- A. **Membership.** The program committees should have a minimum of 12 members to ensure reasonable meeting attendance with representation from business, industry and labor. In addition, members should be selected to represent diverse geographic, gender and ethnic viewpoints.



Program graduates and personal friends of the instructor(s) involved should be only minimally represented.

- B. **Membership Term.** Members will be appointed to three-year terms.
- C. **Meetings.** Two Advisory Committee meetings will be scheduled each academic year (one in the fall term and one in the spring term).  
Advisory committee meetings are intended to serve as opportunities to receive advice and counsel on current workforce needs, the relevance of programs to meet these needs, the development of plans to support the programs, faculty qualifications, curricular content, equipment facilities and placement of graduates. Each meeting date will have an agenda published and distributed two weeks prior to the meeting. Minutes will be recorded for each meeting with copies distributed to members and filed in the office of the administrator responsible for career and technical education.

#### **2.10 Non-credit Programs** *(Adopted 5-12-2008)*

The College will develop and provide non-credit courses and programs and services to meet identified community needs. Such courses will not appear on official student credit course transcripts. Students enrolled in non-credit courses will not be required to meet the College's admission criteria for credit programs. Certificates of Completion may be granted to students satisfactorily completing a single course, a seminar, conference, workshop or similar instructional activity.

#### **2.11 Library Materials Policy** *(Adopted 6-1-1987; Revised 8-28-2003)*

Library materials are intended to support the mission of the College and to provide information and enlightenment to the community and its citizens. Thus the library should provide the fullest practicable access to materials presenting all points of view concerning the problems and issues of our time. The principles of academic freedom and the freedom to read will be defended.

#### **Procedures:**

##### **2.11.1 Selection of Materials.**

- A. Library materials will be selected by the Librarian, with assistance from faculty and qualified members of the library staff.
- B. The materials selection process will operate within the policies of the Board of Trustees.
- C. Materials will not be excluded because of the race, sex, nationality or the political, ethical, or religious views of the writer or artist.
- D. No item shall be removed from the Library except by order of the Board of Trustees or a court having jurisdiction over such a decision.

### **2.11.2 Procedure for Accepting Gifts**

Specific procedures for accepting donation of materials, including criteria for such acceptance, may be found in the Library Materials Selection Procedures Manual kept in the Librarian's office. Any potential donor should contact the Executive Director of the Foundation or the Librarian about donations.

### **2.11.3 Procedure for Complaints**

The procedures for lodging and receiving complaints as contained in the Library Bill of Rights, Freedom to Read Statement, and Code of Ethics adopted by the American Library Association will be followed. Patron comment forms are available upon request from the Librarian.

## **2.12 Records Retention Policy** *(Adopted 1-4-1988; Revised 5-12-2008)*

The Office of the Secretary of State will serve as the legal authority and guide for retention and disposal of official records of the Junior College District of East Central Missouri. Each administrative division will be responsible for the retention and disposition of records falling under its purview, in accordance with the guidelines of the manual.

## **2.13 Archives Development Policy** *(Adopted 1-4-1988; Revised 8-28-2003)*

College documents that are of historical importance will be stored in the Archives section of the library. A committee appointed by the President will have the authority to accept or reject materials submitted to the archives.

### **Procedures:**

#### **2.13.1 Archives Development**

It will be the responsibility of the division or entity producing the submitted document or publication to see that the necessary copies are forwarded to the library for inclusion in the Archives. The development and maintenance of the Archives shall be the responsibility of the Librarian.

The archives will permanently store three copies of official College publications. The list will be reviewed annually by the records committee and will include, but will not necessarily be limited to:

- College Newspaper
- Yearbooks
- Catalogs
- Commencement Programs
- Building Dedication Programs

**2.14 Field Trip Policy** (*Adopted 12-3-1968; Revised 8-28-2003*)

Field trips for classes are permitted and encouraged. No trip is to be taken without prior approval of the administration, and a full-time employee must accompany and supervise each trip.

**Procedures:** (*Revised 5-12-2008*)

- 2.14.1** As a general rule, students must travel to all off-campus trips by bus provided by the College and be accompanied by a faculty sponsor.
- 2.14.2** Faculty members will have discretion to waive this requirement if the student's convenience or needs are better served by being permitted to use personal transportation to meet the group at the site of the field trip. In such cases, the student is to be notified that he/she is assuming all risks and liability for such travel.

**2.15 Children on Campus Policy** (*Adopted 5-9-2005; Revised 5-12-2008*)

Children, aged 16 and under, unaccompanied by an adult are not permitted on campus. No children will be allowed at any time in laboratories, study areas, computer labs, the Fitness Center or nearby locations, unless a child is an integral part of an instructional activity. Exceptions may be approved in advance by an agent of the College.

**2.16 Animals on Campus** (*Adopted March 7, 2016*)

East Central College welcomes the presence of trained Service Animals assisting individuals with disabilities on its campus in areas open to the public consistent with the provisions of this policy and applicable law. An individual with a disability may be accompanied by his/her Service Animal in all areas of the College's facilities where members of the public are permitted. This policy, however, applies only to facilities owned by the College or under its control. There may be restrictions imposed on the use of Service Animals in non-College facilities, such as hospitals, science laboratories or other clinical or internship experience locations. Such restrictions are established by the individual facilities, and the College has no control over such restrictions. In addition, the College reserves the right to impose restrictions on the use of Service Animals on its property in order to maintain safety or to avoid disruption of College operations. For purposes of this policy, a "Service Animal" is defined as a dog, or in certain circumstances, a miniature horse, that has been individually trained to do work or perform tasks for the benefit of individuals with disabilities. Animals that are not Service Animals will not be permitted inside College buildings unless specifically approved by the College President.

**Procedures:** *(Adopted 3-7-2016)*

**2.16.1 Service Animals**

The Access Services Department at East Central College strives to provide equal opportunities for individuals with disabilities, which may include the use of Service Animals. Service Animals are working animals, not pets. The work or tasks performed by a Service Animal must be directly related to its handler's disability.

Examples of work or tasks performed by Service Animals may include, but are not limited to:

- assisting individuals who are blind or have low vision with navigation and other tasks;
- alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
- providing non-violent protection or rescue work;
- pulling a wheelchair;
- assisting an individual during a seizure;
- alerting individuals to the presence of allergens;
- retrieving items such as medicine or the telephone;
- providing physical support and assistance with balance and stability to individuals with mobility disabilities; and
- helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Services that do not qualify as work or tasks performed by a Service Animal include:

- deterring crime; and
- providing emotional support, comfort, or companionship, often referred to as "therapy" or "companion" animals.

An animal does not have to be licensed or certified as a Service Animal in order to serve in that capacity. Individuals with Service Animals will not be required to provide documentation proving that the animal has had particular training as or is a "certified" Service Animal. However, consistent with state law, all Service Animals on campus should still:

- be licensed in compliance with state and/or local laws applicable to non-service animals;
- be properly immunized and vaccinated; and
- wear a current license and rabies vaccination tag.

In situations where it is not obvious that the dog or miniature horse is a Service Animal, the College may ask the following questions: (1) Is the dog or miniature horse a Service Animal required because of a disability? and (2) What work or task has the dog or miniature horse been trained to perform?

A Service Animal is not required to wear a certain kind of harness that identifies it as a Service Animal, although all Service Animals must be on a leash or a harness at all times unless the nature of the accommodations provided by the Service Animal would be negatively impacted by a harness or leash. In that case, the handler must maintain control of the animal through voice, signal, or other effective controls.

The College may direct an individual with a disability to remove a Service Animal from College premises if the animal:

- is out of control and its handler does not take effective action to control it (including the animal posing a direct threat to others on campus and/or exhibiting behavior that interferes with the educational process);
- is not housebroken or is ill; or
- is not properly licensed and/or vaccinated in accordance with state and/or local laws applicable to non-service animals.

#### **2.16.2 Non-Service Animals**

Pets under the control of an adult (i.e., 18 years or older) are permitted on College property, but are not permitted within College owned or leased buildings. Only Service Animals or animals being used in College laboratories for research, classroom or observation purposes are permitted within College owned or leased buildings.

Animals must be leashed and under the control of an adult at all times. A loose animal trailing a leash, or one tied to a fixed object, is not under the control of an adult. Animals that are unleashed, or leashed and unattended, on College property may be subject to impoundment at the expense of the owner. Animals left unattended in motor vehicles on College property may also be impounded at the expense of the owner if they become a nuisance or if the welfare of the animal is threatened.

Any exception to this policy must be approved by the College President.

## SECTION 3: STUDENT SERVICES POLICIES AND PROCEDURES

### **3.1 Admission Policies** (*Adopted 2-6-1989; Revised 12-4-2000; Revised 6-23-2003; Reaffirmed 8-25-2014*)

The administration of the College will develop and implement admissions procedures in accordance with the Revised Statutes of Missouri, guidelines of the Coordinating Board for Higher Education and the Department of Higher Education, and best practices recommended by The Higher Learning Commission North Central Association of Colleges and Schools. Some programs and majors have specific admission requirements, such as educational prerequisites, cumulative grade point averages and/or test scores. Admission to the College does not insure a student admission to a specific program.

#### **Procedures** (*Revised 5-12-2008; Revised 8-25-2014*):

- A. All graduates of accredited high schools and Missouri residents who hold a General Educational Development (GED) or High School Equivalency (HSE) certificate are eligible to enroll at East Central College.
- B. Students without a high school diploma, GED or HSE certificate may be provisionally admitted and allowed to complete a maximum of 15 credit hours.
- C. Graduates of high schools not accredited by a regional accrediting agency or appropriate state agency must, before admission, present evidence to the Admissions Office of a composite ACT score of 21 or above or a High School Equivalency (HSE/GED) certificate. In the event of extenuating circumstances, the applicant should discuss their application with the Director of Admissions.
- D. Students who have graduated from home schooling are subject to the regulations found in Chapter 167 of the Revised Statutes of Missouri and as such are eligible to enroll at East Central College. Home school students must present a final high school transcript from a parent, guardian or external correspondence program with evidence of graduation or a GED/HSE certificate.

All home schooled students will be placed in appropriate levels of coursework based upon college placement measures in effect at the time of admission.

Home schooled students may be admitted at the start of the semester following certification of completion by a parent or guardian, or external correspondence program regardless of their age. Students under the age of seventeen must also follow the special admission process when they apply to the College.

- E. To be admitted, all full-time students and certain part-time students will be required to complete an assessment of basic reading, writing and mathematics for placement in appropriate course levels unless official transcripts from accredited colleges indicate successful completion of college level reading, English composition and mathematics courses.
- F. Registration of dual credit and dual enrollment students is covered in the Course Credit Options Policy.

### **3.2 Program Admission Policy** *(Adopted 5-9-2005)*

The faculty, staff and Chief Academic Officer will devise, implement and monitor an objective, timely and nondiscriminatory method for selecting applicants for admission to specific College programs with admissions criteria. These programs are identified annually and information is publicized in each semester's schedule of classes. The selection process will reflect good practice, and criteria will be made available to interested parties in the departmental offices or academic advisement.

#### **Procedures:** *(Adopted 5-31-2007)*

##### **3.2.1 Criminal Background Check/Drug Screening**

In response to external agency requirements and as a condition of required participation in activities at these agencies, students in designated programs must consent to a criminal background check and/or drug screening and must be responsible for all costs involved.

Students who do not consent to or do not pass the drug screening cannot remain a student in the designated program. Any information derived from the criminal background check and/or drug screening will not result in disciplinary action by the College, nor will it be made part of the student's college record. The student may remain enrolled at the College and continue in another program that does not have a criminal background and/or drug screening examination requirement.

### **3.3 International Student and Non-U.S. Citizen Student Admission Policy** *(Reaffirmed 12-2-1991; Revised 9-27-2007, 7-14-2014)*

East Central College is approved by the United States Department of Justice (Permit STL-214F-220, 3 April 1973) as an institution of higher learning for non-immigrant international students. The term "International Students" is defined as students who are in the United States pursuant to valid, non-immigrant student visas and students who wish to come to the United States pursuant to valid, non-immigrant student visas to attend East Central College. Typically, International Students seeking admission to East Central College apply for admission from their home country. International Students already in the United States may be admitted to East Central College by transfer from another college or university in the United States if they have attained a grade

point average of 2.0 or higher, based upon a 4.0 scale or the equivalent, and ~~is~~ they are entitled to an honorable dismissal from that college or university. International Students and non-U.S. citizen students seeking admission to East Central College must submit the proper documents and information, as outlined herein, in addition to meeting the general College admission requirements.

### **Procedures:**

#### **3.3.1 International Students** *(Revised 7-14-2014)*

International Students seeking admission to East Central College must:

- A. Complete an East Central College Application for Admission;
- B. Submit an original copy of an Affidavit of Support [U.S. Citizenship and Immigration Services (USCIS) Form I-134] indicating minimum support as designated in the catalog;
- C. Submit an East Central College Sponsorship of International Students form;  
*NOTE: The sponsor must be a resident of the East Central College service district and be responsible for assisting with the International Student's housing and transportation needs (not necessarily financial liability).*
- D. Verify proficiency in English through one of the following: *(revised 12-23-14)*
  - Successful completion of the Test of English as a Foreign Language (TOEFL) (minimum score of 497 on the written test or 60 on the Internet-based test), or a score of 5.5 from the International English Language Testing System (IELTS), or B1 on the Common European Framework of Reference (CEFR);
  - Successful completion of a course equivalent to English Composition I taken in residence at a U.S. college or university;
  - Successful completion of an English as a Second Language Program; or
  - English is the native language of the applicant's home country.
- E. Submit original transcripts from secondary schools and universities previously attended translated into English and accompanied by an explanation of the grading system used. Transcripts must be sent directly from school/college records/registrar's offices to the address below. These records cannot be received directly from students or sponsors unless they are in sealed envelopes with the issuing school's or university's official stamp or seal.

Send all documents to:

International Student Advisor  
East Central College  
1964 Prairie Dell Road  
Union, Missouri 63084  
intladmissions@eastcentral.edu



All documents must be received by the following dates:

April 15 for Summer Semester  
July 15 for Fall Semester  
November 15 for Spring Semester

If an International Student's admission is approved, an I-20 Form will be issued within 30 days of receipt of the above records.

International Students must also show evidence of health insurance covering a 12-month period. This insurance coverage must be maintained during the entire period that the student is attending East Central College, and documentation of such coverage must be on file with the International Student Advisor.

International Students will be charged International Student tuition rates.

### **3.3.2 Non-U.S. Citizen Students Who Are Not International Students** *(Adopted 7-14-2014)*

Non-U.S. citizen students, lawfully present in the United States, who do not qualify as International Students may be admitted to the College under the regular admissions requirements and should submit the following information as part of the admissions process:

- An East Central College Application for Admission;
- Verification of high school completion or its equivalent;
- Proof of lawful presence in the United States through any document issued by the federal government that confirms such lawful presence;
- Proof of English proficiency; and
- Official college transcripts from all colleges where credit was attempted or earned, including dual credit.

If admitted, non-U.S. citizen students who do not qualify as International Students will be charged tuition as follows:

- Students in lawful permanent resident status will be charged tuition according to their district residency status at the time of their application for admission.
- Students present in Missouri as representatives of a foreign government or at the convenience of the United States and Missouri governments who hold a G visa (except for those who are government-funded students) will be charged tuition according to their district residency status at the time of their application for admission.
- Students who hold A or L visas and who are individually designated as representatives of their governments and whose education is not government-funded will be charged tuition according to their district residency status at the time of their application for admission.
- All other non-U.S. citizen students who are lawfully present in the

United States [including, but not limited to, students who have been granted Deferred Action for Childhood Arrivals (“DACA”)] will be charged out-of-state tuition rates.

**3.4 Residency Status Policy** *(Revised 10-7-1985; Revised 6-23-2003)*

Student residency status will be determined at the time of enrollment at East Central College. Student residency guidelines followed by the College will be those adopted by the Coordinating Board for Higher Education. In the case of international students or resident aliens, residency will be determined based upon both federal determination of status and state guidelines. A copy of such guidelines may be found in the Office of the Registrar.

**Procedures:** *(Revised 8-17-2007)*

If the student disagrees with the College's assessment of his or her resident/non-resident status, the following procedure should be followed to appeal the decision:

**A. Informal Appeal** *(Revised 3-20-2015)*

Meet informally with the Student Service Center Coordinator to discuss the residency status and reasons why the student should be considered an in-district student. The Coordinator will render an informal decision based upon the information provided in this discussion.

**B. First Level of Formal Appeal**

If the informal decision determines that the student is not an in-district resident and if the student wishes to appeal this decision further, then the next level of appeal may be implemented. The student is obligated to submit the appeal in writing to the Chief Student Affairs Officer, accompanied by written documentation of those criteria which the student meets for in-district residency as set forth in the Student Residency Requirements published by the Missouri Department of Higher Education. The Chief Student Affairs Officer will review and verify the information provided and render a decision within three working days of receipt of the written appeal.

**C. Second Level of Formal Appeal**

The final level of appeal requires the student to submit an appeal in writing to the Office of the President of the College. The Chief Student Affairs Officer will forward to the President the documentation previously provided by the student at the first level of formal appeal. The President will deliver a decision within five (5) working days of receipt of the written appeal.

**3.5 Institutional Scholarships Policy** *(Revised 5-12-2008; Revised 7-14-2014)*

The East Central College institutional scholarship program, funded through the general fund of the College, is intended to provide access to East Central

College to students who demonstrate academic or performance excellence or could not otherwise attend due to the lack of necessary financial resources. The number of scholarships awarded each year will be contingent upon funding, as determined by the College during its budget development process.

**Scholarships:** *(Revised 7-14-2014)*

The following scholarships are approved by the Board of Trustees for funding through the general fund of the College.

**Board of Trustees Scholarship** - Students for a Full Award include the valedictorian, salutatorian and the top 10% of students graduating within the last calendar year from any high school in the East Central College taxing and service district. This scholarship is renewable for a second year if a 3.3 grade point average is maintained on at least 24 credit hours completed annually.

**Academic Division Scholarship** - Each division will be approved for an equal number of one year, non-renewable awards. Each division will decide on the award distribution within and among the disciplines, taking into consideration the availability of other scholarships and financial aid. Those awards made to the division(s) that house the disciplines of art, music and theater will go to students enrolled in or majoring in other areas, since those disciplines have their own awards.

**Music** - Scholarship awards are provided for music majors and for students who may not be music majors but who participate in musical group performances. Eligibility criteria will be determined by faculty from the discipline. Scholarships will be awarded based on faculty recommendations.

**Art** - Scholarship awards are provided for art majors. Eligibility criteria will be determined by faculty from the discipline. Scholarships will be awarded based on faculty recommendations.

**Communications, Media and Theater** - Scholarships are provided for communications, media and theater majors and/or students working in and on theater productions. Eligibility criteria will be determined by faculty from the discipline. Scholarships will be awarded based on faculty recommendations.

**High School Equivalency (HSE, formerly GED) Scholarship** - Students are eligible for a non-renewable award if admitted on the basis of a HSE/GED Test score set by the College. Awards will be made each semester.

**Harrison M. Eaton Scholarship** - A waiver of tuition and general fees is provided for an education major; renewable if a 3.3 grade point average is maintained on at least 24 credit hours completed annually.

**New Program Scholarships** - A scholarship is provided for a student enrolling in a new College program. Such a scholarship may become available in the first semester of any year in which a new, fully approved program is opened to

enrollment. No more than two programs may offer New Program Scholarships at any one time. The scholarship is renewable for up to three semesters if a 3.0 grade point average is maintained on at least 12 hours completed in the fall semester and 12 hours completed in the spring semester.

**Home School Scholarship** - Scholarship awards are available to students completing a course of home study and scoring in the ninetieth percentile on a nationally recognized test measuring academic achievement. The scholarship is renewable for up to three semesters if a 3.0 grade point average is maintained on at least 24 credit hours completed annually.

**Non-traditional Student Scholarship** - A non-renewable scholarship award is available for an adult student enrolling in the College who is over the age of 23 and whose family income makes the student ineligible for need-based federal financial aid. To be eligible the student must be enrolled in no fewer than six (6) credit hours and have completed a minimum of 15 credit hours at East Central College with a 3.0 grade point average.

**Technical Skills Scholarships** - A Full Award is available to students from any high school in the East Central College taxing and service district pursuing an AAS degree in an area where they have demonstrated exemplary skills by scoring either first, second or third in a state (or higher) level technical skills competition in a program area articulated from their high school or area career center to a degree program at the College. The scholarship is renewable for a second year if a 3.3 grade point average is maintained on at least 24 credit hours completed annually.

A partial scholarship award is available to students from any high school in the East Central College taxing and service district pursuing an AAS degree in an area where they have demonstrated high potential in their chosen career field by scoring either first, second or third in a district level technical skills competition in a program area articulated from their high school or area career center to a degree program at the College. The scholarship is renewable for a second year if a 3.3 grade point average is maintained on at least 24 credit hours completed annually.

**Student Ambassador Scholarships** – A competitive leadership program designed to attract a group of traditional and non-traditional students to represent the College to prospective students and the community. This Full Award is paid hourly, as earned, and awarded by semester. The scholarship is renewable if a 2.50 grade point average is maintained and is approved by the Director of Admissions.

Additional scholarships are available through the ECC Foundation; information is available on the Foundation website at [www.eccfoundation.org](http://www.eccfoundation.org).

**Procedures:** *(Revised 7/14/2014)*

- A. Scholarships will be awarded on the basis of merit and/or need as defined by the scholarship type.
- B. All award processes will abide by federal and state statutes and regulations concerning non-discrimination.
- C. Full Award - Up to a \$1000 credit per semester to be applied to tuition and general fees. It does not cover student activity fees, special fees, books or summer session. With administrative approval, Full Awards may be divided into partial awards and divided among students.
- D. Supplemental Award - Up to \$250 credit per semester to be applied to student activity fees, special fees, books or summer session. These scholarships are limited in number and funded by the ECC Foundation.
- E. Scholarships not used in the semester in which they are awarded will be forfeited.
- F. Unless otherwise noted, all scholarship award recipients must enroll full-time for a minimum of 12 credit hours per semester.
- G. To be eligible for an institutional scholarship, all scholarship applicants must first complete a Free Application for Federal Student Aid (FAFSA) and the online College scholarship application by the priority deadline for early consideration. Information on financial aid, scholarships, the application process and relevant deadlines is available electronically through the Office of Financial Aid and the ECC Foundation Office.
- H. In most cases, awards will not be made to students who have completed over 96 credit hours.
- I. Unless otherwise noted, scholarships may be awarded to new or returning students.
- J. All scholarship awards, whatever the source of funding, must be awarded and monitored by the Office of Financial Aid.

**3.6 Grade Policy** *(Adopted 8-28-2003; Revised 8-27-2007, 8-31-2009)*

The faculty at East Central College have sole responsibility for assignment of grades to students based upon student academic performance and other criteria as described in the official course syllabus provided to each student. These criteria have been developed by the faculty and are approved by the academic administration of the College.

## **Procedures:**

### **3.6.1 Grade Descriptions and Records** *(Revised 3-1-2012)*

Each faculty member's assignment of grades reflects the following standard college grading scale and corresponding grade points earned:

<b>Grade</b>	<b>Explanation</b>	<b>Grade Quality Points Per Credit Hr.</b>
A	Superior	4
B	Above Average	3
C	Average	2
D	Below Average, Passing	1
F	Failing	0
W	Withdrawal with Approval	0
WX	Administrative Withdrawal	0
I	Incomplete	0
H	Audit	0
P	Pass	0
NC	No Credit	0

At the end of each academic semester, faculty are required to submit final course grades to the Registrar and file a record of the grade plus the criteria used to arrive at the official grade with the appropriate instructional division. Grades are available to students via eCentral on the College website. All submitted grades become part of the student's official record (transcript) and are used in the computation of the semester grade point average and the student's cumulative grade point average.

### **3.6.2 Other Grade Options**

#### **A. Mid-Semester Progress Reports**

In addition to final grades, faculty may report mid-semester student progress. At that time, in addition to the mid-semester grades of "D" and "F", the following may be reported:

#### **U Unsatisfactory Progress**

While not an official transcript grade, "U" is used at mid-semester to identify unsatisfactory progress within a course.

#### **B. Incomplete (I)**

A grade of Incomplete (I) may be recorded for a student who has completed 80% of the required coursework with a passing grade but, because of reasons acceptable to the instructor, has failed to complete all coursework. Each grade of "I" must be accompanied by a written contract with specific terms for satisfactory course completion and the signatures of the instructor and student. All coursework must be completed during the following semester. If

class attendance is required, coursework must be completed during the semester when the course is next offered. A final grade will be recorded as determined by the instructor. Students on financial aid should consult with the Financial Aid Office regarding the impact a grade of “I” may have on student financial aid status.

### **C. Audit (H)**

A student may elect an audit grade option following the procedures outlined below. Audit (H) grades carry no credit hour value and will not count in credit hours attempted in certain financial aid programs.

1) A student is admitted to the College, meets all course admission requirements and registers for the course, paying the usual tuition and fees and enrolls as an audit student. Faculty may or may not require that the audit student take exam, but all attendance requirements are the same as other students in the class. A student completing the class and meeting the audit requirements as established by the faculty member will receive a grade of “H” for the class, but no credit hour completion will be associated with the grade. A student who fails to meet the attendance requirement may withdraw or be administratively withdrawn from the class and a grade of “W” will be recorded.

2) A student is admitted to the College, meets all course admission requirements, registers for the course paying the usual tuition and fees, and enrolls in a class. Within the College refund period (as defined in the course schedule and available in the Registrar’s Office), a student may change status to audit (H). All the procedures for an audit class will then apply.

### **D. Withdrawal (W or WX)**

A student may initiate the withdrawal from a course with the approval of the instructor, advisor or other appropriate campus official and will receive a grade of “W.” The grade is not used in calculating the grade point average and by itself does not represent the quality of the student’s academic performance or conduct.

A student may be withdrawn from a class administratively by the instructor or campus official due to excessive absence or other reason and will receive a grade of “WX.”

In either situation, a grade of “W” or “WX” carries no credit hour value and will count in credit hours attempted in certain financial aid programs.

### **E. Pass (P)**

In some courses and under certain circumstances, a grade of “P” is used to indicate that a student has attained a sufficient level of knowledge within a course or program for the student to receive

credit. Circumstances that warrant the use of “P” include, but are not limited to, articulated credit, advanced placement, and foreign language credit. Any specific course must receive approval from Academic Council to have a grade option of “P”. In each of these circumstances, credit is awarded but no grade point average points are computed. Students may not request a Pass grade option.

**F. No Credit (NC)**

An option only for students enrolled in dual technical credit courses, the “NC” grade demonstrates that the student has not achieved the minimum standard to receive credit.

**3.6.3 Grade Point Average**

**Grade point average** is determined using the following steps:

- Exclude for purposes of computation all grades of W, P, I and H
- For all other grades, multiply the credit hour value of the course by the point value of the grade; this value is the student’s **grade points**
- Total the number of semester hours attempted in all courses used to determine grade points; this value is the student’s **hours attempted**
- Divide the grade points by the hours attempted; this number (a value of at least 0.00 and not to exceed 4.00) is the grade point average.

**Cumulative grade point average** computations will include all courses taken at East Central College plus any courses transferred and accepted by East Central College.

**3.7 Grade Appeal Process Policy** *(Adopted 8-28-2003; Revised 8-27-2007)*

Students at East Central College have the right to appeal a final course grade. The right to appeal is limited to grades given for the semester most recently completed.

**Procedures:**

- 3.7.1.** Students must make appeal within eight (8) weeks of the official end date of the semester for which the grade is reported. Students must submit in writing to the Chief Academic Officer (CAO) a statement detailing the course, the faculty member, the grade received and the reason the appeal is sought.
- 3.7.2** The CAO will review the appeal and seek a resolution. Should no resolution be reached, the student will be notified and a formal hearing conducted.
- 3.7.3** A hearing committee will be appointed by the Chief Academic Officer, and a hearing conducted for the purpose of allowing all parties to state their positions. The committee will render a decision in writing to the student and faculty member within five (5) school days.



- 3.7.4** The student may appeal the decision of the committee to the President in writing within ten (10) days of the committee's decision. The President will conduct a review and render a decision within thirty (30) days. The decision of the President is final.

**3.8 Grade Forgiveness Policy** *(Adopted 8-28-2003; Revised 8-27-2007)*

Students at East Central College may petition for grade forgiveness; application is limited to grades of D or F earned in coursework in a single semester.

**Procedures:**

- 3.8.1** Certain conditions apply to be eligible. The original grade(s) remain on the transcript, and the forgiveness is noted. Transfer institutions may or may not, at their discretion, honor the grade forgiveness from East Central College. Students should consult with the transfer school regarding its policies.
- 3.8.2.** Students may obtain more information on Grade Forgiveness from their academic advisor. The grade forgiveness petition is available in the Registrar's office or on the College website.

**3.9 Course Repeat Policy** *(Adopted 1-1-2013)*

A student enrolled at East Central College may repeat a course one time, if either the student received a grade of D, F, W or WX or the course content and/or credit hour value changed significantly since the original enrollment. If a student needs to repeat a course an additional time and conditions warrant such exception, the student must receive written permission from the chief academic officer (CAO) or the chief student affairs officer (CSAO). All attempts at the course will be recorded on the official college transcript and the highest grade will be factored into the student's GPA. Financial aid rules may prohibit students from receiving funding for repeating a course under any circumstances.

**Procedures:**

- 3.9.1** Once a course has been repeated, the student grade point average will be computed based on the highest grade awarded in the course. Any course repeat is noted on the official college transcript. Transfer institutions may or may not honor a repeat course grade.
- 3.9.2** Students seeking written permission to repeat a course as detailed in the policy can find more information from the registrar's office, the CAO or CSAO, or from an academic advisor.

**3.10 Graduation and Academic Honors Policy** *(Adopted 5-6-1974; Revised 6-23-2003)*

The following minimum cumulative grade point averages will be required for graduation honors:

Highest Honors	3.85
Honors	3.50

President's List - A semester grade point average of 3.85 to 4.00 will be required for placement on the President's Honors List.

Vice President's List - A semester grade point average of 3.50 to 3.84 will be required for placement on the Vice President's Honors List.

### **3.11 Academic Standards of Progress Policy** *(Adopted 12-3-1968; Revised 8-27-2007)*

Upon enrollment at East Central College, students are expected to make progress toward graduation. The College defines minimal academic progress based on the following grade point averages:

Completion of at least 12 semester credit hours of coursework: 1.80

Completion of at least 24 semester credit hours of coursework: 2.00

### **3.12 Academic Probation and Suspension Policy** *(Adopted 12-3-1968; Revised 8-27-2007)*

Any student with a grade point average that falls below minimal academic standards of progress will be placed on academic probation.

Students in academic probation status are notified by the Chief Student Affairs Officer and are required to participate in academic counseling. Students have a full semester to remedy academic probation.

If at the end of the academic probation semester the probation status is not remedied, the student is automatically suspended. Students have the right to appeal any academic suspension.

#### **Procedures:**

**3.12.1** A student appeal of an academic suspension requires a written petition to the Chief Student Affairs Officer for reinstatement as an active student. The petition should include two components: a statement of the circumstances which led to the current academic status and a statement detailing a remedy of the current academic circumstances.

**3.12.2** Upon completion of the semester of suspension, a student must apply for readmission to the College. Students must submit a written petition to the Chief Student Affairs Officer at least two weeks prior to the start of the semester of readmission. Any petition submitted must contain the elements listed above.

**3.12.3** Specific academic programs and eligibility criteria established for various financial aid and benefit programs may include additional academic requirements for enrollment, program continuation or graduation.

**3.13 Graduation Requirements** *(Adopted 12-3-1968; Revised 6-1-1998)*

Specific graduation requirements will be set up by the College faculty in accordance with the requirements of the State of Missouri and appropriate accrediting agencies.

**3.14 Return of Title IV Funds Policy** *(Adopted 9-11-2000)*

East Central College complies with the Federal Return of Title IV Funds requirements as added to law by the Higher Education Amendments of 1998 (Public Law 105-244) and found in section 488B of the Higher Education Act of 1965, as amended.

**Procedures:**

**3.14.1** Students are required to earn Title IV financial aid by attending classes beyond the 60% point of the semester for which aid was received. Students who withdraw from or stop attending classes prior to completing 60% of the semester are subject to a recalculation of their Title IV financial aid as directed by the Federal Return of Title IV Funds policy.

- A. Title IV Funds refers to Federal financial aid programs authorized under the Higher Education Act of 1965, as amended. Title IV Funds include Subsidized and Unsubsidized Stafford Loans, PLUS Loans, Federal Pell Grants, Federal SEOG Grants, and LEAP grant funds.
- B. A student's withdrawal date is determined by the Financial Aid Office in accordance with federal guidelines.
- C. Title IV financial aid is earned in a prorated manner by attending classes up to and including the 60% point in the semester. Title IV financial aid is considered 100% earned by attending classes beyond the 60% point in the semester.
- D. The Financial Aid Office will utilize a formula dictated by the Federal Return of Title IV Funds policy to assign responsibility to both East Central College and the student for returning unearned Title IV financial aid to the Title IV programs.
- D. Students are responsible for payment of any outstanding balance on their East Central College account resulting from their withdrawal and the return of Title IV funds.

**3.15 Extracurricular Activities Policies** *(Revised 5-12-2003)*

**3.15.1 Athletics Policy**

A program of intercollegiate athletics, which fosters student development and enriches student life, will be encouraged.

**Procedures:**

- A. The Board of Trustees will approve all intercollegiate sports.
- B. Coaches and athletes will abide by the rules and regulations of the National Junior College Athletic Association (NJCAA). A copy of the rules and regulations is available through the Chief Student Affairs Officer.
- C. Intercollegiate athletics will be funded from student activity fees.

**3.15.2 Student Organizations Policy**

The establishment of and participation in student organizations, which support the mission of the College, is encouraged.

**Procedures:**

To be established and maintained on the East Central College campus, a student organization must meet the following requirements:

- A. Have an employee sponsor.
- B. File a mission statement and application with the Chief Student Affairs Officer.
- C. Gain approval of the Student Senate as a beneficial and worthy college organization.

Student organizations are governed by the constitution of the Student Government Association. Failure to function in accordance with the aforementioned mission statement or constitution will bring about loss of approval.

**3.15.3 Student Publications**

The editor of the student newspaper will be chosen near the end of the school year by a committee consisting of: 1) the faculty sponsor; 2) the Chief Student Affairs Officer (non-voting member); 3) the present editor; and 4) the president of the Student Senate.

Guidelines for all student publications are available in the Student Publications Handbook available through the faculty sponsor or the Chief Student Affairs Officer.

**3.16 Communicable Diseases Policy** *(Revised 5-12-2008; revised 8-25- 2014)*

East Central College endeavors to provide its students with a safe and healthy environment in which learning can occur. This policy is intended to prevent the transmission of communicable diseases from a student to other members of the College community. A student with a communicable disease may present a reasonably foreseeable risk of harm to others. Therefore, the College will take

action in accordance with this policy to minimize the risk of transmission and to maintain a safe campus and educational environment. Some College departments have additional restrictions and procedures that must be followed due to the nature of the educational environment.

**Procedures:**

**3.16.1 Definitions** *(Revised 8-25-2014)*

The term “communicable disease” shall mean an infectious disease that is readily capable of transmission to other individuals through close contact, exposure to routine secretions, and/or physical proximity on a college campus. A communicable disease may be acute (short-term) or chronic (long-term). For purposes of this Policy, this term is not intended to include diseases for which transmission is virtually eliminated as a result of the application of standard universal precautions or other effective measures.

The term “Assessment Team” shall mean a multi-disciplinary team convened to review and assess the student’s communicable disease and its effect on the College community.

The terms “others” or “others in the College community” shall mean employees, students, and visitors to the College or any of its satellite facilities or properties.

**3.16.2 Disclosure** *(Revised 8-25-2014)*

A student who becomes aware that he/she has or may have a communicable disease shall self-report this information to the Chief Student Affairs Officer. A College employee who has personal knowledge that a College student has or may have a communicable disease must also report this fact to the Chief Student Affairs Officer.

**3.16.3 Assessment** *(Revised 8-25-2014)*

Upon receipt of a report that a student has or may have a communicable disease, the Chief Student Affairs Officer is authorized to temporarily exclude the student from College property until a multi-disciplinary team (“Assessment Team” or “Team”) is convened to review and assess the student’s condition.

The Assessment Team will be composed of the following: (1) the Chief Student Affairs Officer or his/her designee; (2) a physician or other consultant, selected by the College, with knowledge of the particular disease; (3) the student’s health care provider; and (4) other College representatives, as appropriate. The student and/or his/her representative will be involved in the assessment process, but the

decision on how the situation will be handled will be determined by the College.

The Chief Student Affairs Officer must convene the Team within a reasonably prompt period of time after receiving a report that a student has or may have a communicable disease. The Team should be convened within five (5) business days of the report, if not sooner. Members of the Team are responsible for arranging their schedules to meet at the time and place designated by the Chief Student Affairs Officer. Because of the importance of addressing the communicable disease in a prompt manner, this meeting will not be rescheduled because of the unavailability of one or more members. However, members of the Team may participate by telephone upon giving advance notice to the Chief Student Affairs Officer.

The Team will assess, review, and consider the following: (1) the student's condition; (2) the present and future risk of transmission to others; (3) the existence and practicality of implementing precautions, methods and strategies to eliminate or reduce the risk of transmission to others; (4) the restrictions, if any, that will be required to prevent the student from creating the risk of transmission to others; (5) whether the student should be excluded (or continue to be excluded) from College premises, and, if so, whether alternative educational arrangements can be made; and (6) if warranted, the date upon which the Team will reconvene to reassess the matter.

The Team will make a determination regarding the student's exclusion (or continued exclusion) from the College and/or the conditions or restrictions on the student's return to the College (if any) within three (3) working days after it has convened. The Team's determination will be documented in writing and the Chief Student Affairs Officer shall provide written notice of the determination to the student and President of the College.

If the student's condition is chronic or persists for more than a short, definable period, the Team shall reassess its determination as often as the Team deems appropriate.

This assessment process is not intended to limit or otherwise inhibit the right of the College to contact the local health authority or other public health official for guidance or direction in handling a communicable disease situation. Directives or orders from public health officials shall supersede the assessment process in this policy.

#### **3.16.4 Consent**

To aid in its assessment, the Team may request that the student provide a HIPAA compliant authorization that permits the Team to communicate with the student's health care provider(s) regarding the status and effect

of the student's communicable disease. In addition, the Team may require, at the College's expense and in accordance with law, the student to undergo a physical examination and/or medical tests that are narrowly tailored to assist the Team in determining whether the student still has a communicable disease. A student who refuses to provide consent to enable the Team to communicate with the student's health care provider(s) or to undergo the required examination/tests may be subject to exclusion from College property, as permitted by law, until such time as consent is provided or the Team determines that the student may return in accordance with this Policy.

### **3.16.5 Return to the College** *(Revised 8-25-2014)*

The Team is authorized to decide that the student may return to the College if it determines that one or more of the following is true:

1. The student never had or no longer has the communicable disease; or
2. The communicable disease is not in the infectious or contagious stage; or
3. The communicable disease poses little to no risk of transmission in the College environment upon the application of universal precautions or other effective measures.

### **3.16.6 Appeal** *(Revised 8-25-2014)*

The student may appeal the Team's determination to the President of the College in writing within three (3) business days of the receipt of the Team's decision. The student shall set forth in writing the reasons why the Team's decision should be modified or reversed. As part of the appeal process, the President is entitled to review all documentation produced and considered by the Team. Upon conclusion of this review, the President will issue a written decision to the Team and the student. The President's decision shall be final. However, if the student believes that the actions under this policy were taken in violation of Section 504 of the Rehabilitation Act of 1974 ("Section 504") or the Americans with Disabilities Act ("ADA"), the student is permitted to submit an appeal by proceeding to the final level of the College's grievance policy on Section 504/ADA complaints. A copy of that policy may be obtained from the College's Compliance Coordinator for these laws, whose contact information is as follows:

Chief Student Affairs Officer  
East Central College  
1964 Prairie Dell Road  
Union, MO 63084  
Phone: 636-584-6565

A student who is unable to resolve a problem or grievance under Section 504 or the ADA has the right to file a complaint with the Office for Civil Rights for the United States Department of Education, Region VII, 8930 Ward Parkway, Suite 2037, Kansas City, MO 65114; phone 816-268-0550.

### **3.16.7 Confidentiality** *(Revised 8-25-2014)*

Students with communicable diseases have a right to privacy and a need for confidentiality of their medical information. Therefore, to preserve this right, the following rules will apply:

- 1 The student's medical condition and related information may be disclosed only to those individuals who have a "need to know" the information in order to implement this Policy, to assure that proper care is provided, and/or to detect/monitor situations in which the potential for transmission of the communicable disease may increase, as well as to those individuals who are otherwise authorized to receive, or who must receive, this information under law.
- 2 The student's medical information shall be retained in a file separate from the student's other records. This separate file shall be maintained by the Chief Student Affairs Officer.
- 3 Willful, negligent, or unauthorized disclosure of information about a student's medical condition will be cause for remedial or disciplinary action, up to and including dismissal.

### **3.17 Student Conduct Policy** *(Revised 5-7-1973; Reaffirmed 12-2-1991; Revised 8-28-2003, 6-16-2014)*

Admission to East Central College carries an obligation to conduct one's self as a responsible member of the College community. Individual students and student organizations are required to observe the policies of the College and the laws of city, state, and federal governments. Student and organizational behavior must be compatible with the educational objectives of the College thereby maintaining safety standards and promoting the health and wellness of each member of the College community. Students are expected to approach each academic course and activity with a willingness to learn and an attitude of cooperation. Students and student organizations are expected to uphold the key principles of honor, truthfulness, and respect for people and property. Prohibited conduct will lead to student discipline.

**Procedures:** *(Revised 5-12-2008; Revised 8-2012, 6-16-2014)*

#### **3.17.1 Prohibited Conduct:**



- A. Violations of standards established by College academic programs for student conduct in areas and classes such as the gym, fitness center, locker rooms, clinical settings, labs, shops and internships.
- B. Violation of or disregard for safety policies and procedures, e.g. lab safety contract.
- C. Violation of the Tobacco-Free Campus Policy.
- D. Violation of East Central College's Information Technology Policy.
- E. All forms of academic dishonesty such as cheating, aiding or abetting cheating, plagiarism, fabrication or multiple submission of papers in courses without prior instructor consent or representation of others' work as one's own. Refer to Academic Honor Code.
- F. Knowingly furnishing false information to the College.
- G. Forgery, alteration, or misuse of College documents, records, or identification, whether in written or electronic form.
- H. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or any other College events or activities, including public service functions and other authorized activities on College premises.
- I. Disturbing others with strong, pervasive odors such as perfume, cologne, body odor, animal odor, alcohol, or illegal substances.
- J. Assault, abuse or conduct which threatens or endangers the health or safety of another person on College-owned or controlled property or at a College-sponsored or supervised function.
- K. Theft, malicious destruction, damage, misuse, or conversion of property belonging to the College, a College employee, a College student, or a campus visitor.
- L. Unauthorized entry into or use of College facilities.
- M. Violation of local, state, or federal laws on College-owned or controlled property or at College-sponsored or supervised functions.
- N. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, an imitation controlled substance, or alcoholic beverages on College premises or at off-campus sites, in College vehicles and in any private vehicles parked on College premises or at off-campus sites or at College-sponsored or supervised functions. An imitation controlled substance is a substance that is not a controlled substance, which by appearance (including color, shape, size, and markings), or by representations

made, would lead a reasonable person to believe that a substance is a controlled substance.

- O. Failure to identify one's self when requested to by College officials or College agents or failure to comply with directions of College officials acting in the performance of their duties.
- P. Possession or use of firearms or other weapons, explosives, dangerous chemicals, or fireworks on campus or at College-sponsored or supervised activities.
- Q. Gambling on College-owned or controlled property or at College-sponsored or supervised functions. Charitable or fund raising raffles may be permitted for student organizations with the approval of the Vice President of Student Development.
- R. Violation of the Policy Regarding Student Protections Against Sexual Assault, Relationship Violence, and Stalking.
- S. Violation of College policies regarding Discrimination and Harassment.
- T. Disorderly conduct, breach of public decency, breach of the peace, aiding or inciting another to breach the peace, infringement upon the rights of another or defamation of another either on College property or at College-authorized activities.
- U. Hazing, or any act that intimidates, frightens, or degrades an individual.
- V. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.
- W. Stalking, defined as engaging in a course of conduct directed at a specific member of the College community that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. For purposes of this definition, a course of conduct means that two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Stalking may involve physical stalking and/or cyber stalking.
- X. Any aforementioned committed in concert with other persons, may make each participant responsible for the acts of the entire group.

Jurisdiction for this Policy applies to student conduct which occurs on all property owned or operated or maintained by East Central College as well as actions which occur off-campus when the misconduct affects the well-being of students and other members of the College community.

**3.18 Student Discipline Policy** (*Revised 5-1-1989; Reaffirmed 12-2-1991; Revised 8-28-2003; Reaffirmed 6-16-2014*)

All students are expected to meet the expectations of College administrators and faculty and the norms of a civil society and to avoid prohibited conduct (see Student Conduct Policy 3.17). If the need for student discipline arises, students can expect due process as defined by the following procedures.

**Procedures:**

In most cases, disciplinary actions are meant to be remedial rather than punitive. Ideally, disciplinary proceedings will be conducted informally between the student(s) and the Chief Student Affairs Officer. However, when this means of resolution is not possible, a student has the right to formal processes of discipline and appeal.

**A. Definitions** (*Revised 6-16-2014*)

1. Chief Student Affairs Officer (CSAO): the administrator responsible for student services such as counseling and advising.
2. Chief Academic Officer (CAO): the administrator responsible for the oversight and direction of academic programs and faculty.
3. Hearing Committee: A five-member committee called upon for hearings whose membership includes two (2) faculty, two (2) administrative/professional staff, and one (1) support staff member. The CSAO and the CAO are not voting members of the hearing committee, but they are nevertheless involved in the hearing. The CSAO will preside over, and the CAO will present the charges, at all hearings where the misconduct does not involve an academic issue. If the misconduct involves an academic issue, their roles will be reversed.
4. Sanctions: Any action taken during the institutional discipline process, not including those actions an instructor may take within the classroom in cases of academic dishonesty such as assigning a lowered or failing grade for the assignment or class.

**B. Possible Sanctions** (*Revised 8-2012, 6-16-2014*)

1. Warning: A verbal admonition by a College official regarding a violation of the Student Conduct Code.
2. Fines, community service, rehabilitation or other restitution: A monetary fee, assigned task or other means of reparation.

3. **Disciplinary Probation:** A status resulting from a finding of misconduct. The student remains enrolled but under stated conditions.
4. **Summary Suspension:** An involuntary and immediate separation of the student from the institution when, in the judgment of the CAO, CSAO and/or President, the student presents potential for behavior dangerous or destructive to him/herself, others or College property. Such suspension will be for a limited time until further disciplinary determination is made.
5. **Disciplinary Suspension:** An involuntary separation of the student from the institution for a specified period of time due to misconduct. Student may be re-admitted following a specified period of time.
6. **Expulsion:** Permanent loss of student status due to misconduct. Other stated conditions may be applied.

**C. Formal Student Disciplinary Process** *(Revised 12-23-2014)*

Students subject to sanctions will be accorded the opportunity for a hearing before a hearing committee. For a hearing to be held, the student is required to submit a written request for a hearing (electronic submission is acceptable) to the Chief Student Affairs Officer or designee within five business days. The following guidelines will be applicable:

1. Students will be informed in writing of the time, date, and location of the hearing by personal delivery, certified mail, or via electronic communication at least seven business days in advance of the hearing.
2. The entire case file will be available for inspection by the student in the office of the Chief Student Affairs Officer during normal business hours. The file, which should be available at least two (2) business days before the hearing, need not include the personal and confidential notes of any College official or participant in the hearing process.
3. The hearing will be conversational and non-adversarial. Formal rules of evidence will not apply. The Chief Student Affairs Officer or designee shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.
4. The student may choose to be assisted by a member of the faculty or staff of the institution. Furthermore, the student may be accompanied by legal counsel, although the role of legal counsel will be limited to providing legal advice to the student, and such legal counsel may not participate in any other way.
5. Those assisting the student, except for legal counsel, will be given reasonable time to ask relevant questions of any individual appearing at

the hearing, as well as to present relevant evidence. In some circumstances, including those involving sexual assault or other sensitive allegations, the Chief Student Affairs Officer or designee may determine that direct questioning of a witness by the student or the individual assisting the student is not appropriate. In those cases, the student or their representative will submit the questions to the Chief Student Affairs Officer or designee, who will then ask the questions.

6. Whenever possible, the student will be expected to respond to questions asked by the Chief Student Affairs Officer or designee.
7. If the student requests a hearing and fails to appear after proper notice, the hearing committee may either proceed with the hearing in the student's absence or may make a decision without holding a hearing.
8. The hearing will be recorded. The recording(s) shall be kept with the pertinent case file for a minimum of six (6) months.
9. A written decision will be rendered by the hearing committee within five (5) business days after the completion of the hearing. The written decision, which should be mailed or personally delivered to the student, should contain a brief statement of reasons for any determination leading to sanctions. The student should also be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The decision of the hearing committee will be final unless a timely appeal is made to the College President.
10. A student who wishes to appeal a disciplinary decision must do so within 30 days of the notice of written decision of the hearing committee by filing a written appeal with the College President. The written notice to the President should state the basis for the appeal.
11. An appeal is limited to the following issues:
  - A. Prejudice or other irregularities that improperly influence the outcome of the disciplinary hearing.
  - B. Discovery of new or significant evidence that was not available at the time of the original hearing.
  - C. A sanction that is extraordinarily disproportionate to the violation.
12. The College President will meet with the student and render a decision within seven (7) days. The decision of the President will be final.
13. In all non-grade appeals, the student may withdraw from College or the class of his/her own volition at any time during the disciplinary process.

### **3.19 Student Drugs and Alcohol Policy** *(Reaffirmed 12-2-1992; Revised 11-5-2001)*

It is the objective and goal of East Central College to provide a drug and alcohol-free environment for students.

**Procedures:** *(Revised 5-12-2008)*

**3.19.1 Explanation and Consequences of Prohibitive Behavior.** The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, an imitation controlled substance, or alcoholic beverages on College premises or off-campus sites (including College vehicles and any private vehicles parked on College premises or off-campus sites), or College sponsored functions is absolutely prohibited. An imitation controlled substance is a substance that is not a controlled substance, which by appearance (including color, shape, size, and markings), or by representations made, would lead a reasonable person to believe that a substance is a controlled substance.

Violations of this Policy will result in disciplinary actions, up to student expulsion, and may have legal consequences.

Instances of violations could result in the involvement of civil law enforcement authorities.

**3.19.2 Federal Law Compliance.** It is the College's intent and obligation to comply with the Drug-Free Workplace Act of 1988, Public Law 100-690, and update to the Drug-Free School Community Act of 1989, Public Law 101-226 to provide a drug-free, healthful, safe work environment.

**3.19.3 Student Responsibilities.** The College recognizes drug and alcohol abuse as a potential health, safety and security problem; and dependency as an illness for which there is effective treatment.

A. **Student Seeking Help.** Students needing help in dealing with such problems are encouraged to use the College's counseling services for referral assistance for treatment centers.

B. **Student Violations.** Student violations are subject to ECC procedures as outlined in the Student Discipline Policy (see 3.18).

**3.20 Student Information Policy** *(Reaffirmed 12-2-1991; Revised 4-7-2003)*

East Central College will comply with all state and federal statutes regarding use and release of student information including the Family Educational Rights and Privacy Act of 1974 (as amended). Students, parents or guardians seeking clarification of laws, regulations and practice may request such information from the office of the Chief Student Affairs Officer.

**3.21 Student Right-to-Know and Campus Security Act Policy** *(Revised 4-7-2003)*

East Central College will comply with all federal and state statutes and regulations concerning student right-to know, including Public Law 101-524, The Student Right-to-Know Act and Campus Security Act, as amended by Public Law 102-26, The Higher Education Technical Amendments. Detailed

information regarding these statutes and regulations is available from the Chief Student Affairs Officer.

**3.22 Transfer Articulation Officer** *(Adopted 10-1-1973; Revised 4-7-2003, 8-31-2009)*

East Central College will designate a Transfer and Articulation Officer for the purpose of assisting students with matters related to transfer and articulation of credit.

**3.23 Student Attendance Policy** *(Adopted 5-9-2005; Revised 8-25-2014)*

Student attendance in class, regardless of the delivery modality, is important for student success. East Central College is an attendance-taking institution. As such, faculty members are required to submit daily attendance records to the Registrar on a timely basis. Specific attendance guidelines and consequences are provided in each course syllabus and are enforceable as written unless otherwise specified.

**Procedures** *(Adopted 8-25-2014):*

All faculty will distribute to students a current course syllabus that includes a statement detailing the specific course attendance policy, guidelines and actions. Such course attendance policy will be congruent with the institutional attendance guidelines, as stated here.

Faculty will take attendance at each class meeting and record attendance in a class record. For a student to be considered attending the following conditions must be met:

- A student cannot be absent for all the class meetings held within 14 consecutive calendar days (or a prorated amount based on a reduced class meeting calendar) without having made regular and frequent contact with the instructor regarding class progress.
- A student cannot be absent for the equivalent (intermittent, nonconsecutive absences) of two weeks of class meeting time (or a prorated amount based on a reduced class meeting calendar) without having made regular and frequent contact with the instructor regarding class progress.
- A student cannot exceed the absences permitted under a more restrictive and specific course attendance policy.

Should any of these conditions apply, the faculty member will follow the actions as stated in the course syllabus up to and including administrative withdrawal (WX) from the class for any student not considered attending but still officially enrolled in the class. Regardless of any action, the faculty member will report the last date of attendance as noted in the class record.

### **3.24 Student ADA Grievance Policy** *(Adopted 5-8-2006)*

East Central College will provide for expeditious and reasonable resolution of student grievances related to the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, or other disability related statutory rights. Grievance must be filed during the semester in which accommodations are requested.

#### **3.24.1 Informal Procedure**

- A. Step 1:
  - 1. Student contacts faculty and/or Access staff regarding implementation of academic accommodations.
  - 2. Resolved or go to Step 2
- B. Step 2:
  - 1. Student requests conference with Access staff and/or faculty/staff. When deemed appropriate by the Access staff, the division chair will also be included.
  - 2. If the faculty/staff have been asked to provide the accommodations by the Access staff, the faculty/staff will continue to provide the accommodations.
  - 3. Resolved or go to Step 3.
- C. Step 3:
  - 1. Student requests conference with appropriate Vice President, as well as the parties listed above.
  - 2. Within 10 working days, appropriate Vice President convenes a conference of parties from above and may consult with the Chief Student Affairs Officer.
  - 3. Resolved or student initiates formal grievance procedure.

#### **3.24.2 Formal Procedure**

- A. Step 1:
  - 1. Student appeals by filing Formal ADA Grievance Form with Chief Student Affairs Officer within 10 working days of informal grievance decision.
  - 2. Chief Student Affairs Officer conducts investigation with all parties involved and issues a statement of findings.
  - 3. Resolved or go to Step 2.
- B. Step 2:
  - 1. Chief Student Affairs Officer appoints and convenes ADA Hearing Committee, which is a five-member committee composed of faculty and staff chaired by the Chief Student Affairs Officer, within 10 working days of appeal being filed. Hearing will be audio recorded.



2. The ADA Hearing Committee reviews documentation and meets with all parties involved.
3. Chief Student Affairs Officer notifies all concerned parties of the committee's decision in writing within 10 working days.
4. Resolved or go to Step 3.

C. Step 3:

1. Student files written appeal to President within 10 working days of the committee's decision, including copies of Informal and Formal Grievance proceedings.
2. President renders decision, which is final.

**3.25 Student Protection Against Discrimination and Harassment** *(Adopted 6-16-2014)*

East Central College is committed to maintaining an educational environment that is free from illegal discrimination or harassment in admission or access to its programs, activities and facilities. This includes conduct on property owned or operated by the College, at College-sanctioned functions, and certain off-campus events. Discrimination, harassment or retaliation against students or others on the basis of race, color, religion, national origin, ancestry, gender, sexual orientation, disability, age, genetic information, veteran status or any other characteristic protected by law is strictly prohibited in accordance with law. The College also prohibits:

1. Retaliatory actions based on making complaints of prohibited discrimination or harassment or based on participation in an investigation, formal proceeding or informal resolution concerning prohibited discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing discrimination or harassment.
3. Discrimination or harassment against any person because of such person's association with a person protected from discrimination or harassment due to one (1) or more of the above-stated characteristics.

**General Rule**

Except as otherwise set forth in Policy, all employees, students and visitors must immediately report to the College for investigation any incident or behavior that could constitute illegal discrimination or harassment.

This Policy addresses illegal discrimination or harassment directed at students, which does not rise to the level of sexual assault, relationship violence or stalking, as those terms are defined in Policy 3.26 Policy Regarding Student Protections Against Sexual Assault, Relationship Violence, and Stalking. Complaints regarding sexual assault, relationship violence or stalking are governed by Policy 3.26.

Policy 3.24 Student ADA Grievance Policy governs grievances by students who believe they have been denied requested accommodations or discriminated

against on the basis of a disability in violation of the Americans with Disabilities Act, Sec 504 of the Rehabilitation Act or other related disability statutes. Students may file such a grievance under this Policy 3.25, Policy 3.26, or Policy 3.24; the College's Compliance Officer will determine which Policy governs resolution of the specific complaint.

The College also prohibits illegal discrimination and harassment against employees, and specific information about the College's Policy and response to allegations of illegal discrimination and harassment against employees is found in Policy 5.4.

### **3.25.1 Definitions – the following definitions apply to this policy:**

**Discrimination** – Conferring, refusing or denying benefits or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, gender, national origin, ancestry, disability, age, sexual orientation, genetic information, veteran status, or any other characteristic protected by law.

**Harassment** – A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, gender, national origin, ancestry, disability, age, sexual orientation, genetic information, veteran status or any other characteristic protected by law: verbal, nonverbal, or physical aggression; stalking; graffiti; display of written material or pictures; name calling; slurs; jokes; gestures; stereotyping; threatening, intimidating or hostile acts; theft; or damage to property.

**Sexual Harassment** – A form of discrimination, as defined above, on the basis of sex. Sexual harassment, which includes sexual assault, includes a variety of unwelcome conduct of a sexual nature ranging from unwelcome sexual advances, requests for sexual favors, sexual exploitation, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault, that is sufficiently severe to the point it interferes with or limits a student's ability to participate in or benefit from the College's programs. Sexual assault is a severe form of sexual harassment and one instance may be sufficient to create a hostile environment.

**Complaint**– A verbal or written report of discrimination or harassment made to the Compliance Officer.

### **3.25.2 Compliance Officers**

The Board of Trustees designates the following individuals to act as the College's Compliance Officers:

<u>Title IX Administrator</u> <u>Section 504 Administrator</u>	<u>Title IX Deputy Administrator</u> <u>ADA Administrator</u>
Vice President of Student Development East Central College 1964 Prairie Dell Road Union, MO 63084 636-584-6565	Director of Human Resources East Central College 1964 Prairie Dell Road Union, MO 63084 Phone: 636-584-6712

The Compliance Officer will:

1. Coordinate compliance with this policy and the law.
2. Receive all complaints regarding discrimination and harassment at East Central College.
3. Serve as the College's contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints; monitor the status of complaints; and recommend consequences.
5. Seek legal advice when necessary to enforce this Policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this Policy.
7. Make recommendations regarding changing this Policy or the implementation of this Policy.
8. Coordinate and institute training programs for College staff and supervisors as necessary to meet the goals of this Policy, including instruction in recognizing behavior that constitutes discrimination and harassment.
9. Perform other duties as assigned by the College President.

### **3.25.3 Reporting a Complaint**

Students who believe that they have been victims of illegal discrimination or harassment, may file a formal (verbal, written, or online) complaint with the Vice President of Student Development and it will be promptly investigated. There is no time limit on the filing of complaints.

As noted above, all employees, students and visitors must immediately report to the College for investigation any incident or behavior that could constitute illegal discrimination or harassment. Such reports should be made to the Vice President of Student

Development or the Director of Human Resources, as the College's Compliance Officers. All College employees will instruct persons seeking to make a complaint under this Policy to communicate directly with the College Compliance Officers. Even if the potential victim of discrimination, harassment, or retaliation does not file a complaint, College employees are required to report to the Compliance Officers any observations, rumors or other information regarding actions prohibited by this Policy.

After receiving a complaint, the Compliance Officer to whom the complaint is made will determine the appropriate College Policy for processing the complaint. Once the determination is reached, the Compliance Officer will notify the student making the complaint of which College Policy will govern the disposition of the student's complaint.

#### **3.25.4 Interim Measures**

When a report is made or the College otherwise learns of potential discrimination, harassment or retaliation, the College will, if appropriate, take immediate action to protect the alleged victim, including implementing interim measures. For example, the College may alter a student's class schedule, provide additional support for a student (such as counseling or academic support), suspend an employee pending an investigation, or, if applicable, alter transportation or working situations. The College will take immediate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred. The College will provide these types of interim measures if requested by the victim and if such measures are reasonably available and appropriate in the circumstances. Individuals are encouraged to speak with the College's Compliance Officers about the availability of such measures. In the case of a confidential reporting, the Reporting Party should speak with the College counselor to whom they made the report about any requested interim measures.

#### **3.25.5 Procedure for Investigation and Resolution of Complaints**

In determining whether alleged conduct constitutes discrimination or harassment, the College will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident

constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, College officials determine that it is more likely than not that discrimination, harassment or other prohibited behavior has occurred, the College will take immediate corrective action.

The following procedures will be used as a guideline for investigating complaints:

1. Interview the person making the complaint regarding the nature and specifics of the incident(s);
2. Interview the person accused; and
3. Interview other possible witnesses, if appropriate.

**A. Complaints Against Employees of the College**

If a complaint under this Policy is against an employee of the College, the complaint will be investigated by the Director of Human Resources or designee, and will be handled according to the procedures found in Policy 5.4. Employees who violate this Policy will be disciplined, up to and including employment termination.

**B. Complaints Against College Students**

If a complaint under this Policy is against another student, the complaint will be investigated by the Vice President of Student Development or designee.

Both the person making the complaint and the person accused will have equal opportunity to provide relevant information, including the identities of any witnesses they believe should be contacted as part of the investigation.

After reviewing all the relevant information, the Vice President of Student Development or designee will render a determination as to whether the Policy was violated and what additional actions may be necessary, including disciplinary action against the person accused and/or making available to the victim appropriate College resources.

Students who violate this policy will be disciplined, which may include suspension or expulsion. Other possible sanctions are found in the Student Discipline Code.

The Vice President of Student Development will notify both the complainant and the person accused of his or her determination, but, unless otherwise authorized by law, will only notify the complainant of any sanctions imposed against the accused student,

to the extent such sanctions impact the complainant, such as a determination that the accused may not come within a certain distance of the complainant.

### **B.1. Appeals**

If either the person making the complaint or the person accused disagrees with the Vice President of Student Development or designee's determination, either student may request that the complaint be handled according to the procedures found in the Student Discipline Policy, Policy 3.18.

### **3.25.6 Confidentiality, Records and Counseling**

To the extent practicable, the College will endeavor to keep confidential the identity of the person filing a complaint, witnesses or other parties interviewed, and any complaint or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation, or resolution of a complaint, or if necessary to carry out disciplinary measures. The College will disclose information to the College's attorney, law enforcement, and others when necessary to enforce this Policy or when required by law.

In implementing this Policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records.

Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record.

Any student who believes he/she has been a victim of illegal discrimination or harassment has the option of speaking confidentially to a College counselor. Counseling services are available at no cost to the student and referrals to community resources are available. College counselors can also help the alleged victim identify other available College resources.

All other employees are mandated to report the information regarding illegal discrimination or harassment to the Compliance Officer.

### **3.26 Policy Regarding Student Protections Against Sexual Assault, Relationship Violence, and Stalking** *(Adopted 6-16-2014)*

East Central College is committed to maintaining an educational environment that is free from illegal discrimination or harassment in admission or access to its programs, activities and facilities. This includes conduct on property owned or operated by the College, at College-sanctioned functions, and certain off-campus events. Sexual assault, as that term is defined in this Policy, is a form of

sexual harassment and is strictly prohibited. Relationship violence and stalking may also be forms of discrimination and harassment and are also strictly prohibited. For purposes of this Policy, “relationship violence” refers to both dating and domestic violence, as those terms as defined below. The College also prohibits:

1. Retaliatory actions based on making complaints of prohibited discrimination or harassment or based on participation in an investigation, formal proceeding or informal resolution concerning prohibited discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing discrimination or harassment.
3. Discrimination or harassment against any person because of such person’s association with a person protected from discrimination or harassment as described in this Policy.

### **General Rule**

The College is committed to ensuring that all students feel and are free to benefit fully from the College’s programs and activities. As part of this commitment, the College seeks to create an environment that encourages individuals to report incidents of sexual assault, relationship violence and stalking. Reporting allows the College to provide support to victims, and is the only procedure through which the College can address offenders and attempt to reduce the risk of future occurrences. This Policy provides information about how individuals may report allegations of sexual assault, relationship violence and stalking to the College, how the College responds to such reports, as well as information about resources available to victims of sexual assault relationship violence and stalking.

In investigating and responding to complaints of sexual assault, relationship violence or stalking, the College’s primary focus is to address the sexual assault, relationship violence or stalking, and, in most cases, the College will grant amnesty to a Reporting Party for other potential violations, such as alcohol violations. Such potential violations should not discourage a Reporting Party from notifying the College of incidents of sexual assault, relationship violence or stalking.

This Policy addresses behavior where the Accused Individual is a student. Behavior that does not rise to the level of sexual assault, relationship violence or stalking, as those terms are defined in this Policy, may still violate College Policy, and may be addressed by the College’s Policy regarding Student Protections Against Discrimination and Harassment (Policy 3.25) or the College’s Student Conduct Policy (Policy 3.17). In the event the Accused Individual is an employee, the reporting procedures and resources are the same as set forth in this Policy, but the investigation and response to allegations against employees is found in Policy 5.4.

### **3.26.1 Definitions – the following definitions apply to this Policy:**

**Accused Individual** – Any person identified by the Reporting Party as the perpetrator of sexual assault, relationship violence or stalking.

**Consent** – An affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. The person initiating sexual activity must obtain the other person's consent throughout the duration of the sexual activity. Consenting persons must act freely, voluntarily, and have knowledge of the act or transaction involved. Consent will not be implied by silence or mere passivity from a state of intoxication or unconsciousness; it may not be inferred in circumstances in which consent is not clear, including, but not limited to situations that involve the absence of "no" or "stop," or those that involve the existence of a prior or current relationship or sexual activity. Consent cannot be given if the Accused Individual has taken advantage of a position of influence which that person has over the Reporting Party. Consent cannot be given by an individual who is incapacitated through the effect of drugs or alcohol or for any other reason. Consent may be withdrawn at any time.

**Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition: (a) A social relationship of a romantic or intimate nature means a relationship which is characterized by the expectation of affection or sexual involvement between the parties. (b) Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse. (c) Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** – (1) A felony or misdemeanor crime of violence committed--(a) By a current or former spouse or intimate partner of the victim; (b) By a person with whom the victim shares a child in common; (c) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. (2) Domestic violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual, or physical abuse.



**Discrimination** – Conferring, refusing or denying benefits or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, gender, national origin, ancestry, disability, age, sexual orientation, genetic information, veteran status, or any other characteristic protected by law.

**Harassment** – A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, gender, national origin, ancestry, disability, age, sexual orientation, genetic information, veteran status or any other characteristic protected by law: verbal, nonverbal, or physical aggression; stalking; graffiti; display of written material or pictures; name calling; slurs; jokes; gestures; stereotyping; threatening, intimidating or hostile acts; theft; or damage to property.

**Reporting Party** – A member of the College community, who reports to the College that he or she has been the victim of alleged sexual assault, relationship violence, and/or stalking.

**Sexual Assault** – A form of sexual harassment, and is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual assault includes intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, another person's genitals, breasts, thighs, buttocks, or other intimate parts. Sexual assault also includes attempted or actual sexual penetration of any kind without a person's consent.

**Sexual Harassment** – A form of discrimination, as defined above, on the basis of sex. Sexual harassment, which includes sexual assault, includes a variety of unwelcome conduct of a sexual nature ranging from unwelcome sexual advances, requests for sexual favors, sexual exploitation, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault, that is sufficiently severe to the point it interferes with or limits a student's ability to participate in or benefit from the College's programs. Sexual assault is a severe form of sexual harassment and one instance may be sufficient to create a hostile environment.

**Stalking** – Activity that may be a form of harassment, as defined above, that involves engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or to suffer substantial emotional distress. For purposes of this definition, a course of conduct means two or more acts,

including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Stalking may involve physical stalking and/or cyber stalking.

### **3.26.2 Compliance Officers**

The Board of Trustees designates the following individuals to act as the College's compliance officers:

<u>Title IX Administrator</u> <u>Section 504 Administrator</u>	<u>Title IX Deputy Administrator</u> <u>ADA Administrator</u>
Vice President of Student Development East Central College 1964 Prairie Dell Road Union, MO 63084 636-584-6565	Director of Human Resources East Central College 1964 Prairie Dell Road Union, MO 63084 Phone: 636-584-6712

The compliance officer will:

1. Coordinate compliance with this Policy and the law.
2. Receive all complaints regarding discrimination and harassment at East Central College.
3. Serve as the College's contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints; monitor the status of complaints; and recommend consequences.
5. Seek legal advice when necessary to enforce this Policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this Policy.
7. Make recommendations regarding changing this Policy or the implementation of this Policy.
8. Coordinate and institute training programs for College staff and supervisors as necessary to meet the goals of this Policy, including instruction in recognizing behavior that constitutes discrimination and harassment.
9. Perform other duties as assigned by the College President.

### **3.26.3 Reporting a Complaint**

The College encourages the reporting of all incidents of sexual harassment, including, but not limited to, sexual assault, relationship violence, and stalking. The decision to report such incidents is a deeply personal and often difficult decision, but is often a way for the victim to begin healing. Such reporting may also help prevent future incidents of a similar nature from occurring. Victims are not required, however, to report such incidents, and will not be penalized if they choose not to report an incident to law enforcement or a Compliance Officer.

The first priority for any victim of sexual assault or relationship violence is to receive appropriate medical attention for any medical injuries and to preserve evidence in the event the Reporting Party chooses to pursue a complaint. The College will maintain and publish information containing resources and guidance for victims of sexual assault, relationship violence and stalking. Such information will be maintained in the College's Annual Security Report and the College's Student Handbook, and any other means identified by the College administration to make the information readily available to the campus. Copies will also be maintained by the College's Title IX Administrator, who will make such information available to any interested person.

The College provides several options for reporting incidents of sexual harassment, including, sexual assault, relationship violence, and/or stalking:

1. **Confidential Reporting** – Individuals may make a confidential report to a College counselor. Counseling services are available at no cost to students and referrals to community resources are available. College counselors can also help the alleged victim identify other available College resources.
2. **Formal Complaint** – Individuals may also file a formal (verbal, written, or online) complaint with the Vice President of Student Development and it will be promptly investigated. There is no time limit on the filing of complaints, though the College encourages prompt reporting, as delayed reporting may hinder the College's ability to pursue disciplinary action against an Accused Individual.
3. **Criminal Report** – Individuals may make a criminal report with local law enforcement, or appropriate jurisdiction. College personnel are available to assist individuals with contacting the appropriate jurisdiction for making such a report.

In addition to pursuing criminal or College disciplinary proceedings, individuals may wish to obtain an order of protection, no-contact order, or restraining order from the relevant jurisdiction. Such orders are

enforced by the local law enforcement agency in the relevant jurisdiction.

Upon receiving a complaint of sexual assault, relationship violence or stalking, the College will provide to the Reporting Party a written notice describing the reporting options listed above. Reporting Parties are not limited to one form of reporting and may pursue multiple methods of reporting options.

In addition, except as otherwise provided in this Policy, all employees, students and visitors must immediately report to the College for investigation any incident or behavior that could constitute illegal discrimination or harassment, which includes sexual assault and may include relationship violence and stalking. Such reports should be made to the Vice President of Student Development or the Director of Human Resources, as the College's Compliance Officers. All College employees will instruct persons seeking to make a complaint under this Policy to communicate directly with the College compliance officers. Even if the potential victim of discrimination, harassment, or retaliation does not file a complaint, College employees, except members of the College's counseling staff who are considered confidential reporters, are required to report to the Compliance Officers any observations, rumors or other information regarding actions prohibited by this Policy.

After receiving a complaint, the Compliance Officer will determine the appropriate College Policy for processing the complaint. In making this determination, the Compliance Officer will consider the specific facts alleged by the Reporting Party. Allegations related to acts of Sexual Assault, Relationship Violence or Stalking, as those terms as defined in this Policy, will be processed according to this Policy. Allegations that may constitute sexual or other forms of harassment prohibited by the College, but not rising to the level of Sexual Assault, Relationship Violence or Stalking, will be reviewed according to Policy 3.25 Student Protection Against Discrimination. Once the determination is reached, the Compliance Officer will notify the Reporting Party of which College Policy will govern the disposition of the Reporting Party's complaint, and will provide the Reporting Party with a copy of the applicable Policy. The College encourages the Reporting Party to seek clarification from the Compliance Officer if the Reporting Party believes the Compliance Officer has selected the wrong Policy to resolve the complaint.

#### **3.26.4 Interim Measures**

When a report is made or the College otherwise learns of potential discrimination, harassment or retaliation, the College will, if appropriate, take immediate action to protect the alleged victim, including implementing interim measures. For example, the College may alter a

student's class schedule, provide additional support for a student (such as counseling or academic support), suspend an employee pending an investigation, or, if applicable, alter transportation or working situations. The College will take immediate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred. The College will provide these types of interim measures if requested by the victim and if such measures are reasonably available and appropriate in the circumstances. Individuals are encouraged to speak with the College's Compliance Officers about the availability of such measures. In the case of a confidential reporting, the Reporting Party should speak with the College counselor to whom they made the report about any requested interim measures.

### **3.26.5 Procedure for Investigation and Resolution of Complaints**

In determining whether alleged conduct constitutes a violation of College Policy, the College will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, College officials determine that it is more likely than not that prohibited behavior has occurred, the College will take immediate corrective action.

The following procedures will be used as a guideline for investigating complaints:

1. Interview the Reporting Party regarding the nature and specifics of the incident(s);
2. Interview the Accused Individual; and
3. Interview other possible witnesses, if appropriate.

#### **A. Complaints Against Employees of the College**

If a complaint under this Policy is against an employee of the College, the complaint will be investigated by the Director of Human Resources or designee, and will be handled according to the procedures found in Policy 5.4. Employees who violate this Policy will be disciplined, up to and including employment termination.

## **B. Complaints Against College Students**

If a complaint under this Policy is against another student, the complaint will be investigated by the Vice President of Student Development or designee. The procedures will follow those set forth in the Student Code of Conduct, except that to the extent there are any inconsistencies between the Student Code of Conduct and this Policy, the procedures set forth in this Policy will apply in cases of Sexual Assault, Relationship Violence, or Stalking:

1. The College will conduct a thorough, fair, and impartial investigation.
2. Proceedings under this Policy will be conducted without undue delay, and will be conducted by officials who receive annual training on the issues related to relationship violence, sexual assault, and stalking, and how to conduct a hearing process that protects victim safety and promotes accountability. In general, proceedings pursuant to this Policy, including adjudication through the Student Discipline Policy, should be completed within sixty (60) days of the Reporting Party's complaint to the Compliance Officer.
3. Mediation will not be used in cases alleging sexual assault, relationship violence, or stalking.
4. The Compliance Officer or designee may issue a "no contact" order to all parties identified in a sexual assault, relationship violence, or stalking complaint. The Compliance Officer will consider other interim measures that may be appropriate.
5. Both the Reporting Party and the Accused Individual will have equal opportunity to provide relevant information, including the identities of any witnesses they believe should be contacted as part of the investigation. Both the Reporting Party and the Accused Individual have the right to have an advisor of their choosing present during any meetings or proceedings related to the investigation. For purposes of this Policy only, there is no limitation on the choice of an advisor by either the Reporting Party or the Accused Individual. The limitations on the role of legal counsel in a disciplinary proceeding are defined by the Student Discipline Policy.
6. After reviewing all the relevant information, the Vice President of Student Development or designee will render a determination as to whether the Policy was violated and what additional actions may be necessary, including disciplinary action against the Accused Individual and/or making available to the Reporting Party appropriate College resources. In making this determination, the Vice President of Student Development or designee will utilize a

“preponderance of the evidence standard,” meaning that he or she will determine whether it is more likely than not that a Policy violation occurred.

7. Students who violate this Policy will be disciplined, which may include suspension or expulsion. Other possible sanctions are found in the Student Discipline Policy.
8. The Vice President of Student Development will notify both the Reporting Party and the Accused Individual, in writing, of his or her determination. The written notification will also notify both the Reporting Party and the Accused Individual of the availability of appeal, as described below.
9. If either the Reporting Party or the Accused Individual disagrees with the Vice President of Student Development or designee’s determination, either student may request that the complaint be handled according to the procedures found in the Student Discipline Policy, Policy 3.18. In those circumstances, both the Reporting Party and the Accused Individual will have equal opportunity to participate in the process, and the process will utilize a “preponderance of the evidence standard,” meaning that it will determine whether it is more likely than not that a Policy violation occurred.
10. At the conclusion of any portion of the disciplinary proceeding, including any appeal, both the Reporting Party and the Accused Individual will be notified in writing, and simultaneously, of the result of that portion of the disciplinary proceeding, when that result becomes final, and the availability of any appeal.

#### **3.26.6 Confidentiality, Records and Counseling**

To the extent feasible, the College will endeavor to keep confidential the identity of the person filing a complaint, witnesses or other parties interviewed, and any complaint or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation, or resolution of a complaint, or if necessary to carry out disciplinary measures. The College will disclose information to the College’s attorney, law enforcement, and others when necessary to enforce this Policy or when required by law.

In implementing this Policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records.

Any student who believes he/she has been a victim of illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence or stalking has the option of speaking confidentially to a College counselor. Counseling services are available at no cost to the student and referrals to community resources are

available. College counselors can also help the alleged victim identify other available College resources.

All other employees are mandated to report the information regarding illegal discrimination, harassment, sexual harassment, sexual assault, relationship violence or stalking to the Compliance Officer.

### **3.26.7 Training and Awareness Programs**

In addition to the information contained in this Policy, the College will, in accordance with the Campus Sexual Violence Act (“SaVE Act”), provide training and information to members of the campus community regarding the following topics:

1. Safe and positive steps an individual may take to intervene to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against another person;
2. Information about how to recognize warning signs of abusive behavior in order to mitigate the likelihood of perpetration, victimization, or bystander inaction;
3. Awareness campaigns and prevention programs intended to stop domestic violence, dating violence, sexual assault, and stalking before they occur, and to increase campus awareness and share information and resources for the same purpose;
4. Written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both within the institution and in the community;

The College will distribute this information to members of the campus community through the College’s Annual Security Report and the College’s Student Handbook, and any other means identified by the College administration to make the information readily available to the campus. Copies will also be maintained by the College’s Title IX Administrator, who will make such information available to any interested person.

### **Policy 3.27 Financial Aid Code of Conduct** *(Adopted 12/7/2015)*

The Board of Trustees believes opportunities for higher education should not depend upon a student’s financial circumstances and that when students choose to take advantage of available financial assistance programs, they should fully understand and be provided assistance to self-manage their financial information. Therefore, the board authorizes the president to establish regulations governing the administration of financial aid to students.



**Procedures (Adopted 12/7/2015):**

**3.27.1 Conflict of Interest**

No action will be taken by financial aid staff that is for their personal benefit or that could be perceived to be a conflict of interest.

- a. Employees within the financial aid office will not award aid to themselves or their immediate family members. Staff will reserve this task to an institutionally designated person to avoid any conflict of interest or the appearance of a conflict of interest.
- b. If a preferred lender list is provided, it will be compiled without prejudice and for the sole benefit of the students attending the institution. The information included about lenders and loan terms will be transparent, complete, and accurate. The complete process through which preferred lenders are selected will be fully and publically disclosed. Borrowers will not be auto-assigned to any particular lender.
- c. A borrower's choice of a lender will not be denied, impeded, or unnecessarily delayed by the institution, even if that lender is not included on the institution's preferred lender list.
- d. No amount of cash, gift, or benefit in excess of \$25 or combination of gifts from one source over the course of a one-year period which totals more than \$25 shall be accepted by a financial aid staff member from any financial aid applicant (or his/her family), or from any entity doing business with or seeking to do business with the institution (including service on advisory committees or boards beyond reimbursement for reasonable expenses directly associated with such service).

**3.27.2 Information Provided**

Information provided by the financial aid office shall be accurate, unbiased, and shall not reflect preference arising from actual or potential personal gain.

**3.27.3 Award Notifications**

Institutional award notifications and/or other institutionally provided materials shall include the following:

- a. A breakdown of individual components of the institution's Cost of Attendance, designating all potential billable charges.
- b. Clear identification of each award, indicating type of aid, i.e. gift aid (grant, scholarship), work, or loan.
- c. Standard terminology and definitions, using the National Association of Student Financial Aid Administrators' glossary of award letter terms.
- d. Renewal requirements for each award.

**3.27.4 Consumer Information**

All required consumer information shall be displayed in a prominent location on the institutional web site(s) and in any printed materials, easily identified and found, and labeled as "Consumer Information."

**3.27.5 Disclosure**

Financial aid professionals will disclose to the College any involvement, interest in, or potential conflict of interest with any entity with which the College has a business relationship.

## SECTION 4: FINANCE AND ADMINISTRATION POLICIES AND PROCEDURES

### 4.1 **Accounting System Policy** *(Adopted 6-1-1987; Revised 8-25-2008)*

East Central College will maintain a financial reporting system which is in conformance with the laws of the State of Missouri and the Uniform Financial Reporting Manual of the Missouri Department of Higher Education and generally accepted accounting principles.

#### **Procedures:** *(Revised 8-25-2008)*

- 4.1.1 East Central College will use a fund accounting system which is consistent with the Uniform Financial Reporting Manual of the Missouri Department of Higher Education.
- 4.1.2 The following fund types are established in order to provide a uniform financial reporting process, and these fund types are defined as follows:

**General Fund** - The General Fund will be used to account for revenues and expenditures for the academic and service programs of the College. The source of the funds will be local taxes, state aid and student tuition/fees and other general miscellaneous revenue. Expenditures in the fund will include the costs associated with supporting the educational program of the College or maintaining the physical structure and operation of the College.

**Bond and Interest Fund** - The Bond and Interest Fund is established to account for the payment of principle, interest, and related charges on any outstanding bond issue. Revenue for the fund is received by tax levy which has been authorized by the voters. Expenditures for the fund are restricted to the payment of the items noted above. Debt service for each bond issue must be accounted for separately, using a group of self-balancing accounts within the fund. Expenditures in the fund are restricted.

**Auxiliary Enterprises Fund** - The Auxiliary Enterprises Fund is established for the purpose of accounting for College services where fees are charged to students, staff or the general public, be it either a sale fee for a good purchased or a user fee for a service rendered. Each enterprise service should be accounted for separately using a self-balancing account within the fund.

**Restricted Purpose Fund** - The Restricted Purpose Fund is established to account for state or federal monies that have restrictions regarding their use. Each specific account in the restricted purpose fund must be accounted for separately using a self-balancing account.

Accounts must be established to insure that the accounting and reporting requirements of the grantor are met. If the grantor provides a special accounting manual for audit purposes, it should be followed exactly.

Each account in the restricted purpose fund is self-balancing, and the account should balance to \$0 at the termination of the activity. If it does not, the amount that the account is overspent is a liability against the general fund. If the account is under spent, the balance must be returned to the grantor.

**Trust and Agency Fund** - The Trust and Agency Fund is established and used to receive and hold funds when the College serves as a custodian or fiscal agent for another body. The College has an agency rather than a beneficial interest in these monies; the College does not necessarily have control or direction over the use and expenditures of the monies, with the exception that the College uses its financial capability and accounting procedures to insure the integrity of the accounts. Each agency's money should be accounted for by a self-balancing account. These accounts will balance to \$0 at the termination of the activity. Monies generated by College clubs that are continuously inactive for three semesters or College athletic activities that are suspended by the Board of Trustees will be returned to the student government fund for use and/or disbursement.

**Faculty Development Fund** - The Faculty Development Fund is established to provide funding to each full-time faculty member for purposes of professional development expenses. The specific annual allocation to each account is established as part of the annual budget. Balances in each account may not exceed the equivalent of two years of funding at the current annual allocation.

**College Restricted Fund** - The College Restricted Fund is established to account for College funds that have restrictions imposed by the institution regarding their use. Each specific account in the College restricted fund must be accounted for separately using a self-balancing account, and the account should balance to \$0 at the termination of the activity. If it does not, the amount that the account is overspent is a liability against the general fund. If the account is under spent, the balance is returned to the general fund.

**Building Construction Fund** - This fund will be used to account for revenues and expenditures which are associated with building construction or the purchase of unmovable equipment. The source of monies for this fund will be the proceeds of bond sales, gifts, grants, or other funds restricted to such purposes by their origin or by statute. The expenditures in this fund will be for construction or purchase of

unmovable equipment. The accounts in this fund will be self-balancing, and the expenditures will be restricted.

**4.2 Tax Rate** *(Approved 8-25-2008)*

The Board will set the tax rate of the College in an amount deemed necessary within state statutes to satisfy the budgetary needs of the College. The tax rate will be set by the Board before September 1 of each year, unless otherwise provided by the laws of the state of Missouri.

**4.3 Budget Policy** *(Reaffirmed 12-2-1991; Revised 8-25-2008)*

East Central College will operate on an annual budget from July 1 to June 30. The budget will be prepared by administrative officials and submitted annually to the Board of Trustees for approval by June 15.

**Procedures:** *(Revised 8-25-2008)*

- 4.3.1 Budgeting procedures will be carried out in accordance with the laws of the state and instructions from the Missouri Department of Higher Education.
- 4.3.2 The Board of Trustees will review the status of the budget at each regular meeting. The Board will be presented a treasurer's report, a balance sheet, a schedule of investments, a summary of budgeted expenditures versus actual expenditures and a summary of budgeted revenues versus actual revenues.
- 4.3.3 Amendments to the budget will require approval by the Board of Trustees.
- 4.3.4 The following guidelines will govern budget development, expenditure control and cash flow:
  - a. Budgeted expenditures will not exceed budgeted revenues.
  - b. A restricted reserve shall be maintained in order to provide for timely payment of the College's financial obligations. The total of funds to be held in the reserve shall be established by the Board of Trustees and shall be consistent with prudent fiscal policy regarding cash flow requirements and the timing of revenue receipts. Transfers to or from the restricted reserve fund will require approval by the Board of Trustees.

**4.4 Financial Reports Policy** *(Revised 6-23-2003)*

The Chief Financial Officer, in cooperation with other appropriate employees, shall prepare and present financial reports to the Board of Trustees at all monthly meetings and at any time upon request, summarizing the status of the various funds contained in the annual budget and providing other appropriate

information. Other financial reports to regulatory agencies and associations shall be filed as required and in the best interests of the College.

**4.5 Auditing Policy** *(Adopted 12-3-1968; Revised 6-23-2003)*

The College financial records will be audited annually by a certified public accountant licensed to practice public accounting in the State of Missouri and with documented experience in federal and state funds auditing. A copy of this audit will be sent to the Department of Higher Education, the Department of Elementary and Secondary Education, the U.S. Department of Education, and other regulatory agencies as required. A copy of the audited Revenues and Expense Statement will be published in local newspapers.

**4.6 Purchasing Policy** *(Reaffirmed 12-2-1991; Revised 8-25-2008)*

The Board of Trustees authorizes the College President to administer the College Purchasing Policy in accordance with state and federal laws. This Policy covers purchases of supplies, equipment, library books and materials, insurance and contracted services.

**Procedures:** *(Revised 8-25-2008)*

- 4.6.1 All purchases shall be made with the objective of securing services, materials, supplies and equipment at the lowest possible cost consistent with satisfactory standards for quality and service.
- 4.6.2 Purchasing to make purchases necessary for the operation procedures shall be based upon the level of expenditure:
  - a. **Expenditures up to \$1,000**  
Without competitive bidding, the Chief Financial Officer and designees are empowered to make purchases necessary for the operation of the district as long as the amount does not exceed \$1,000.
  - b. **Expenditures of more than \$1,000 up to \$5,000**  
Without competitive bidding, the Chief Financial Officer and designees are empowered of the district as long as the expenditure is more than \$1,000 up to \$5,000 and as long as the purchase is not made until at least three (3) verbal price quotations are considered if obtainable.
  - c. **Expenditures of more than \$5,000 up to \$15,000**  
Without competitive bidding, the Chief Financial Officer and designees shall obtain at least three (3) written price quotations, if obtainable, when purchases are necessary for the operation of the district of more than \$5,000 up to \$15,000. Further, when deemed necessary by the Chief Financial Officer, advertisement in a newspaper or newspapers of general circulation in the district for quotations shall be made.

d. **Expenditures exceeding \$15,000**

In the event a proposed expenditure exceeds \$15,000, the expenditure shall not be made until competitive bidding has been engaged. Bid specifications shall be prepared by the Chief Financial Officer in consultation with other appropriate staff as necessary. Bids shall then be advertised in a newspaper or newspapers of general circulation within the district. Bids shall be opened and publicly read aloud at a designated time and place. The College reserves the right to waive minor technical defects in a bid, or reject any or all bids or any part of any bid. Purchases exceeding \$15,000 must be approved by the Board of Trustees of the College.

4.6.3 **Exceptions**

Any cooperative contracts established by (1) the state of Missouri, (2) other public agency or entity governed by the laws of the state of Missouri, or (3) any higher education or public entity compact or consortium may be used by the College in lieu of competitive bidding for the purchase of item equipment, supplies, sundries, non-realty leases, maintenance and periodic service agreements. Purchases which are not adapted to competitive bidding, such as (1) sole source purchases, or (2) the procurement of professional services or skill wherein the professional credentials or ability are of primary importance are considered exceptions to the requirement for competitive bidding. The Chief Financial Officer may waive competitive bidding when the purchase will result in direct and immediate savings to the College. Sole source purchases will have supporting documentation from originator.

4.6.4 **Insurance**

All insurance will be purchased utilizing the normal bid procedures unless it is a part of a cooperative agreement. Insurance coverages will be reviewed annually.

4.6.5 **Preference to Missouri Products and Firms**

In making purchases, preference shall be given to all commodities manufactured, mined, produced, or grown within the state of Missouri and to all firms, corporations or individuals doing business as Missouri firms, corporations, or individuals, when quality is equal or better and delivered price is the same or less.

4.6.6 **Preference to Local Products and Firms**

In making purchases, preference may be given to all commodities manufactured, mined, produced, or grown within the district and to all firms, corporations or individuals doing business within the district, when quality is equal or better and delivered price is the same or less.

- 4.6.7 The purchase of all merchandise, products and services for College purposes must be done through the Chief Financial Officer. The Chief Financial Officer will coordinate purchasing within the framework of the statutes of Missouri, policies and procedures of the Board of Trustees and regulations promulgated by the Chief Financial Officer.
- 4.6.8 All purchases must be authorized in advance by a requisition and/or purchase order signed by an appropriate College official.
- 4.6.9 These purchasing procedures cover the procurement of equipment and supplies and commitments of funds for rentals and service agreements. Such commitments must be covered by purchase orders.

#### **4.7 Selection of Architectural/Engineering and/or Land Surveying Services**

*(Adopted 8-25-2008)*

The Board of Trustees may select qualified firm(s) and negotiate contract(s) for architectural, engineering and land surveying services for the various building projects undertaken by the College.

##### **Procedures:**

In selecting such firm(s), the following criteria will be considered:

1. Training, specialized experience and technical competence, including that of partners and associates, demonstrated either with the College or elsewhere with respect to the type of services desired.
2. Planning ability, efficiency and promptness of the firm(s), including the capacity and capability of the firm(s) to perform the tasks requested, as well as any specialized services, within the time limitations established for the completion of the project.
3. Proposed price for the services requested (i.e., a fee schedule).
4. Past record of performance of the firm(s) with respect to control of costs, quality of work, design, appearance, utility and the ability to meet time schedules.
5. Proximity to and familiarity with the geographical area in which the project shall be located.

When considering the need for architectural, engineering and/or land surveying services, the Board or designee shall prepare a written description of the services desired by the College. Interested firms may be requested to submit information in accord with the above criteria.

College officials shall review the materials submitted and shall attempt to negotiate acceptable terms with any or all of the firms submitting materials. The Board of Trustees shall select the firm(s) considered best qualified for the project(s).



#### **4.8 Construction Contracts Bidding and Awards** *(Adopted 8-25-2008)*

All facilities construction projects that exceed an expenditure of \$15,000 shall be advertised and competitive bids solicited, according to state law. In order to protect the College, each bidder may be required to submit with his or her bid a bidder's bond in an amount determined by the estimated cost of the project.

##### **Procedures:**

The construction contract shall be awarded to the lowest responsible bidder whose bid is in accordance with the approved plans and specifications and who has provided the required security. However, the Board reserves the right to waive minor technical defects in a bid, or reject any or all bids, or any part of any bid. No bid for the construction, alteration or repair of any building shall be accepted if it does not conform to the plans and specifications for the project.

If the project is considered a public works project estimated to exceed \$25,000, the contractor will be required to furnish a performance bond in accordance with law. No contractor shall be required to submit a bond from a particular insurance or surety company. Lien waivers shall be provided by the contractor and his or her subcontractors and suppliers.

All pay requests by the contractor shall be approved by the architect prior to payment.

Bid specifications and/or contracts for all public works shall include the required provisions concerning prevailing wages pursuant to the rules of the Division of Labor Standards of the Missouri Department of Labor and Industrial Relations and will comply with state law.

#### **4.9 Construction Manager Option** *(Adopted 8-25-2008)*

In the event that the College chooses to use the services of a construction manager instead of a general contractor, the College shall select a construction manager and negotiate with that construction manager to obtain a contract that is fair and reasonable.

##### **Procedures:**

To select a construction manager, the College shall advertise and solicit proposals from qualified construction managers in the following manner:

1. If the total cost for the project exceeds five hundred thousand dollars (\$500,000), the solicitation shall be advertised for a period of ten (10) days in one (1) newspaper of general circulation in the county.
2. If the total cost of the project exceeds one million five hundred thousand dollars (\$1,500,000), the solicitation shall be advertised for ten (10) days in two (2) daily newspapers in Missouri which have not less than fifty

thousand (50,000) daily circulation in addition to the advertisement required by number 1 above.

3. If the total cost of the project is five hundred thousand dollars (\$500,000) or less, the solicitation need not be advertised.
4. Solicitations shall require the bidders to submit the following information:
  - a. Fees for overhead and profit.
  - b. Reimbursable costs for reimbursable items.
  - c. Qualifications.
5. Demonstration of ability to perform projects comparable in design, scope and complexity.
  - a. Demonstration of good faith efforts to achieve compliance with federal, state and local affirmative action requirements.
  - b. References from owners for whom construction management services have been performed.
  - c. Financial strength.
  - d. Qualifications of in-house personnel who will manage the project.
  - e. Demonstration of successful management systems which have been employed for the purposes of estimating, scheduling, and cost controls.

If the College selects a construction manager on the basis of the above factors, then contractual negotiations may be conducted with that construction manager and a contract may be executed between the Board of Trustees and that construction manager. If the College cannot reach an agreement upon the terms of a construction management services contract through negotiations with the selected construction manager, then the College will attempt to select another construction manager and negotiate a contract with that construction manager. The College will continue to follow the procedures outlined in this Policy until a contract has been executed between the Board of Trustees and a construction manager.

Furthermore, the Board of Trustees shall not award a contract to any construction manager (or a firm that controls, is controlled by or shares common ownership or control with the construction manager), if such construction manager:

- a. Guarantees, warrants or otherwise assumes financial responsibility for the work of others on the project.
- b. Provides the District with a guaranteed maximum price for the work of others on the project.
- c. Furnishes or guarantees a performance or payment bond for other contractors on the project.

Under this Policy, the term "project" shall mean the erection or construction of a building or structure or the improvement, alteration or repair of a building or

structure. The term "construction manager" includes consulting, advising, assisting and making recommendations on any and all aspects of preconstruction planning, design, bidding, and contract award and providing general observation, coordination and direction of the work and processing of payment requests and change orders during construction.

This Policy shall not apply should the College choose to contract with an individual or firm solely for the purpose of serving as a liaison with a general contractor.

#### **4.10 Change Orders During Construction** *(Adopted 8-25-2008)*

A change order is a written order to the contractor signed by the owner and the architect, issued after execution of the contract, authorizing a change in the work or an adjustment in the contract sum or the contract time. Although the general philosophy of the College is to discourage contract adjustments during a project, change orders may result from the following:

- Changes in the quality or scope of the project
- Changes resulting from unforeseen condition, and
- Changes due to errors or omissions by the architect or contractor.

Additional costs incurred for time or materials, when unit costs or rates for time or materials are included in the terms of the contract, are not considered change orders for purposes of this Policy.

#### **Procedures:**

Change orders may be signed by the President of the College only under the following circumstances:

1. The College President, after discussions with representatives of the project monitoring team, may sign any change order authorizing a change in the work, provided that the contract sum is not increased by more than \$15,000 and that contingency funds are available for said change.
2. A proposed change order shall be submitted to the Board of Trustees for approval when the proposed increase in the contract sum exceeds \$15,000, or when the contingency funds are insufficient to cover the proposed increase. If approved, the College President or designee is authorized to immediately sign the change order.
3. In an emergency, such as where there is a threat to life or property, the College President is authorized to immediately sign any change order. In such case, the College President should advise the Board of the circumstances necessitating the change order as soon as practicable.

In processing change order requests, the College President shall attempt to identify situations where a proposed change order may have been caused by an error or omission of the architect or contractor. In appropriate cases, the

College shall endeavor to recover the cost of the change from the responsible party.

**4.11 Use of College Employees in Lieu of Contractors** *(Approved 8-25-2008)*

The College may use its employees to alter, maintain and repair buildings, equipment or grounds without the letting of contracts.

**4.12 College Liability Insurance** *(Adopted 8-25-2008)*

The College will maintain coverage against liability of the College and its employees as allowed by law. Such coverage may be maintained through insurance or participation in the state public entity risk management fund. To the extent of the covered risks and coverage limits, the College will defend and indemnify employees against liability for acts and omissions within the course and scope of their duties. The College will not defend or indemnify employees against their criminal or intentional wrongful acts or any liability for any acts or omissions that occur outside the course and scope of their duties. The College reserves the right, in circumstances which the Board of Trustees deems appropriate, and following a majority vote of the whole thereof, to determine whether to defend and/or indemnify an employee in a proceeding brought against the employee alleging a loss not within the covered risks, resulting from an employee's act or omission that occurs within the course and scope of the employee's duties.

**4.13 Financial Exigency Policy** *(Adopted 6-4-1979; Implemented 2-9-1981; Revised 8-28-2003)*

The President will regularly review the financial status of the College to determine if conditions exist that are sufficient to warrant a declaration of financial exigency.

**Procedures:**

- 4.13.1** Financial exigency exists when an imminent financial crisis threatens the survival of the institution as a whole and cannot be alleviated by less than drastic means, such as the realignment of College expenditures, immediate reduction in hourly and contract employees, and/or emergency use of restricted reserves from the fund balance of the College.
- 4.13.2** Any sudden, severe, and unexpected change in financial conditions will be reported within five days of the discovery of such conditions by the President to the Board of Trustees, faculty, and staff.
- 4.13.3** Following the determination by the Board of Trustees that a financial exigency does exist, the President of the College, as Chief Executive Officer, will develop a retrenchment plan for approval and enactment by the Board of Trustees.

**4.13.4** The plan for retrenchment will be developed in accordance with the following guidelines:

- (1) The total College operation, including all departments and offices, will be considered in making recommendations for retrenchment.
- (2) In all cases of termination of faculty on continuous contracts because of financial exigency, the positions of the faculty concerned will not be filled within a two-year period by replacement nor will temporary positions be created so as to effect replacement of those faculty positions unless the released faculty have been offered reinstatement and a reasonable time in which to accept or decline the offer.

**4.14 Receipt and Disbursement of Funds Policy** *(Revised 4-7-2003)*

The Chief Financial Officer, under the direction of the President of the College, shall be designated as the primary staff officer responsible for the receipt and disbursement of funds, said officer being bonded in an amount of not less than \$1,000,000. All College funds will be received through the College Business Office and will be properly recorded and accounted for. The Board treasurer shall be the official designated by the Board to certify monthly that the receipt and disbursement of funds have been duly and properly accounted for.

**4.15 Investment of Funds Policy** *(Adopted 2-1-1988; Revised 8-25-2008)*

Funds not needed for immediate expenses of the College will be invested in a manner which will provide maximum security and investment returns while meeting the daily cash flow demands of the College and conforming to all state statutes governing the investment of public funds.

**Procedures:** *(Revised 8-25-2008)*

**4.15.1 Investment Types**

In accordance with and subject to restrictions imposed by current statutes and the investment policy of the State of Missouri, the following list represents the entire range of investments that the College will consider and which shall be authorized for the investments of funds.

- a. **Collateralized Public Deposits (Certificates of Deposit).** Instruments issued by financial institutions which state that specified sums have been deposited for specified periods of time and at specified rates of interest. The certificates of deposit are required to be backed by acceptable collateral securities as dictated by State statute.

- b. **United States Treasury Securities.** Obligations of the United States government for which the full faith and credit of the United States are pledged for the payment of principal and interest.
- c. **United States Agency Securities.** Obligations issued or guaranteed by any agency of the United States Government.

#### 4.15.2 Security Selection

The following list represents the entire range of United States Agency Securities that the College will consider and which shall be authorized for the investment of funds by the College. Additionally, the following definitions and guidelines should be used in purchasing the instruments:

- a. U.S. Govt. Agency Coupon and Zero Coupon Securities. Bullet coupon bonds with no embedded options.
- b. U.S. Govt. Agency Discount Notes. Purchased at a discount with maximum maturities of one (1) year.
- c. U.S. Govt. Agency Callable Securities. Restricted to securities callable at par only with final maturities of five (5) years.
- d. U.S. Govt. Agency Step-Up Securities. The coupon rate is fixed for an initial term. At coupon date, the coupon rate rises to a new, higher fixed term. Restricted to securities with final maturities of five (5) years.
- e. U.S. Govt. Agency Floating Rate Securities. The coupon rate floats off one index. Restricted to coupons with no interim caps that reset at least quarterly.

#### 4.15.3 Collateralization

The market value of collateral must total to an amount equal to 100 percent or greater of the amount of College time deposits plus demand deposits with the depositors, less the amount, if any, which is an insured deposit pursuant to the Federal Insurance Act of 1950 (64 Stat. 873) as heretofore or hereafter amended.

All securities pledged as collateral by the depository shall, at the option of the depository banking institution, either be delivered to the fiscal officer or be deposited with a disinterested banking institution or safe depository as trustee satisfactory to both parties to the depository agreement. No security pledged as collateral shall be released by the depository banking institution without the written permission of the Chief Financial Officer or designee.

The College shall have a depository contract and pledge agreement with each safekeeping bank that will comply with the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989 (FIRREA). This will

ensure that the College's security interest in collateral pledged to secure deposits is enforceable against the receiver of a failed financial institution.

#### **4.15.4 Demand Deposits**

Demand deposits shall be maintained in a financial banking institution(s) designated by the Board of Trustees. The Board may seek bids and re-designate depositories at any time.

Demand deposits shall be collateralized, secured and deposited according to the same criteria applicable to College investments as described and noted herein above.

#### **4.15.5 Investment Reports**

The Board shall approve College investments in a monthly report supported by the appropriate Pledged Securities Schedule and submitted by the Chief Financial Officer or designee.

#### **4.15.6 Authorized Financial Dealers and Institutions**

A list will be maintained of financial institutions authorized to provide investment transactions. In addition, a list will be maintained of approved security broker/dealers selected by creditworthiness as determined by the investment officer and approved by the governing body. These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements.
- Proof of National Association of Securities Dealers (NASD) certification.
- Proof of state registration.
- Completed broker/dealer questionnaire.
- Certification of having read and understood and agreeing to comply with the College's investment policy.

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the investment officer.

#### **4.15.7 Investment Guidelines**

College staff shall at all times exercise prudent financial judgment when investing funds and shall adhere to investment guidelines as

outlined and implemented by the State of Missouri in its current investment policy.

**4.16 Inventory Control Policy** *(Adopted 12-3-1968; Revised 4-7-2003)*

A perpetual inventory of fixed assets and related depreciation schedules shall be established and maintained at the direction of the Chief Financial Officer. Such inventory shall provide that assets valued at \$5,000 or more be listed in a fixed asset group of accounts. All such fixed assets, as well as all items with values less than \$5,000 but requiring inventory controls by federal and state agencies such as the Department of Elementary and Secondary Education, will be tagged with numbered identifying labels in order to provide security and maintenance of the assets.

**4.17 Payment of Bills Policy** *(Adopted 12-3-1968; Revised 4-7-2003)*

At the regular monthly meeting of the Board of Trustees or at special called meetings, the Board will approve the payment of bills as required for College operations and supported by appropriate documentation in the financial reports provided to the Board at the respective meeting. Salary checks are written as due and payable per faculty and staff contracts and in compliance with wage and hour statutes.

**4.18 Expense Reimbursement Policy** *(Reaffirmed 12-2-1991; Revised 11-3-2003)*

The Board of Trustees delegates to the College President the establishment of procedures which regulate the reimbursement of expenses incurred while members of the Board of Trustees or College employees are on College business.

**Procedures:** *(Revised 4-6-2006; Revised 4-7-2015)*

Requests for reimbursement of expenses must be submitted on the appropriate Expense Reimbursement Form within 30 days of the expense or they will not be reimbursed.

Transportation, lodging, and meeting/conference registration charges should be pre-paid using a college credit card whenever possible.

**4.18.1 Mileage** *(revised 4-7-2015)*

Mileage expenses for travel subject to reimbursement shall be reimbursed at a per mile rate established by the Internal Revenue Service.

1. Mileage expense for traveling to and from the employee's residence to the employee's assigned place of employment, whether at the main campus or at an extension center, shall not be reimbursed.



2. When the employee's work day includes assignments at two or more College sites, mileage will be paid between such sites but not to or from the employee's residence.
3. When traveling from home to a site other than the employee's assigned place of employment, mileage will be calculated from the College or employee's home, whichever is less.
4. A reimbursable mileage guideline will be generated by the Office of Finance and Administration which delineates standard mileage from the College to sites commonly traveled to. Mileage to sites not on the guide will be based on mileage provided via Map Quest or other web mapping service and documented with a printout of the web page.

#### **4.18.2 Transportation Expenses other than Mileage**

Other transportation expenses, including but not limited to, railroad fares, air fares, taxicabs, baggage transfers, tolls, and parking fees shall be reimbursed in full provided such expenses are necessary and reasonable and supported by appropriate receipts.

#### **4.18.3 Lodging** *(Revised 4-7-2015)*

Lodging expenses shall be reimbursed in full provided such expenses are necessary and reasonable and supported by appropriate receipts. For lodging in Missouri, employees should provide the hotel/motel with the ECC tax exemption letter.

#### **4.18.4 Meals** *(Revised 4-7-2015)*

The College will reimburse actual meal expenses for approved activities, with itemized receipts, as follows:

**Single-Day Trips** – For single-day trips for meetings outside of the district/service region, reimbursement for actual meal expenses up to \$15 with itemized receipts. If a meal is provided as part of the meeting, no reimbursement will be provided.

**Overnight Trips** – For trips requiring overnight travel, reimbursement for actual meal expenses up to \$44 per day with itemized receipts. On the first and last day of travel, reimbursement up to \$20 per day with itemized receipts. In cases where a meal or meals are provided as part of the conference or registration cost, the maximum daily reimbursement will be reduced as follows for the meals provided: breakfast, \$8; lunch, \$12, dinner, \$24.

**Business Meals** – Expenses for meals with a business purpose will be reimbursed in full if authorized by the employee's administrator.

These expenses must be supported with the names and positions of the employees and guests involved and a description of the purpose of the meeting.

**Required Meetings** – When a College employee is required to attend a function where a meal must be purchased, the meal expense shall be reimbursed in full.

**Alcohol** – In no case will costs of alcoholic beverages or other personal expenses be reimbursed.

**Excess Expenses** – If expenses in excess of the limitations stated above are charged to the employee's College-issued credit card, reimbursement must be made to the College within 30 days for the amount exceeding the stated limit.

#### **4.18.5 Cash Advances** *(Revised 4-7-2015)*

Employees who do not have access to College credit cards may obtain a cash advance for travel, up to a maximum of \$100 per day, by submitting a request for travel approval form. Failure to submit the required expense reimbursement for travel form within 30 days of travel completion will be cause to deduct the full cash advance amount from the employee's paycheck.

#### **4.18.6 Prospective Employees** *(Revised 6-19-2014; Revised 4-7-2015)*

With the approval of the College President or his/her designee, applicants selected for interviews may be reimbursed for expenses not to exceed the established amount when traveling 100 miles or more for the interview. Allowable expenses will include lodging and transportation (i.e. air travel, rental car, fuel) or as designated by the College.

#### **4.18.7 Relocation Within the College District** *(Revised 6-18-2014; Revised 4-7-2015)*

Relocation expense reimbursements for moving into the East Central College District will be allowed for the President and Vice Presidents. The reimbursement is considered an incentive for College administrators to reside in the District. Relocation reimbursement for moving into the East Central College Service Region may be allowed.

The employee will be eligible for reimbursement only once if the move falls within the first year of employment. The College President may approve an extension of up to one year based upon extenuating circumstances.

The College will reimburse according to the IRS guidelines for deductible expenses (non-taxable). Deductible expenses are items

which an employer can reimburse without having to tax the employee on payment. Reimbursements will be reported on the employee's W-2.

The President will approve the reimbursement of relocation expenses up to \$2000 for Vice Presidents. The Board of Trustees will approve the reimbursement of relocation expenses for the College President as negotiated in the contract. Relocation reimbursement for other positions and/or moving to a residence located in the Service Region or outside of the District will require recommendation by the College President and approval of the Board of Trustees.

Qualified deductible expenses include:

- a. Rental transportation and packing of household goods and personal effects.
- b. Travel of spouse and dependent(s) living in the immediate household; allowable for one trip by the employee and one trip per household member. Family members do not have to travel together but the family members' relocation must be within the year of the move of the employee.
- c. Lodging for one night stay at old location, one night stay at new location and lodging while traveling en route to new location.
- d. Moving of personal autos.

Nonqualified expenses include:

- a. Meals, food and/or beverages
- b. Relocation of nondependent(s)

Reimbursement requests are to be submitted within 30 days of the completed move. A signed expense reimbursement form, along with original receipts and/or other supporting documentation for the expenses, should be submitted to Human Resources.

#### **4.19 Facilities Maintenance and Repair Account Policy (Adopted 12-7-1987; Revised 6-23-2003)**

An account designated as the Facilities Maintenance and Repair account shall be maintained for the purpose of correcting construction deficiencies and/or structural and mechanical deterioration. Funds in this account are subject to state guidelines for use of state maintenance and repair appropriations and approval by the Board of Trustees.

Approval to address an emergency situation immediately is granted by the Board of Trustees under this Policy. An emergency for this purpose is defined as:

- a. A condition such that life or safety is threatened,
- b. A condition that affects the structural integrity of a building
- c. A condition causing mechanical or electrical system failure and severely affecting working environment.

The President is authorized to address any such situation as quickly as possible and report to the Board of Trustees the condition and its corrected status at the earliest possible meeting time.

**4.20 Surplus Property Policy** *(Adopted 5-1-1990; Reaffirmed 12-2-1991, 8-28-2003)*

The President of the College or his/her designee is authorized to act on behalf of the College in the acquisition or disposal of surplus property.

**Procedures:**

**4.20.1 Surplus Property Acquisition Procedures**

The College or its agents as designated by the President may acquire federal surplus property through the Missouri State Agency for Surplus Property under authority of the Federal Property and Administration Services Act of 1949. College employees desiring to purchase federal surplus property for College use must:

1. Obtain written authorization from the President including the dollar limit of items to be purchased.
2. Complete a purchase requisition form and obtain the appropriate signatures.
3. Obtain a purchase order from the Purchasing Agent.

**4.20.2 Surplus Property Disposal Procedures**

Property may be nominated as surplus by a unit supervisor, division chair or faculty of the department housing such property. The Director of Facilities and Grounds or his/her designee will then be responsible for formally deeming property surplus and for the appropriate disposal of the property.

1. Methods of Disposal:
  - a. **Direct Transfer** - The department or unit housing such property may make a direct transfer to another department within the College having a need for such equipment or property, with notice to the Director of Facilities and Grounds or his/her designee. Any items purchased with Perkins, vocational enhancement or RTEC funds may be transferred only to another vocationally-funded program within five years of purchase, with permission of the vice president in charge of occupational-technical programs and with notice to the Director of Facilities and Grounds.
  - b. **Sale** - Items with resale value, as determined by the Director of Facilities and Grounds or his/her designee, shall be sold by sealed bid or auction. Such sales shall be made to the highest

responsible bidder and shall be in conformance with all College purchasing policies and procedures.

- (1) Terms of sale. Property shall be sold "as is and where is" and without any warranty whatsoever.
  - (2) Costs. All costs, including transportation and fees, in connection with the act of the sale and all other related costs and fees shall be borne exclusively by the purchaser.
- c. **Local Disposal** - Surplus or obsolete items determined by the Director of Facilities and Grounds or his/her designee to have little or no transfer or sale value may be locally disposed of. Items requiring special handling shall be disposed of in accordance with all local, state and federal laws and regulations.
  - d. **Trade In** - The Director of Facilities and Grounds may take advantage of opportunities to trade in surplus property on the purchase of like items if it is monetarily advantageous to the College.
  - e. **Donation** - The President of the College or his/her designee is authorized to distribute surplus property to other in-district public educational institutions as provided by state statute and regulation.

**4.21 Default of Payment** *(Approved 3-8-2004)*

Payment of tuition and fees is due pursuant to the published schedule. Any student defaulting on this payment, either through a returned check or rejected credit card, will be dropped from course(s) immediately. When a student's check for payment of goods or services is returned for a non-existent account or insufficient funds, a charge will be assessed.

**4.22 Bank Credit Card Policy** *(Adopted 5-1-1990; Revised 6-23-2003)*

The Board of Trustees approves the issuance of a bank credit card to the President of the College. The President is empowered to authorize the bank to issue credit cards to other designated officers and employees. Payment of any or all College credit card bills requires supporting documentation, normally purchase receipts, and the signature approval of the cardholder indicating verification of charges as accurate. Credit cards are to be used solely for College purposes. Personal purchases are prohibited.

**4.23 Bookstore Policy** *(Revised 12-2-2002)*

East Central College will operate a College Bookstore for the benefit of the students, faculty, and staff of the College. The bookstore will operate without

subsidy from the general College operation. Students, faculty, and staff will follow procedures outlined regarding utilization of the East Central College Bookstore.

**Procedures:** *(Revised 8-25-2008)*

- 4.23.1 Office supplies for College use are available in the bookstore. Supplies may be purchased by departmental charge. The bookstore shall prepare a monthly report on detailed purchases by division or department. A requisition with proper authorization must accompany any order over \$100 (books or supplies).
- 4.23.2 Book return periods will be set and publicized by the bookstore and will be those of most service to students.
- 4.23.3 Copyright laws and procedures will apply to all materials.

**4.24 Solicitation and Fundraising Policy** *(Adopted 12-3-1968; Revised 1-2005)*

Soliciting for any cause is prohibited on the campus, although the College may participate in certain community or organizational fund drives as authorized by the College President. The exhibition and/or sale on campus of any articles or services not otherwise sanctioned by the College is prohibited.

**Procedures:** *(Revised 8-25-2008)*

- 4.24.1 The College will promote the ECC Foundation and the United Way as institutional causes.
- 4.24.2 Individual employees may solicit co-workers and/or employee groups for support of personal causes.
- 4.24.3 Solicitations from individuals not employed by the College will not be permitted.
- 4.24.4 Agents and salespersons of various firms selling products and services needed and used by the College are welcome on campus in the appropriate offices.
- 4.24.5 All fundraising activities with the purpose of accepting gifts or donations for student clubs or organizations, athletic teams, or employee groups or associations must have prior approval by the Foundation Director.

**4.25 Gifts** *(Adopted 8-25-2008)*

Employees may not accept or solicit personal gifts of any kind from any student or any individual or firm doing business with or seeking to do business with the College.

**Procedures:**

- 4.25.1** A gift is defined as (a) any item with a cash value exceeding \$25, or (b) a combination of gifts from one source over the course of a one-year period which totals more than \$25.
- 4.25.2** Complimentary tickets, passes, or coupons with no stated cash value are considered gifts for the purposes of this Policy if the normal price of admission for the event exceeds \$25.
- 4.25.3** Expenses for meals in conjunction with the discussion or transaction of College business are not considered gifts for purposes of this Policy.
- 4.25.4** Promotional items of inconsequential value such as pens, cups, hats and shirts are not considered gifts for purposes of this Policy.
- 4.25.5** Sponsorships, donations, or items of value exceeding \$25, when accepted or solicited on behalf of the East Central College Foundation are not considered gifts for purposes of this Policy.
- 4.25.6** Any exception to this Policy must be approved in advance by the President or his/her designee.

**4.26 Product Endorsement** *(Adopted 8-25-2008)*

Any entity other than the College may not use the College's name, logo or trademark in any printed material or other media for endorsement of its products or company. Exceptions must be authorized by the Board of Trustees.

**4.27 Naming of East Central College Facilities** *(Adopted 10-5-2009)*

The Board of Trustees has the exclusive authority to name the facilities and property of East Central College, including but not limited to College buildings, portions of buildings, streets, athletic facilities and other physical features. To be adopted, a majority of the whole Board (four votes) must approve the proposed name.

**Procedures:** *(Adopted 10-5-2009)*

- 4.27.1** The Board of Trustees may consider naming honors for an individual who, through exemplary personal, professional or civic endeavors, has had a significant, lasting and measurable impact on the College, local region, state, nation or the world. Years of dedicated service to the institution as an employee in and of itself shall not be considered sufficient justification for naming. At least one year must elapse before an individual formerly employed by or associated with East Central College may be nominated for naming honors.
- 4.27.2** The Board of Trustees may also consider naming honors for individuals, families, partnerships, corporations, foundations or organizations who make a substantial monetary gift to the College or

the East Central College Foundation. In the case of a pledged gift, naming will take place only when the financial pledge has been fulfilled. Amounts for naming opportunities will be set and adjusted periodically by the East Central College Board of Trustees.

- 4.27.3** Naming proposals must be prepared confidentially to protect the privacy of the nominee and his or her family while the proposal is under consideration. Proposals must be presented in writing to the College president and must include supporting justification. The credentials, character and reputation of each individual, organization or corporation for whom a naming is being considered will be carefully scrutinized and evaluated. No naming will be approved or continued that will call into serious question the public respect of the College.
- 4.27.4** When a building or significant area has been named, the College will continue to use the name so long as the building or area remains in use and serves its original function. When the use has changed such as it must be demolished, substantially renovated or rebuilt, the College may discontinue use of the name.

**4.28 Facilities Use Policy** *(Adopted 11-2-1987; Revised 3-4-2002)*

East Central College welcomes community use of College facilities and resources although priority of access to all College facilities and resources will be given to East Central College students, employees and alumni.

**Procedures:** *(Revised 4-6-2006)*

**4.28.1 Granting of Use**

The President, or designee, is authorized and empowered to grant the use of College facilities or resources provided such use is congruent with the educational mission of the College, temporary in nature and does not interfere with, negatively affect or disrupt the operations of the College. Use of College property or facilities may be granted only for uses allowed by law or state regulations. Uses of other than a temporary nature must be approved by the Board of Trustees.

**4.28.2 Library Use**

Residents of the East Central College district who are 18 years of age and older may sign up for community member library privileges. In addition, some high school districts have formal agreements allowing their students to utilize the College library.

**4.28.3 Computer Resources**

Community residents using College computer resources are subject to the Information Technology Policy found on the East Central College website



at [www.eastcentral.edu](http://www.eastcentral.edu). All community users must abide by the posted hours and rules of operation in any open computer lab.

#### **4.28.4 Priority of Use**

In order to assure appropriate scheduling among groups permitted to use College facilities, the following priorities will serve as guidelines.

- a. College scheduled courses, programs, and activities
- b. College-related activities, recognized College-sponsored organizations and those public or private agencies whose purpose(s) relate to the advancement of community college programs and/or sponsored activities
- c. Other non-profit organizations or groups
- d. For-profit groups

#### **4.28.5 Liability**

East Central College will hold groups using facilities responsible for any and all damages sustained during, or as a result of, an event.

Liability insurance will be required by the district for use of College facilities if, in the opinion of the College, such insurance is necessary. A certificate of insurance shall declare East Central College to be held harmless in the event of bodily injury or property damage and must show ECC as an additional insured to their general liability policy. ECC will not be liable for any loss or damage to personal property or personal injury resulting from use of College facilities by outside organizations.

In the interest of the personal safety of all individuals, all reservations for College facilities are approved on the assumption that the facility will be used for the purpose intended, as normally equipped, and in compliance with all College regulations and all applicable laws.

#### **4.28.6 Scheduling**

Application forms, fee schedules and procedures for use may be obtained from the administrative assistant to the Director of Facilities and Grounds. The ECC Facilities Contract is also available on the website.

The administrative assistant to the Director of Facilities and Grounds shall consult with the Chief Financial Officer to determine fees to be charged for the use of College property or facilities based on the latest fee schedule.

The administrative assistant to the Director of Facilities and Grounds shall coordinate the need for equipment, maintenance services, etc. with the departments responsible for those items or services.

#### **4.28.7 Food Services**

Food services are provided on the East Central College campus. While College groups and organizations are given first preference in scheduling food service, external users may also schedule food service. A request must be filed with the administrative assistant to the Director of Facilities and Grounds at least ten (10) days prior to the date for the external activity.

#### **4.28.8 College Gymnasium**

- a. **General** - The use of the gymnasium should be supervised at all times by those responsible for the event. Maximum use of the facilities for College activities will be made provided rental use will be allowed only for those activities which will occasion normal wear and routine cleaning and maintenance.
- b. **Priorities** - The following priorities for scheduling will be followed:
  - (1) College classes
  - (2) Athletic teams
  - (3) Intramurals
  - (4) Non-credit classes
  - (5) Other College activities
  - (6) Community groups
- c. **Procedures for Scheduling** - Internal users will submit completed request form to the administrative assistant to the Director of Facilities and Grounds for approval at least two (2) weeks in advance of date requested. Community groups' requests should be submitted to the administrative assistant to the Director of Facilities and Grounds.
- d. **Regulations for Gymnasium Use**
  - (1) No smoking in the gym at any time.
  - (2) No food or beverages in the gym.
  - (3) Gym shoes or sock feet only are permitted on the gym floor. Shoes worn outside, even gym shoes, are damaging to the floor.
  - (4) College officials may deny use of the gymnasium to individuals or groups for failure to observe these regulations.

**4.28.9 Rental Fees and Charges** - A schedule of rental fees and charges for the rental of College property or facilities will be developed and maintained by the Chief Financial Officer.

#### **4.29 Political Activities** *(Adopted 1-6-1997; Revised 8-25-2008)*

All activities by College employees and all uses of College property for political purposes or in the context of political issues should be in compliance with federal and state laws and should protect the neutrality of the College.

##### **Procedures:**

##### **4.29.1 Election Advocacy Expenditures**

No person shall make any contribution or expenditure of any College funds or use any property of the College to advocate, support, or oppose any ballot measure or candidate for public office. The use of College property to host candidates or sponsor events on an unbiased and non-partisan basis for educational purposes shall not be deemed prohibited by this provision.

##### **4.29.2 Endorsements**

No person shall make any endorsement for any political candidate on behalf of the College or imply that such endorsement exists, nor shall any private activity of any person employed by or associated with the College be deemed to be such an endorsement.

##### **4.29.3 Candidate Debates and Events**

For educational purposes designed to inform voters, the College may invite candidates to visit the campus to speak or debate. Invitations shall be made only by the College President or designee and shall be on a non-discriminatory, non-partisan basis, limited only by the need to provide a fair and workable forum. No changes in the normal schedule of College activities will be made for these events.

##### **4.29.4 Disruption of Educational Process** *(Revised 8-25-2008)*

Political activities on College property, including canvassing, shall not be permitted to disrupt the educational process, destroy College property, or interfere with the rights of others on campus. Non-classroom activities shall be located and conducted so as to comply with this Policy.

##### **4.29.5 Employee candidacy**

No employee of the College shall engage in any activity promoting his or her own candidacy for public office during any hours in which he or she is acting on behalf of the College.

#### **4.30 Keys Policy** *(Adopted 11-2-1987; Revised 6-23-2003)*

Keys to provide access to College property will be issued to employees subject to established procedures.

**Procedures:**

- 4.30.1** Keys for access to College property will be issued and appropriate records regarding such issuance maintained by the Director of Facilities and will be governed by the following guidelines:
- a. Full-time contractual employees may request building and interior keys in order to have access to their office and/or work areas.
  - b. Other College personnel may, with supervisory approval, request keys to have access to the work assignment area.
  - c. All requests for keys must be made on an approved form which requires agreement that the key(s) shall not be loaned, duplicated or issued to another individual at any time.
  - d. Keys will not be issued to students, and employees are not to loan keys assigned to them to students.
  - e. All keys must be returned to the office where received upon resignation and prior to the payment of last salary check. In the case of part-time personnel, keys should be returned prior to the last salary payment unless the individual is under contract for the next session or semester
  - f. Failure to use keys in accordance with requirements stated herein may result in the loss of key privileges as well as appropriate disciplinary procedures.

**4.31 Tobacco-Free Campus Policy** *(Adopted 12-5- 2011)*

Effective January 1, 2013, East Central College will become a tobacco-free campus. Usage of all tobacco products will be prohibited on all properties owned or leased by the College including facilities, buildings, parking lots, athletic fields and common areas. The term “tobacco products” shall include eCigarettes and hookah and such other smoking-related substances and products as the College chooses to prohibit. This Policy applies to all faculty, staff, students, employees, contractors, performers and visitors. ECC is committed to providing its students, employees and visitors with a safe and healthy environment.

**4.32 Motor Vehicles Policy** *(Adopted 11-2-1987; Revised 8-28-2003)*

Operation of motorized vehicles by the public is permitted only on College roads and parking lots. Use of all other areas is prohibited. All motor vehicle operators will be governed by College regulations, and the statutes of the City of Union and laws of the State of Missouri.

**Procedures:**

**4.32.1 Vehicle Registration and Parking Permits**

- A. Employees, regardless of classification, must register all motor vehicles they park or expect to park on College property. Motor vehicles must be registered at the Business Office within 48 hours of initial employment or within 48 hours of purchase.
- B. College parking permits must be displayed as directed. A student permit is not required, but all employees are required to have and display a permit. Only students or employees displaying state-issued handicapped parking permits or license plates are eligible for reserved handicapped parking.

**4.32.2 Parking Violations**

- A. Employees, students or visitor owners, operators or registrants will be held responsible for any traffic or parking violations involving their vehicle.
- B. Students and visitors will be held responsible for handicapped parking and fire lane violations at all times and reserved lot violations between the hours of 7:00 a.m. and 4:30 p.m. Monday through Saturday. Fines may be levied in these cases by the College or the City of Union. College fines should be paid at the Business Office cashier's window.
- C. Those students who have outstanding fines at the end of the semester will be placed on a "hold" list. While the student is on this list, he/she can receive neither grades nor transcripts from the Registrar's Office and will be restricted from registering for any subsequent semesters. When the student is placed on the "hold" list, he/she will remain on it until the outstanding fines are paid.

**4.32.3 Abandoned Vehicles**

Vehicles abandoned on College grounds will be issued a College and/or city citation and will be towed at the owner's expense. The following are considered abandoned:

- (1) Vehicles displaying expired license plates.
- (2) Vehicles in an inoperative condition (including those with flat tires or engine problems) left on College grounds for a period exceeding 15 days. Such vehicles will be reported to the City of Union as abandoned vehicles.

#### **4.32.4 Visitors**

A College visitor is defined as any person other than a student or employee of ECC. Visitors are requested to comply with all College traffic regulations. A person operating a registered vehicle loaned by a relative or friend is not considered to have visitor status.

Visitor parking tags may be obtained from campus security and shall be displayed in order to park in spaces or areas otherwise designed for staff parking.

### **4.33 Fees and Refunds Policy** *(Reaffirmed 12-2-1991; Revised 5-8-2006)*

The Board of Trustees will establish tuition, fees and refund rates and schedules for students attending the College. Tuition, fees and refund schedules are subject to change at any time and without advance notice. Tuition and fees established by the Board shall be published in the College catalog or other appropriate publications. A schedule of tuition, fees and refunds will be available from the College website, Registrar's Office or Business Office.

#### **Procedures:** *(Revised 8-25-2008)*

##### **4.33.1 Installment Payment Policy**

An installment payment of fees is permitted at a rate and schedule to be established by the administration.

##### **4.33.2 Bank Card Payment**

Use of bank cards in paying for fees is permitted.

##### **4.33.3 Business Waiver**

Out-of-district fees will be waived for individuals whose fees are being paid by an in-district business or industry.

##### **4.33.4 Senior Citizens Waiver** *(Revised 5-20-2014)*

Tuition will be waived for any Missouri resident who is 65 years of age or older on or before August first of a school year for College credit courses on a space available basis. Proof of eligibility will be required when registering. Courses must be taken on an audit basis, contingent on space availability, and all course prerequisites must be met prior to registration. General fees and special course fees are not included in the Senior Citizens Waiver. The Senior Citizens Waiver does not apply to courses offered only on a non-credit basis or programs offered through educational partners. Senior citizens may begin registering three (3) weeks prior to the start of the semester.

#### **4.33.5 Tuition for Veterans** *(Revised 2-18-2015)*

The following individuals shall be charged the in-state rate or be otherwise considered a resident for tuition purposes:

- Veterans using educational assistance under either Chapter 30 (Montgomery G.I. Bill – Active Duty Program) or Chapter 33 (Post-9/11 G.I. Bill) of Title 38, United States Code, who live in the State of Missouri while attending East Central College (regardless of their formal state of residence) and enroll in the College within three years of discharge from a period of active duty service of 90 days or more.
- Persons using transferred Post-9/11 G.I. Bill benefits who live in Missouri while attending East Central College (regardless of their formal state of residence) and enroll at the College within three years of the transferor's discharge from a period of activity duty service of 90 days or more.
- A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship who lives in Missouri while attending East Central College (regardless of their formal state of residence) and enrolls at the College within three years of the Service member's death in the line of duty following a period of active duty service of 90 days or more.
- Persons described above while they remain continuously enrolled at the College. The person so described must have enrolled at the College prior to the expiration of the three year period following discharge or death described above and must be using educational benefits under Chapter 30 or Chapter 33 of Title 38, United States Code.

#### **4.33.6 Appeals Process**

In the event of extenuating circumstances and with proper written documentation, a partial or total refund for tuition may be granted. Students may appeal through the office of the Chief Student Affairs Officer.

#### **4.34 Ownership and Equity Policy** *(Adopted 1-4-1988; Revised 8-25-2008; Revised 3-2-2015)*

East Central College recognizes that ownership of inventions and/or materials by College personnel, and the royalties resulting therefrom, normally belong to the employee, except as otherwise provided in this Policy:

- A. When the invention and/or intellectual property bears a direct relationship to, or is made or developed in connection with, the employee's College duties.
- B. When the invention and/or intellectual property is made or developed with a combination of College facilities, equipment (owned or rented), materials, funds, information, or with time and services of College employees and/or students during performance of their College duties or assignments. (See Supplemental Employment Policy).

- C. When the invention and/or intellectual property is made or developed in performance of College-commissioned projects including private or government sponsored grants received by the College.

It shall be the responsibility of the employee to obtain any copyrights or patents relative to joint ownership. It shall be the responsibility of the College to obtain any copyrights or patents for inventions and/or intellectual properties made or developed under the auspice of a College commission.

## **Procedures:**

### **4.34.1 Definitions** *(Revised 3-2-2015)*

The following definitions apply under the terms of this Policy:

- A. Equity - The money value of a property or of an interest in a property in excess of claims or liens against it.
- B. Inventions - All devices, discoveries, processes, methods, uses, products, or combinations, whether or not patented or patentable at any time under the Federal Patent Act as now existing or hereafter amended or supplemented.
- C. Intellectual Properties - All intellectual and creative works that can be copyrighted, including educational materials and products; databases; computer software and materials; research materials; web-based learning resources and/or materials. It does not include lecture notes or literary, artistic, musical or theatrical works unless such work was commissioned by the College or otherwise specified as a “work-for-hire” in a written agreement between the College and employee, student or volunteer.
- D. Employee - Part-time and full-time members of the faculty, staff, all other agents and employees.
- E. Student Works – Intellectual property produced through individual initiative as part of a student’s coursework ordinarily belongs to the student. This includes papers, artistic and musical works, and other creative works made by students in the instructional process. Ownership of student works made during the course of employment or internship at the College shall be assigned to the College.
- G. Students - Any person officially enrolled in one or more classes or activities offered by the College.
- H. College - East Central College, Union, Missouri.
- I. Work-for-Hire – Copyrightable intellectual property which is deliverable to the College, prepared by an employee within the



scope of his/her employment, or produced as a result of a commission or agreement between the College and an employee, student or volunteer.

#### **4.34.2 Use of Inventions or Intellectual Properties Procedure**

Two categories of use of College-sponsored inventions or materials are identified:

- A. Internal - Use by any unit of the College ~~for instruction~~, either on or off campus.
- B. External - All uses other than by a unit of the College.

Use of the materials or inventions will be at the discretion of the College.

#### **4.34.3 Ownership and Equity Procedure**

If the College had no involvement in the development of an invention or intellectual property, the individual will receive full ownership and equity.

If the development of an invention or intellectual property was College-sponsored or was solely the result of the performance of duties by College employees, the College will receive full ownership and equity.

If inventions and/or intellectual property were made or developed jointly between the College and non-work related efforts by College employees and/or students, the College will enter into joint ownership arrangements with the employee and/or student. Exact percentages of ownership and other details shall be negotiated between the parties and set out in a binding agreement.

It shall be the responsibility of the employee to give written notification to the College of intent to make, develop, patent, or copyright inventions and/or properties as soon as possible.

Employees shall be responsible for obtaining appropriate written releases from individuals identifiable or in some manner requested to participate in the creation of the College supported materials. Written statements shall also be obtained from appropriate College personnel indicating that to the best of their knowledge any of the materials developed do not infringe on existing copyright or other legal rights.

If the employee wishes to take a sample of his or her materials or invention to demonstrate the level of work done in the project, this may be done if the employee pays for the costs of producing the

sample. This does not grant the employee any additional intellectual property ownership beyond that outlined above.

**4.35 Research Conducted on Campus** (*Adopted 7-12-2010*)

East Central College supports the use of student, faculty and staff surveys and investigative projects for educational research purposes. Surveys and research for commercial purposes will not be authorized. Potential survey/research subjects and class instructors may elect or decline to participate.

All surveys and research projects involving East Central College students, faculty and/or staff must be approved by the appropriate Vice President(s).

**Procedures:** (*Adopted 7-12-2010*)

- 4.35.1** Individuals (external and internal to the institution) wishing to conduct survey and/or research projects involving East Central College students, faculty and/or staff must contact the Office of Institutional Research, Assessment and Planning and complete an appropriate form.
- 4.35.2** Following review by the Office of Institutional Research, Assessment and Planning, the research request form will be sent to the appropriate Vice President(s). Approval by the appropriate Vice President(s) will be based on a review of the nature and purpose of the survey/research, the proposed research instrument and the likely benefit for the College.

**4.36 Safety Policy** (*Reaffirmed 12-2-1991; Revised 8-25-2008*)

East Central College will endeavor to provide a safe and healthful work environment for all employees and to minimize the risk of loss to personnel and property of the College.

**Procedures:**

- 4.36.1** Compliance with standard safety practices will assist the College in achieving safety and loss control.
  - 1. College employees involved in any accident that results in personal injury or damage to property should immediately report the accident to a supervisor and the Director of Human Resources.
  - 2. Any employee injuries should receive first aid promptly as overseen by a supervisor and if injuries are serious, local emergency health care providers should be contacted.
  - 3. Any condition or practice that might cause injury or damage to equipment should be reported immediately to a supervisor or the Director of Human Resources.
  - 4. No equipment in unsafe condition should be operated, and all equipment should be operated in a safe manner.

5. All prescribed safety and personal protective equipment should be used when required and maintained in working condition.
6. Each unit should develop and implement the standards of safety and loss control relevant to its work and should maintain a manual of prescribed practices, a list of safety rules and training so that all employees are aware of such standards and practices.
7. The use of drugs and/or alcohol is prohibited.
8. Compliance with existing safety and health laws that apply to the workplace is required.

**4.37 Reporting Crimes and Emergencies** *(Adopted 8-25-2008)*

Any student, employee or visitor who witnesses a criminal act, suspected criminal act or any other emergency occurring at any College location should, as soon as possible after such event, contact a College official who has significant responsibility for student and College activities. All reports concerning such activities will be investigated thoroughly and promptly, and timely reports regarding the occurrence of crimes at any College location will be disseminated to members of the College community in accordance with applicable laws.

**4.38 Security and Access to College Facilities** *(Adopted 8-25-2008)*

The College, in considering security and access to College facilities, has attempted to balance the need for convenience and accessibility with that of adequate security. To that end, most College facilities should generally be accessible to all students, employees and visitors during normal business hours. After normal business hours, access to College facilities may be restricted to students, employees and selected visitors, each of whom may be required to display proper identification upon request.

**4.39 Cellular Phone or Other Mobile Communication Devices** *(Adopted 4-7-2003; Revised 8-25-2008; Revised 2-2-15)*

College employees may be paid an allowance for a cellular phone or other mobile communication device when the device is deemed essential to the performance of the employee's duties. Provision of this allowance must be approved by the President or designee.

**Procedures** *(Revised 2-2-15):*

**4.39.1 Allowance for Cellular Phone or Other Mobile Communication Devices**

Full-time administrative and professional staff may receive a non-taxable allowance for a cellular phone or other mobile communication device when it is deemed a business necessity to the performance of the employee's duties and as approved by the President.

- a) The dollar amount of the allowance should approximate the employee's anticipated business-related expenses.
- b) The allowance is intended to reimburse the employee for the business use of the phone, not to pay the entire phone bill, under the assumption that most employees also use their cell phone for personal calls.
- c) The allowance amount will not exceed the employee's monthly phone bill.
- d) The allowance payment rate will be reviewed annually and is subject to change.
- e) The allowance is not an entitlement and the amount can be changed or withdrawn as deemed necessary.

#### **4.39.2 Approval for Allowance Payment for Positions**

The appropriate area vice president may request approval for an allowance for a cellular phone or other mobile communication device for staff who require a device for College business. The allowance will be charged to the department budget.

The President or designee will approve/disapprove requests for cellular phones or other mobile communication device allowance based on the Vice-President's recommendation, business necessity of the position and budget. The College will use a tiered allowance structure based on the job function of the employee as outlined below.

##### **A. Tier 1 - \$30 per month**

The employee's job function requires him/her to be accessible on a limited basis outside of scheduled or normal working hours to perform work-related duties and/or the employee spends a large portion of his/her normal working hours outside his/her office; the expectation is light usage of the phone for business purposes.

##### **B. Tier 2 - \$50 per month**

The employee's job function requires him/her to be accessible a considerable amount of time outside of scheduled or normal working hours and it is important to the College that the employee be accessible during those times to perform business-related duties. Types of positions funded under this tier include, but are not limited to, Satellite Directors.

##### **C. Tier 3 - \$75 per month**

The employee's job function requires him/her to be accessible and on call to handle College needs as the situation dictates and routinely perform work-related duties outside of scheduled or normal working hours that cannot wait until the next business day. Types of positions funded under this tier include, but are not

limited to, Vice Presidents, Director of Public Relations, Director of Facilities and Grounds, and Director of Information Technology.

- D. The phone allowance for the College President is determined by the Board of Trustees.
- E. An employee who occasionally requires a mobile device for business purposes is not eligible for an allowance but may qualify for reimbursement.

#### **4.39.3 Allowance Payment for Use of Personal Cellular Phone or Mobile Device for Necessary College Business**

Employees who are eligible for the phone allowance must complete the Cell Phone Allowance Request Form. The request must be approved by the area Vice President and the College President. The allowance is paid monthly and is non-taxable. This allowance does not increase the employee's base salary and will not be included in the calculation of any College benefits.

The allowance will be effective from the hire date to the end of the fiscal year and again at the beginning of each fiscal year.

The allowance will stop under the following conditions:

- 1) Employee accepts a position that is not eligible
- 2) Termination of employment
- 3) Misuse of phone - usage that is inconsistent with College Policy or with local, state or federal law
- 4) Changes deemed by administration make the employee's position ineligible for the allowance

#### **4.39.4 Responsibility of Users**

The cell phone service is personally owned by the employee. An employee with a cell phone allowance must maintain an active cell phone contract for the life of the allowance.

If the employee's job requires the use of a cell phone or other mobile device, appropriate safety precautions must be taken when operating the phone or device while conducting college business in a vehicle.

Acceptance of the allowance will constitute the employee's permission to allow the College to distribute the phone number as appropriate to conduct official College business, as defined in the approval process.

The College does not accept any liability for claims, charges or disputes between the service provider and the employee.

An employee receiving an allowance must be able to show, if requested by his/her supervisor, a copy of the monthly access plan charges and business related use to determine if the amount of College allowance is appropriate. If the employee terminates the wireless contract at any point, he/she must notify his/her supervisor within five (5) business days to terminate the allowance.

Employees are expected to delete and/or provide to the College as appropriate all College data from the device when their employment with the College is severed, except when required to maintain that data in compliance with a litigation hold notice.

Any employee who receives an allowance is required to register their number with the College's emergency notification system.

Employees are expected to comply with applicable state laws regarding the use of cellular telephones.

Employees must assist the College in providing access to information about or contained on the mobile device covered by this Policy in response to requests for such data or information by third parties as required by Federal and/or State law.

#### **4.39.5 College issued Cellular Phone or Other Mobile Communication Devices Guidelines**

College departments may be issued a cellular phone or other mobile communication device when it is deemed a business necessity to the performance of the department duties.

##### **A. Business Use**

A College issued cellular phone shall be used for appropriate business purposes. Such use is defined as appropriate when an employee: a) must: make a call related to furthering College operations, b) is serving as employee with on duty responsibilities such as first responder, c) does not have access to a regular College telephone and the call cannot or should not wait until returning to the office.

##### **B. Responsibility of Users**

Acceptance of a College cellular phone or mobile communication device constitutes an agreement on behalf of the user to abide by all federal and state laws and regulations and College policies.

### **C. Misuse and Consequences**

Any intentional misuse of a College issued cellular phone or mobile communication device will be subject to the College's Code of Conduct and may result in the loss of cellular or mobile communication device and/or other disciplinary action.

#### **4.39.6 College-Provided Cellular Phone or Mobile Communication Device Service Selection**

##### **A. Purchasing**

The Purchasing Agent will facilitate the purchase of all cell/mobile communication equipment in accordance with applicable state statutes and College Policy. Upon the recommendation of the Purchasing Agent, the Chief Financial Officer will select the rate plan which best meets the needs and budget of the College.

##### **B. Billing**

Detailed billing delineating all calls placed and received is required for all College-provided cell/mobile telephone and/or communication devices. This detail will show the date and time of the call, an identification of the call (either the number dialed or incoming call designation), call length, and the cost of the call.

##### **C. Annual Review**

The Purchasing Agent will complete an annual review for the Chief Financial Officer of all cellular phones or mobile communication devices and services to evaluate that phones are being used appropriately and frequently enough to justify continued use and that the rate plan(s) assigned are appropriate for the type of use required.

#### **4.39.7 Cellular Phone or Mobile Communication Device Control**

##### **A. Termination of Service**

All equipment purchased by the College remains property of the College. When employment is terminated for any reason or an employee is separating from the College, all equipment must be returned to the College.

If it is determined that a current employee no longer needs a cellular phone, the supervisor should notify the Purchasing Agent so that this service may be discontinued. The President or

designee and the Chief Financial Officer shall retain the right to suspend or discontinue the use of any or all cellular phones or mobile communication devices if this is determined to be in the best interest of the College.

**4.40 Weapons** *(Adopted 5-8-2006)*

East Central College prohibits all persons who enter any College property from carrying on his/her person a handgun, firearm, or other weapon prohibited by law.

**Procedures:**

- 4.40.1** No person shall carry a concealed firearm onto the main campus or off-site locations at any time regardless of whether the person is licensed to carry the weapon or not.
- 4.40.2** This prohibition shall apply to students, employees and members of the public. The prohibition shall not apply to law enforcement officers, sheriffs, and deputy sheriffs who are authorized by law to carry firearms.
- 4.40.3** Any person who has a conceal and carry permit or endorsement who is carrying a concealed firearm will be denied entry and ordered to leave the premises. All College employees are authorized to deny entry and order persons carrying concealed firearms to leave the premises.
- 4.40.4** College employees and students who violate the provisions of this Policy shall be subject to disciplinary action up to and including dismissal.
- 4.40.5** The College shall post appropriate notice that concealed firearms are prohibited at all College locations.

**4.41 Automated External Defibrillators** *(Adopted 12-11-2006)*

The College may acquire and install automated external defibrillators (AED's), designate a medical advisor for the AED program, and appoint a program coordinator to administer the maintenance and use of AED's, pursuant to R.S. Mo. 190.092.

**4.42 Use of Alcoholic Beverages on College Property** *(Adopted 12/8/2014)*

The possession, use, or distribution of alcoholic beverages on property owned or leased by the College is strictly prohibited unless approved by the College President for unique and special Events, or in support of a Program of Study. Approval must be granted by the President in advance for each Event at which alcohol will be served, or for each Program of Study in which alcohol will be



used or served. The College President shall only approve the use or serving of alcohol at Events sponsored by the College, East Central College Foundation, or in conjunction with the College's related Programs of Study.

**Definitions:**

For purposes of this Policy, the following definitions apply:

Program of Study: An academic program leading to a degree or certificate.

Event: Any activity that is not solely related to instruction in an approved Program of Study, and/or which includes participants other than students enrolled in, and faculty associated with, the Program of Study. Events may include, but are not limited to, receptions, meetings, or non-credit courses.

College Property: Buildings or grounds owned or leased by the College.

**Procedures:**

- 4.42.1** The College observes and enforces all applicable laws and regulations governing the sale, purchase, distribution, consumption, and possession of alcoholic beverages, and expects that all members of its community adhere to these laws and regulations both on and off campus.
- 4.42.2** The College complies with the requirements of the Drug Free Schools and Communities Act Amendments of 1989 (20 U.S.C. § 1011i), and the Drug Free Workplace Act of 1988 (41 U.S.C. § 8101 et seq.).
- 4.42.3** When alcohol use is approved by the College President, all faculty, staff, students, and visitors are expected to observe and obey the laws of the State of Missouri, including, but not limited to, those which prohibit any person under the age of 21 from purchasing, attempting to purchase, possessing, or from being served any intoxicating beverage, and RSMo.311.325 (4), which pertains to college students enrolled in a culinary course.
- 4.42.4** Violations of applicable law and/or this Policy will be handled in accordance with applicable law enforcement or College disciplinary procedures.
- 4.42.5** The College President may approve the use of alcohol for a Program of Study upon the recommendation of the Chief

Academic Officer. Such approval shall remain in force unless rescinded or modified by the President.

- 4.42.6 Requests to serve alcohol at Events on College Property must be submitted to the College President for consideration. Requests must include information explaining the purpose of the proposed Event, the identity of the entity serving the alcohol, as well as written affirmation that the Event will comply with all applicable laws and licensing requirements. An approval request form shall be used for this purpose. A request to serve alcohol at an Event shall be approved by the College President before the use of alcohol is permitted in accordance with this Policy.
- 4.42.7 The College and/or Foundation, as appropriate, shall acquire and maintain appropriate liability insurance coverage for Events and/or Programs that involve the use and/or serving of alcohol on College property.
- 4.42.8 Alcohol used in support of a related Program of Study shall be stored securely, and the use and/or serving of alcohol shall be supervised by appropriate faculty.
- 4.42.9 Procedures for the use and/or serving of alcohol on College Property shall be reviewed annually.
- 4.42.10 This Policy is designed to serve the educational purposes of related Programs of Study, and to ensure legal and responsible behavior regarding alcohol use when served on College Property.

**4.43 Expressive Activities** *(Adopted 4/11/16)*  
East Central College is committed to providing an environment that embraces the principle of freedom of expression for all persons. The purpose of this policy is to ensure that an academic environment is created and maintained that allows for open communication, discussion, and exploration of ideas, while also ensuring that there is no unreasonable disruption of the College function, nor any danger to community members, damage to personal or College property, or unconstitutional interference with the rights of others. Accordingly, all non-commercial expressive activity, including all forms of peaceful assembly, protests, speeches, distribution of literature, carrying signs, and circulating petitions (hereinafter “Expressive Activities”), will be subject to the constitutional limitations set forth in the associated procedures.

**Procedures** *(Adopted 4/11/16):*

The following restrictions shall be applicable to non-commercial Expressive Activities conducted in the outdoor areas of East Central College:

#### **4.43.1 Time**

Individuals or organizations may engage in Expressive Activities from 8 a.m. to 8 p.m.

#### **4.43.2 Manner**

1. No one may engage in any activity that violates local ordinances, or state or federal laws.
2. No one may engage in any activity that endangers personal safety and/or that results in damage to personal or College property.
3. No one may display or distribute obscene materials, as defined by local, state or federal law, or is within the definition of obscenity as set forth in decisions of the United States Supreme Court.
4. No one may engage in any activity that defames any other person.
5. No one may engage in any activity that it meant to incite or produce imminent violations of law under circumstances such that the activity is likely to actually and imminently incite or produce violations of law.
6. No one may engage in any activity that substantially and materially disrupt the functioning of the College, including the disruption of class work (including out of class studying), or the substantial invasion of the rights of others.
7. No one may engage in any activity that disrupts or impedes the flow of traffic (vehicular or pedestrian) on campus, or obstruct access to or from campus buildings or any official College function.
8. No one may attempt or threaten to strike, shove, kick or otherwise subject a person to unwanted physical contact.
9. No one may follow a person in or about the campus in an effort to cause such person to accept material when such person has rejected the receipt of such material or otherwise clearly indicated a refusal to accept such material.
10. No one may persist in requesting or demanding the attention of any other person during a single encounter after such person has rejected the receipt of such material or otherwise clearly indicated a refusal to accept such material.
11. No one may fail to identify oneself to, or comply with the lawful direction of, a clearly identified College official or any

other public official acting in the performance of their duties while on College property, or resist or obstruct such College or other public officials in the performance of or the attempt to perform their lawful duties.

#### **4.43.3 Large Events**

In addition to the time, place, and manner restrictions above, the following restrictions apply to non-commercial Expressive Activities in the outdoor spaces of the College:

For any person or group wanting to hold a rally, protest, parade, or other event involving twenty (20) or more people, this person or group's designee must apply for a permit with the Facilities Administrative Assistant within three (3) business days of the event. The application must contain the desired time and location of the event, the approximate number of persons attending, and the approximate duration of the event.

The College President will review the applications and grant the permit on a first come, first served basis within two (2) business days, to allow for the College to coordinate multiple uses of limited space, assures preservation of the area, prevent uses that are dangerous, unlawful, or impermissible, and to assure financial accountability for any potential damage caused by the event.

## SECTION 5: PERSONNEL POLICIES AND PROCEDURES

### 5.1 **Notice of Non-Discrimination** *(Adopted 12-2-2013)*

Applicants for admission and employment, students, employees, sources of referral of applicants for admission and employment and individuals with whom the Board of Trustees and College officials do business are hereby notified that East Central College does not discriminate on the basis of race, color, religion, national origin, ancestry, gender, sexual orientation, age, disability, genetic information or veteran status.

Inquiries related to employment practices may be directed to Wendy Hartmann, Human Resources Director, 005-D Multipurpose Building, telephone number 636-584-6710 or [hrnotice@eastcentral.edu](mailto:hrnotice@eastcentral.edu).

Inquiries/concerns regarding civil rights compliance as it relates to student programs and services may be directed to Shelli Allen, Vice President of Student Development, 131 Buescher Hall, telephone number 636-584-6565 or [stnotice@eastcentral.edu](mailto:stnotice@eastcentral.edu). Both offices are located at the ECC main campus located at 1964 Prairie Dell Road, Union, Missouri 63084.

#### **Procedures:**

#### 5.1.1 **Compliance Inquiries** *(Adopted 12-2-2013)*

Any employee or applicant having inquiries concerning East Central College's compliance with employment regulations implementing Title VII of Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, or the Americans With Disabilities Act of 1990 is directed to contact the Director of Human Resources, 005-D Multipurpose Building, telephone number 636-584-6710.

Any student who believes that he/she has been discriminated against on the basis of race, color, religion, national origin, ancestry, gender, sexual orientation, age, genetic information or veteran status should contact the Vice President of Student Development, 131 Buescher Hall, telephone number 636-584-6565. Any student who believes that he/she has been discriminated against on the basis of disability should contact an appropriate faculty member or Access staff and may use the grievance policy found in Policy 3.24.

A member of the public who believes that he/she is being discriminated against in violation of law should contact the Director of Human Resources.

### 5.2 **Employee Conduct and Discipline** *(Adopted 6-1-1992; Revised 12-2-2002; Reaffirmed 4-15-2014)*

Standards for employee conduct are necessary for the efficient and effective operation of the College, for ensuring a professional image for the College, and for the benefit and safety of all employees. Failure to meet these standards may be grounds for discipline.

## **Procedures:**

### **5.2.1 Expected Conduct** *(Revised April 15, 2014)*

All employees are expected to conduct themselves in a manner conducive to the efficient, effective, professional operation of the College. Such conduct includes:

- (a) Reporting to work punctually as scheduled and being at the proper work station ready for work at the assigned starting time.
- (b) Notifying the supervisor in advance of absence from work or inability to report on time, and following established department requirements for such notifications.
- (c) Wearing required protective clothing or devices for safety purposes and complying with all College safety regulations and procedures, including those established for labs and other instructional settings.
- (d) Complying with all College Policies.
- (e) Wearing clothing appropriate for the work being performed.
- (f) Maintaining an orderly work area.
- (g) Treating all students, fellow employees and others affiliated with the College, as well as visitors, in a courteous manner.
- (h) Refraining from conduct or communication deemed offensive, disrespectful or unprofessional.

### **5.2.2 Prohibited Conduct** *(Revised 4-15-2014)*

The following conduct is prohibited and will subject the individual involved to disciplinary action, including termination of employment.

- (a) Reporting to work under the influence of alcoholic beverages and/or controlled substances or selling, dispensing or unlawfully possessing alcoholic beverages and/or controlled substances on College premises or at College-sanctioned events.
- (b) Possession of firearms or other weapons on College property or at College-sanctioned events.
- (c) Threats, assault, and/or battery of a fellow employee, student, or visitor, or any other individual affiliated with the College.
- (d) Bullying which includes but is not limited to verbal, emotional or physical abuse, coercion and/or intimidation.

- (e) Slanderous or defamatory speech regarding a fellow employee, student, or any other individual affiliated with the College, as well as visitors to the College. This prohibition includes speech that is false, defamatory and malicious, spoken with a deliberate or reckless disregard of the truth, and with intention to damage another person or persons.
- (f) Theft, destruction, defacement or misuse of College property or of another employee's property.
- (g) Falsifying or altering any College record, ~~or~~ report, or timecard. Falsifying or misrepresenting any employment application materials, including, but not limited to, credentials, work or military experience, or references.
- (h) Failure to wear assigned safety equipment or failure to abide by safety rules and policies.
- (i) Engaging in any form of sexual harassment.
- (j) Failure to improve unsatisfactory performance.
- (k) Excessive absences or tardiness.
- (l) Failure to perform assigned duties.
- (m) Violation of federal or state laws, the policies of the Board of Trustees of The Junior College District of East Central Missouri, or conviction of a felony or crime involving moral turpitude.
- (n) Insubordination.
- (o) Discrimination on the basis of race, color, gender, ancestry, sexual orientation, age, religion, national origin, veteran status, genetic information or disability.
- (p) Violation of the College's Information Technology Policy found on the College web site.
- (q) Other misconduct not specified above which is sufficiently serious and detrimental to the best interests of the College to warrant disciplinary action.

### **5.2.3 Disciplinary Actions** *(Revised 4-15-2014)*

In most instances, work-related problems should be resolved at the employee-supervisor level. If an employee's conduct or performance necessitates corrective action, several actions fall within the purview of the supervisor. These may include informal counseling, verbal and written warnings, referral to the Employee Assistance Program (EAP), a performance improvement plan and/or recommendation for further discipline, including suspension or termination.

When considering discipline that includes a supervisor referral to the EAP, suspension or termination, the supervisor will work with the Division Vice President and Director of Human Resources. The Director of Human Resources shall provide leadership for the process in order to assure that discipline is imposed in accordance with personnel policies.

If necessary, the President of the College may assign the Director of Human Resources to conduct an investigation of the situation and make a written report regarding the circumstances and recommended action to the Division Vice President and the President of the College.

- a. If the individual in question is the Director of Human Resources, the President of the College shall appoint a College official to investigate and submit a report to the President of the College.
- b. If the individual in question is the President of the College, the President of the Board of Trustees shall appoint a representative to investigate and submit a report to the President of the Board of Trustees.

The College President will have final approval for the recommended disciplinary action, except in cases: (1) involving the College President, in which case disciplinary action shall be determined by the Board of Trustees or (2) requiring due process procedures, as defined below in section 5.2.4, in which case such procedures shall be followed.

In the interests of both the employee and the College, any investigation of potential disciplinary situations should be concluded expeditiously.

Disciplinary action may include but is not limited to the following, depending on the severity of the infraction: verbal warning, written warning, demotion, suspension with or without pay, and termination.

- (a) **Verbal Warning** - A reasonable number of ~~oral~~ verbal warnings may be given, at the discretion of the supervisor. Such warnings shall be noted in writing and placed in the individual's personnel file in Human Resources.
- (b) **Written Warning** - A supervisor may issue a written warning, a copy of which will be sent to the employee along with a copy to the Director of Human Resources for the employee's personnel file.



- (c) **Suspension With or Without Pay** - Suspension with or without pay may be invoked for a time period deemed consistent with the seriousness of the offense and the circumstances. A decision to suspend requires approval by the Human Resources Director, Division Vice President and College President. Earned vacation or other leave may not be applied during an unpaid suspension nor will leave accrue during an unpaid/paid suspension. Notice will be given in writing with a copy to the employee's personnel file in Human Resources. If applicable, the College will follow the due process procedures established in 5.2.4.
- (d) **Termination** - Employees may be immediately terminated when the seriousness and nature of an offense warrants. A decision to terminate will be made by the supervisor, Division Vice President, Human Resources Director and College President. If applicable, the College will follow the due process procedures established in 5.2.4.

**5.2.4 Due Process Procedures for Suspension or Termination of Contractual Employees** *(Revised 12-2-2002, 4-15-2014)*

- (a) Due process procedures for suspension or termination apply only to contractual employees, including full-time, faculty, administrators, and professional staff, and do not apply to at-will employees such as support staff and part-time instructors. These procedures also do not apply to (1) non-renewal of a limited term contract, (2) non-renewal of an annual contract, or (3) non-renewal of a continuous contract of a faculty member if such non-renewal is authorized by Policy 5.14.8C.
- (b) The President of the College has the discretion to initiate disciplinary action involving suspension or termination beginning at Step 2.
- (c) The following procedural steps are to be followed when a recommendation for suspension or termination is made. While legal requirements should be met, the intent of these is to establish simple steps that ensure fair treatment for all parties involved.

**Step 1: Attempt at Resolution** - If the President of the College agrees that the employee should be suspended or terminated, the President of the College or his/her designee shall meet with the employee and his/her representative to determine if a mutually agreeable disposition of the matter can be reached.

**Step 2: Formal Proceedings/Board of Trustees** - If no mutually agreeable disposition can be reached, formal proceedings shall be brought before the Board of Trustees. Such proceedings shall be initiated by the President of the College giving the employee written notice of a hearing and the charges which warrant suspension or termination. The employee in question shall remain in his/her position during the formal proceedings unless suspended by the President of the College. Such suspension shall be with pay unless the Board of Trustees decides otherwise.

- a. The notice shall provide that a hearing shall be held before the Board of Trustees on a particular day and at a certain time and place; that the individual in question may be present with or without a representative or attorney; and that he/she may present witnesses and other evidence on his/her behalf and may question witnesses presented by the College. The notice and charges must be received by the employee at least 10 days prior to the hearing.
- b. Should the individual in question not appear for the hearing, the disciplinary action proposed may be imposed by the Board without a hearing. Should the individual in question or his/her representative request additional time in which to prepare, the Board of Trustees, at its discretion, may grant such additional time and continue or postpone the hearing to another day and time.
- c. The hearing shall be conducted at the time and place called for in the notice or at the postponed time, if additional time is granted. The President of the Board of Trustees shall preside at the hearing unless the Board decides otherwise. Such hearing shall not be public and either party may ask that witnesses be present only during the time of their testimony. A recording shall be made of the hearing proceedings and a copy shall be made available to the employee whose discipline is in question.
- d. Formal legal rules of evidence need not be followed, and the Board President or other presiding officer shall determine what evidence may or may not be presented. The proper College official(s) or representative/attorney shall present the institution's position. The employee in question or his/her representative shall have the right to question any witness called by the College, just as the College's representative may question any witness called by the employee.

- e. At any time during the proceedings, any member of the Board of Trustees may question any witness or call for a point of order to be clarified.
- f. After testimony has been presented and each side has concluded its presentation, the Board of Trustees shall retire to review all information submitted and render a determination. The decision, which shall be in writing, shall be made no more than 30 working days from the date of the Board hearing.
- g. The decision of the Board of Trustees shall be final.

### **5.3 Employee Grievance** *(Approved 6-4-1990; Revised 5-8-2006, 12-2-2013)*

East Central College employees may file a grievance. For the purposes of this Policy, the term “grievance” shall refer to a violation or inequitable application of College policies, regulations, procedures, federal/state statutes, including the Americans with Disabilities Act of 1990 (ADA) as amended, Section 504 of the Rehabilitation Act of 1973, or other disability related statutory rights, or other existing laws. Individuals who have been terminated or whose employment contracts have not been renewed are not permitted to grieve the termination or nonrenewal, nor any action leading up to the termination or nonrenewal. (Note: Claims of discrimination or sexual harassment are covered in the Illegal Discrimination and Harassment Policy.)

#### **Procedures:**

##### **5.3.1 Grievance Process** *(Revised 12-2-2013)*

The College provides a process to resolve grievances for employees. The purpose of the grievance process is to secure, at the lowest possible administrative level, a prompt and equitable solution to individual grievances.

All College personnel who supervise employees are responsible for making certain that employees under their supervision have knowledge of the grievance process and understand that they may use the process without fear of retaliation.

Any false statement(s) or breach of confidentiality made in the course of or following the grievance proceeding shall be grounds for disciplinary action for any employee participating in the grievance process.

##### **5.3.2 Definitions** *(Revised 12-2-2013)*

- (a) Grievance – A grievance, as defined above, and presented in writing utilizing the Grievance Form.
- (b) Grievant – The individual filing a grievance in writing.
- (c) Employee – Shall refer to an individual hired by East Central College to perform services for compensation. Individuals must be a current employee to use the grievance process.

- (d) Grievance Review Committee – A committee of three to five employees the College President annually at the beginning of the fall semester.
- (e) Working Day – A working day means a normal College business day, exclusive of Saturday, Sunday, a scheduled holiday or recess observed by the College, or an unscheduled closing of the College.
- (f) Advisor – A person selected by the grievant to provide advice, support, consultation, and representation. The grievant is responsible for informing the supervisor and Human Resources Director that an advisor shall be present. The grievant’s advisor shall not be legal counsel and must be a current employee of the College.

### **5.3.3 Steps in Grievance Process *(Revised 12-2-2013)***

If appropriate, a good faith effort should be made to resolve the problem through the employee’s supervisor, Vice President and/or Human Resources prior to filing a formal, written grievance.

In any formal meeting of an investigative nature between the grievant, Supervisor and/or Human Resources the grievant shall have the right to be accompanied by his/her advisor. The Director of Human Resources or designee is responsible for coordination of the grievance process.

Step 1: Filing of Written Grievance - Present the grievance to the Human Resources Director in writing within 60 working days after the event or occurrence giving rise to the alleged grievance. The formal grievance will include the completed “Grievance Form” which shall include:

- (1) The name(s) of the grievant(s)
- (2) Date of submission
- (3) A statement of the incident/complaint of the grievant
- (4) Relevant Board Policy(ies) or relevant administrative procedure(s) alleged to be violated
- (5) The date on which the event or occurrence first transpired
- (6) Explanation of what actions have been taken
- (7) Supporting documentation
- (8) Names of witnesses
- (9) Such other information which the grievant deems relevant
- (10) The resolution or relief requested
- (11) The grievant(s)’ signature

The Director of Human Resources shall collect all relevant evidence, conduct interviews, hold any necessary meetings with all parties and their advisors (if requested), and render a decision and the reason(s) for that decision to the grievant in writing within 10 working days after receipt of the grievance.

New grievance issues that were not raised at Step 1 may not be raised by either party in subsequent steps.

Step 2: Appeal to the Grievance Review Committee - In the event the grievant is not satisfied with the decision at Step 1, he/she may appeal to the Grievance Review Committee through the Director of Human Resources within 10 working days of receipt of the Step 1 findings. The Grievance Review Committee will meet, elect a chairperson and secretary, and receive their charge from the Director of Human Resources.

In the event that an elected committee member wishes to disqualify himself/herself, the alternate committee member shall serve on the committee. The grievant may also challenge a committee member, who should then recuse himself/herself, and the alternate committee member shall serve. The grievant may only challenge one committee member. Disqualification must occur within 10 working days of the committee's receipt of the grievance. An alternate member must be selected by the 12th working day. No member may abstain from voting.

The committee will review all information submitted at Step 1 and render a decision of the majority of the committee as a whole and reason(s) for that decision no more than 10 working days from the hearing of the grievance. The decision will be a written finding of the committee sent to the grievant and the Director of Human Resources. Any committee member may include a written dissent.

Step 3: Appeal to the College President - In the event that the grievant is not satisfied with the decision at Step 2, he/she may within 10 working days of receiving the decision, present an appeal in writing to the College President. The appeal should include a copy of the original grievance and all applicable documentation along with the replies from Step 1 and Step 2.

The College President shall make such inquiries and review documents pertaining to the grievance and may convene a conference of the parties. The College President shall render a decision and the reasons for that decision, in writing, within 10 working days after the conference.

Step 4: Appeal to the Board of Trustees - In the event the grievant is not satisfied with the decision at Step 3, he/she may within 10 working days of receiving the decision, present an appeal in writing to the President of the Board of Trustees through the College President. The appeal should include a copy of the original grievance and all applicable documentation and be submitted no later than the Board's next regularly scheduled meeting along with the replies from Steps

1, 2, and 3. The Board of Trustees shall, in its sole discretion, either hold a hearing on the appeal or decide the appeal following a review of the documentation. In the event the Board decides the appeal following a review of the record, the Board's decision shall be in writing and shall be final.

In the event the Board of Trustees chooses to hold a hearing, the following procedures shall apply. The Board shall give notice to the grievant that a hearing to consider the grievance shall be held before the Board on the particular day and at a certain time and place; that the grievant may be present with or without an advisor; and that he/she may produce witnesses or other evidence on his/her behalf at the hearing.

Should the grievant or his/her advisor request additional time in which to prepare, the President of the Board of Trustees may or may not grant such additional time and continue or postpone the hearing to another day and time. This request shall be submitted through the College President.

The President of the Board of Trustees shall conduct the hearing at the time and place called for in the notice or at the postponed time, if additional time is requested. Should the grievant not appear for the hearing, the grievance shall be dismissed. Such hearing shall not be public and either party may ask that all witnesses not be present while any other person is testifying. In addition, a transcription or electronic recording shall be made of the hearing proceedings.

The grievant may produce witnesses in his/her behalf who may be questioned. He/she may also produce any other evidence which he/she may deem favorable to his/her position.

The proper College administrative official(s) or attorney shall represent and present the institution's position as applicable, and such grievant or his/her advisor may have the right to question any witness called by the institution.

At any time during the proceedings any member of the Board of Trustees may question any witness or call for a point of order of procedure to be clarified.

The Board shall review all information submitted and render a written determination of their findings and conclusions to the grievant no more than 40 working days from the hearing. The Board of Trustees may determine that the grievance is not properly founded and if so declare. If the Board decides that the grievance has merit, the Board shall take whatever corrective action is appropriate. The findings and conclusions of the Board of Trustees shall be in writing. The decision of the Board of Trustees shall be final.

#### 5.3.4 Administrative Guidelines

- (1) Multiple grievances filed simultaneously over a common occurrence or event may be processed in a joint action at the discretion of the Director of Human Resources.
- (2) In the interest of the prompt resolution of employee complaints, the action at each step of the grievance procedure should be taken as rapidly as possible. In the event of extenuating circumstances, an additional 10 working days may be allowed.
- (3) If the grievant skips a step or files with an outside compliance agency before completion of the College's grievance process, all College grievance processes shall be terminated.
- (4) All discussion in the grievance process shall be conducted in a civil manner.

#### 5.4 Protection Against Sexual Harassment *(Adopted 10-6-2014)*

East Central College is committed to maintaining a workplace and educational environment that is free from sexual harassment based on gender or sexual orientation. The College also prohibits:

1. Retaliatory actions based on making complaints of sexual harassment or based on participation in an investigation, formal proceeding or informal resolution concerning sexual harassment.
2. Aiding, abetting, inciting, compelling or coercing sexual harassment.

#### **Procedures** *(Adopted 10-6-2014)*

##### 5.4.1 General Rule

Except as otherwise set forth in Policy, all employees, students and visitors must immediately report to the College for investigation any incident or behavior that could constitute sexual harassment.

##### 5.4.2 Definitions – the following definitions apply to this Policy:

**Compliance Officer** – The College designated individual(s) responsible for compliance with Title IX in regards to students and employees.

**Complaint** – An informal or formal report of sexual harassment made to a Compliance Officer.

**Discrimination** – Conferring, refusing or denying benefits or providing differential treatment to a person or class of persons in violation of law based on an employee's protected status, such as gender or sexual orientation. A complaint of Sex Discrimination as defined herein, is grieved through Policy 5.3.

**Harassment** – A form of discrimination that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. This is also sometimes referred to as hostile work environment when the harassment is related to an employee's protected status, such as gender or sexual orientation.

**Sexual Harassment** – A form of discrimination on the basis of sex. Sexual harassment is unwelcome conduct that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the College's programs and activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex.

Behaviors that could constitute sexual harassment include, but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities or contact.
2. Conditioning grades, promotions, rewards or privileges on submission to sexual favors, activities or contact.
3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities or contact.
4. Graffiti, name calling, slurs, jokes, gestures, display of pictures or written material, or communications of a sexual nature or based on sex.
5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching or rubbing.

#### **5.4.3 Designated Compliance Officer(s)**

The Board of Trustees designates the following individual(s) to act as the College's compliance officers:

The Vice President of Student Development will serve as the Administrator for Title IX and Section 504 in regards to students at the College or designated locations. The Administrator has responsibility for compliance as it relates to students. The Administrator is located on the main campus of East Central College at 1964 Prairie Dell Road, 131 Buescher Hall, Union, MO 63084. Phone: 636-584-6565, Email: [stnotice@eastcentral.edu](mailto:stnotice@eastcentral.edu).

The Director of Human Resources will serve as the Deputy Administrator for Title IX and ADA in regards to employees, contractors, and visitors to the College or designated locations. The Deputy Administrator is located on the



main campus of East Central College, 1964 Prairie Dell Road, MP005, Union, MO 63084. Phone: 636-584-6712, Email: [hrnotice@eastcentral.edu](mailto:hrnotice@eastcentral.edu).

#### **5.4.4 Responsibilities of the Deputy Administrator for Title IX and ADA:**

1. Coordinate compliance with this Policy and the law.
2. Receive all complaints regarding sexual harassment at East Central College in regards to employees, contractors and visitors to the campus or designated locations.
3. Serve as the College's contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints; monitor the status of complaints; and recommend consequences.
5. Seek legal advice when necessary to enforce this Policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this Policy.
7. Make recommendations regarding the implementation of this Policy.
8. Coordinate and institute training programs for College staff and supervisors as necessary to meet the goals of this Policy, including instruction in recognizing behavior that constitutes sexual harassment.
9. Perform other duties as assigned by the College President.

#### **5.4.5 Informal Complaint Process**

In cases where an employee feels that he/she has been subjected to any suspicious/ questionable behavior or sexual harassment as defined in this Policy, the person may, if appropriate, attempt to resolve the situation by using the following informal procedures:

1. Communicate that the behavior is unwelcome, requesting that the unwelcome behavior stop immediately. Document the date and time of the conversation. Inform the immediate supervisor and/or Human Resources; and/or
2. Speak with the appropriate supervisor and/or Human Resources who may speak with the person whose behavior is unwelcome. Document the date and time of the conversation. The supervisor will document and report the incident to Human Resources.

Informal complaints that have not been resolved to the satisfaction of the employee will be referred to the Office of Human Resources for investigation and resolution.

#### **5.4.6 Formal Complaint Process**

Employees or other individuals, who are not students, and who believe that they have been victims of sexual harassment may file a formal complaint with the

Office of Human Resources for investigation by the Deputy Administrator for Title IX or designee.

Students who believe they have been victims of sexual harassment, as referenced in Policy 3.25, or sexual violence as referenced in Policy 3.26, may file a formal complaint with the Administrator of Title IX or designee and it will be promptly investigated.

#### **5.4.7 Procedure for Investigation of Complaints**

The Deputy Administrator of Title IX or designee will investigate all complaints. All persons are required to cooperate fully in the investigation. The Deputy Administrator of Title IX or designee may utilize an attorney or other professionals to conduct the investigation.

In determining whether alleged conduct constitutes sexual harassment, the Deputy Administrator of Title IX or designee will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, the Deputy Administrator of Title IX or designee determines that it is more likely than not that sexual harassment or other prohibited behavior has occurred, College officials will take immediate corrective action.

The following procedures will be used as a guideline for investigating complaints:

1. Interview complainant regarding the nature and specifics of the incident(s) (complainant will make written statement);
2. Interview the person accused (accused will make written statement); and
3. Interview other possible witnesses, if appropriate (witnesses will make written statements).
4. The Deputy Administrator of Title IX or designee will prepare a written factual findings report.
5. The Deputy Administrator of Title IX or designee will determine if a violation of the Policy more likely than not occurred based on the facts of the investigation.
6. The Deputy Administrator of Title IX or designee will provide the College President a copy of the written report and a recommendation on the determination as to whether or not the alleged conduct is a violation of this Policy.
7. The College President will review the findings and determine the appropriate response and/or corrective action or discipline, if any, according to Policy 5.2.
8. The decision is final and cannot be grieved through Policy 5.3.

#### **5.4.8 Confidentiality and Records**

To the extent practical, the College will endeavor to keep confidential the identity of the person filing a complaint, witnesses or other parties interviewed, and any information or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation or resolution of a complaint or if necessary to carry out disciplinary measures. The College will disclose information to the College's attorney, law enforcement, and others when necessary to enforce this Policy or when required by law. In implementing this Policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record.

#### **5.4.9 Employee's Obligation**

Accountability for compliance with this Policy will be the responsibility of all employees. Employees will be required to complete sexual harassment prevention training as determined by the College.

Any employee who believes he/she has been a victim of any suspicious/questionable behavior or sexual harassment as defined in this Policy is required to report the incident(s) to the immediate supervisor and Human Resources.

Any employee who believes or has knowledge that an employee or visitor to the College or designated locations has been a victim of any suspicious/questionable behavior or sexual harassment as defined in this Policy is required to report the incident(s) to the immediate supervisor and Human Resources.

Any employee who believes or has knowledge that a student has been a victim of sexual harassment is required to report to the Vice President of Student Development and refer to Policy 3.25 Student Protection Against Discrimination and Harassment.

Any employee who believes or has knowledge that a student has been a victim of sexual assault, relationship violence or stalking is required to report to the Vice President of Student Development and refer to Policy 3.26 Student Protections Against Sexual Assault, Relationship Violence or Stalking.

In addition, all employees are required to fully cooperate during an investigation. This includes the requirement that employees should only make truthful reports and complaints.

#### **5.4.10 Appropriate Supervisory Relationships**

While it is not the intent of the College to regulate employees' social interactions or relationships freely entered into, romantic relationships between a supervisor and a directly supervised employee as well as romantic relationships between a faculty member and his/her student are strongly discouraged. Human Resources should be notified of such relationships. Should a supervisor enter into a relationship with a subordinate, the College reserves the right to reassign the employee.

#### **5.4.11 Consequences**

Employees who violate this Policy will be disciplined, up to and including employment termination according to Policy 5.2 Employee Conduct and Discipline.

Contractors, visitors or others who violate this Policy may be prohibited or restricted from the College's main campus, designated properties or College sanctioned events.

**5.5 Academic Regalia** *(Adopted 12-3-1968; Reaffirmed 12-2-1991; Revised 4-7-2003, 11-4-2013)*  
Faculty, administrators, and professional staff participating in the commencement ceremony will be attired in academic regalia. Such academic attire will be provided by the College for the commencement ceremony.

**5.6 Academic Freedom** *(Approved 12-3-1968; Revised 6-23-2003; Reaffirmed 11-4-2013)*  
East Central College, as an academic community, promotes learning characterized by free inquiry, open discussion and thoughtful communication. Academic freedom is a tenet of such instruction and essential to the purpose of higher education. Faculty and students must be free to examine ideas in an environment without institutional censorship.

**5.7 Faculty Rank and Promotion** *(Approved 9-8-1998; Revised 2-2-2004, 7-12-2010; Reaffirmed 11-4-2013)*  
Appointments of faculty to academic rank will be made by the Board upon recommendation of the President and the Chief Academic Officer.

#### **Procedures:** *(Revised 7-12-2010, 11-4-2013)*

- A. Applicable titles include Instructor (default appointment at hire), Assistant Professor, Associate Professor, and Professor. The College reserves the right to make appointments to Assistant Professor, Associate Professor, or Professor at hire based on established criteria.
- B. Faculty on continuing contracts are eligible to receive rank promotions and associated salary adjustments based upon established criteria and a review conducted by the Rank and Promotion Committee.

- C. Limitations to the number of faculty promoted annually will apply.
- D. The College reserves the right to suspend the rank and promotion system should budget conditions warrant.

**5.8 Attendance and Punctuality** *(Adopted 6-1-1992; Revised 6-23-2003; Reaffirmed 7-14-2014)*  
Employees are to report to work punctually and are to work all scheduled hours.  
Unauthorized or excessive absences or tardiness may result in disciplinary actions.

**General Rule** *(Adopted 7-14-2014)*

Timely and regular attendance is an expectation of performance for all employees. To ensure adequate staffing and positive employee morale, and to meet expected productivity standards throughout the College, employees will be held accountable for adhering to their work schedule. In the event an employee is unable to meet this expectation, he/she must obtain approval from his/her supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate accruals, as well as late arrivals to or early departures from work. Departments have discretion to evaluate extraordinary circumstances of a tardy or absence.

**Definitions** *(Adopted 7-14-2014)*

**Absence**

An employee is deemed absent when he/she is unavailable to work the full assigned/scheduled work shift and such time off was not scheduled/approved in advance as required by department notification procedure.

**Tardy**

An employee is deemed to be tardy (typically 15 minutes) when he/she:

- Arrives to work past the assigned/scheduled work start time.
- Leaves work prior to the end of assigned/scheduled work end time without prior supervisory approval.
- Takes an extended meal or break period without approval.

**Procedures:**

**5.8.1 Request for Planned Absences** *(Adopted 7-14-2014)*

A planned absence must be approved by the supervisor in advance. Employees should submit a request for leave using department procedures and the approved College form as far in advance as possible for a planned absence from work. Requests should include date(s) and type of accrued leave to be used. Requests for leave of five (5) consecutive days or more should be submitted a minimum of two weeks prior to the planned absence.

The supervisor will inform the employee as soon as possible if the request has been approved or denied. Depending on department staffing needs, the supervisor may designate dates that leave cannot be requested.

### **5.8.2 Notification of Unplanned Absences or Tardiness** *(Revised 7-14-2014)*

An unplanned absence is usually an unavoidable absence due to illness, injury, or emergency where advance notice was not possible. Employees should notify their supervisor as soon as possible in advance but generally no later than 30 minutes before their starting time if they are unable to report for work as scheduled. Such notification should include a reason for the absence or tardiness and an indication of when the employee can be expected to report for work. If the employee is unable to personally speak with the supervisor or administrator, he/she should leave a voice message, follow departmental procedures and/or contact the Office of Human Resources.

Failure to notify (no call/no show) the supervisor and/or follow department procedures for any unplanned absence or tardiness may be grounds for disciplinary action.

Employees must call in for themselves except in extenuating circumstances where the employee may have someone else contact the supervisor.

At the time of notification/call, the employee must notify their supervisor when an absence is due to a documented/approved leave of absence (e.g. Military Leave, FMLA) in order to ensure appropriate tracking of leave utilization and absenteeism.

Upon return to work, employees are to complete the College approved leave form for supervisor approval.

### **5.8.3 Absences of More Than Three Days Due to Illness** *(Adopted 7-14-2014)*

If an employee is absent due to illness for more than three (3) consecutive days, or if there is a record of frequent absences, the supervisor may require that the employee submit a return to work note from the medical provider indicating the employee is fit to perform duties before returning to work.

If the employee fails to provide a return to work note as required, the employee will not be allowed to return to work, may be placed on unpaid leave and may be subject to disciplinary action.

For planned and unplanned absences of more than three (3) consecutive days, the supervisor and the employee are required to contact Human Resources to report the nature of the illness in order to determine if the illness is an FMLA qualifying event. Failure to contact Human Resources may result in disciplinary action.

### **5.8.4 Leaving Work Early** *(Adopted 7-14-2014)*

Employees must obtain prior permission from the supervisor in order to leave work early. An employee leaving work early without permission will be subject to disciplinary action.

**5.8.5 Use of Accrued Leave for Absences** *(Adopted 7-14-2014)*

Employees may use accrued leave during absences in accordance with Policy 5.30 Paid Leave Benefits.

Employees placed on unpaid leave may not use accrued leave.

**5.8.6 Excessive Absences/Tardiness** *(Adopted 7-14-2014)*

The supervisor will utilize the College's disciplinary guidelines for addressing excessive absences/tardiness. Excessive absence/tardiness includes:

- a) Patterns of unplanned absences, failure to complete scheduled work days, and/or tardiness.
- b) Unplanned absences in excess of three times in a three-month period without corresponding documentation.
- c) Exhausting accrued leave resulting in an unpaid absence that was not approved in advance.

**5.8.7 Voluntary Termination** *(Revised 7-14-2014)*

Employees who are absent from work for three consecutive days without giving proper notice to the employee's supervisor or designated administrator will be considered as having voluntarily terminated their employment with the College.

**5.9 Classification and Qualifications of Employees** *(Approved 8-14-1989; Revised 11-3-2003, 12-2-2013)*

For the purposes of offering and continuing employment, organization, assignment of duties and responsibilities, and establishment of compensation, a system of employee classification will be maintained by the College administration.

**Definitions:**

**Exempt:** Employees not covered by the overtime provisions of the Fair Labor and Standards Act (FLSA). Exempt employees are subject to Public School Retirement System/Public Educational Employees Retirement System guidelines.

**Nonexempt:** Employees covered by the overtime provisions of the Fair Labor and Standards Act (FLSA) and as such are entitled to overtime pay for hours worked in excess of 40 hours per week. Nonexempt employees

are subject to Public School Retirement System/Public Educational Employees Retirement System guidelines

**Grant Funded:** Employees in a part-time or full-time position that is dependent on continued grant funding. Grant funded employees may be either exempt or non-exempt employees.

**Retiree:** An employee receiving retirement benefits from PSRS/PEERS and subject to the PSRS/PEERS retirement requirements. Part-time retirees are limited to 550 hours per fiscal year.

**Procedures:** *(Revised 8-2006)*

**5.9.1 Faculty** *(Revised 12-2-2013)*

Both full-time and adjunct faculty are exempt personnel who shall be primarily engaged in the activity of teaching and guiding students. They shall be in contact with students for the purpose of transmitting knowledge and skills. Faculty members shall meet the minimum employment qualifications established by the Board of Trustees and/or the College's accrediting agencies. For purposes of this Policy, division chairs are considered faculty.

Faculty Assignment

Each full-time and adjunct teaching faculty member shall be assigned a primary discipline or career field by action of the Board of Trustees upon recommendation by the President of the College. More than one primary discipline or career field may be assigned if required qualifications are met. To be assigned to a primary discipline(s) or primary career field(s), the full-time or adjunct teaching faculty member must possess an academic degree relevant to what he/she is teaching and at least one level above the level at which he/she teaches, except when equivalent experience is established. When faculty members are employed based on equivalent experience, the institution defines a minimum threshold of experience and an evaluation process that is used in the appointment process.

Faculty participate substantially in:

- (a) Oversight of the curriculum – its development and implementation, academic substance, currency, and relevance for internal and external constituencies;
- (b) Assurance of consistency in the level and quality of instruction and in the expectations of student performance;
- (c) Establishment of the academic qualifications for instructional personnel;
- (d) Analysis of data and appropriate action on assessment of student learning and program completion.



### **5.9.2 Administrators**

Administrators are exempt personnel at the vice president level and above. Administrators shall meet employment qualifications established by the Board of Trustees.

### **5.9.3 Professional Staff**

Professional staff includes exempt personnel at the director level and below. Professional staff shall meet employment qualifications established by the Board of Trustees.

### **5.9.4 Support Staff**

Support staff includes non-exempt, at-will personnel who are necessary to the day-to-day functions of the College. Support staff shall meet the employment qualifications established by the Board of Trustees.

### **5.9.5 Regular Full-time Employee *(Revised 12-2-2013)***

Regular, full-time Professional and Support Staff positions are positions listed on the Board approved staffing plan and require a minimum workload of 40 hours per week to qualify for College paid benefits unless otherwise required by law.

Full-time faculty members shall work 170 to 180 days during the regular academic year, shall have a normal instructional load of 30 credit hours per year or the equivalent and/or shall have additional duties as specified in their contracts. Full-time faculty positions are included on the Board approved staffing plan. A full-time faculty workload typically includes ten office hours per week in a five-day work week. The academic year shall consist of the fall and spring semesters excluding the summer session, based on the program driven schedule or as otherwise approved, including all in-service days and the graduation ceremony, as established in the approved academic calendar.

### **5.9.6 Regular Part-time Employee *(Revised 12-2-2013)***

Regular part-time, non-exempt, hourly-paid positions are positions listed on the Board approved staffing plan and personnel in such positions may not work more than 19.75 hours per week unless approved by administration and Human Resources.

### **5.9.7 Adjunct Faculty *(Adopted 12-2-2013)***

Adjunct faculty are part-time, exempt employees paid per credit hour. Adjunct faculty are not included on the staffing plan. Adjunct faculty may work a maximum of 18 credit hours per academic year and up to five credit hours in the summer semester. Hours worked must comply with retirement regulations. Exceptions may be made with the permission of the Chief Academic Officer.

#### **5.9.8 Adult Education and Literacy Instructor** *(Adopted 12-2-2013)*

Adult Education and Literacy (AEL) instructors are part-time, non-exempt employees who can work up to 19.75 hours per week. These positions are grant funded.

#### **5.9.9 Student Worker** *(Adopted 12-2-2013)*

A student worker is an individual enrolled in ECC classes, who qualifies for the Federal Work Study Program or is institutionally funded and whose association with the College is for the primary purpose of furthering a formal education. Student workers are part-time, non-exempt employees who can work up to 19.75 hours or as approved by Financial Aid. Student workers are not included on the Board approved staffing plan.

#### **5.9.10 Temporary Employee** *(Adopted 12-2-2013)*

A temporary employee is hired either part-time or full-time for a specified period of time per fiscal year. Temporary employees are not listed on the staffing plan (see Policy 5.25)

#### **5.10 Criminal Background Check** *(Adopted 10-7-2013)*

East Central College is committed to providing a safe environment for students, employees and members of the public. As part of this effort, the College will require criminal background checks of employees in accordance with this Policy. The Board directs the College President or designee to develop procedures and practices consistent with this Policy.

#### **Employees**

The College shall conduct a criminal background check on all new full-time employees before they are employed, and on such other applicants for part-time employment as the College deems necessary. This requirement extends to applicants who were previously employed by the College. The College reserves the right to require any current employee to submit to criminal background checks or to rerun background checks for any employee at any time at the College's expense. Any offer of new employment or continued employment is contingent upon the satisfactory outcome of the criminal background check, when required. The College has the sole and absolute discretion to determine whether the outcome is satisfactory for employment.

For purposes of this Policy, a “criminal background check” includes, but may not be limited to, investigating criminal history for misdemeanors and felonies on the county, state and federal levels and reviewing sex offender registries nationwide.

Current employees, who have been hired prior to the implementation of this procedure, may be subject to a criminal background check based on the position and/or teaching requirements and location. Mandatory criminal background checks are required for the following categories of positions:

- Employees performing College work at a site located in a public school district;
- Head Coaches and Assistant Coaches; and
- Designated academic/technical programs, including but not limited to, Nursing, Teacher Education, Medical Assisting, Health Information Management, Radiological Technology, Certified Nursing Assistant, Certified Medication Technician, Computer Information Systems, Occupational Therapy Assistant, Respiratory Care, EMT and Paramedic programs

### **College Notification**

As a condition of continuing to work within the College, an employee must notify the College if the employee is convicted or otherwise found guilty of any felony, regardless of the imposition of sentence. This notification should be made to the Director of Human Resources. This notification must be made as soon as possible, but no later than ten (10) business days after the event.

### **Confidentiality**

Information received by the College pursuant to a criminal background check is confidential. The College will only use this information for the College's internal purposes in determining the suitability of an applicant or employee. The College will keep this information in a location that is only accessible to persons who need to know the information to carry out their responsibilities with the College. The College will comply with all applicable laws regarding criminal background checks.

### **Consequences**

Any offer of new employment or continued employment is contingent upon the outcome of the criminal background check, when required. The College will provide applicants or employees whose criminal background checks contain information upon which the College might base an adverse employment action an opportunity to explain or dispute the relevant information. In all cases the College has the sole and absolute discretion to determine whether the outcome is satisfactory for employment.

The College President or designee is directed to exclude any person from employment who refuses to submit to a background check or to take disciplinary action for current employees refusing to submit to a background check.

The College President or designee is directed to exclude any person from employment based upon the position, or to take action to terminate employment based upon the position, whose criminal background check reveals that he/she has exhibited behavior that is violent or harmful to others.

## **5.11 Dress Code and Personal Appearance** *(Adopted 5-12-2014)*

Employees are expected to be suitably attired and groomed during working hours or when representing the College. Appearance should make a positive, professional impression that reflects good judgment in clothing, grooming and personal cleanliness.

**Procedures:**

**5.11.1 General Guidelines for Appropriate Dress**

All employees should wear clothing that is appropriate for job requirements, the work environment and the use of any job-related equipment.

Business casual is the standard attire for employees working in an office environment and/or student service related areas unless otherwise approved by the supervisor. Business casual capris and cropped pants are acceptable attire.

Employees should wear job appropriate and/or required protective clothing for safety and/or sanitation purposes.

A College approved uniform may be established for designated departments.

The College President and/or supervisors may require professional dress for meetings and/or other events.

The College President may designate specific days when a relaxed dress code will apply.

The following clothing is not approved for work:

- Clothing with offensive and/or discriminatory language or pictures; alcohol, drug, or tobacco reference; or depicting violence
- Casual, beach type flip flops
- Athletic shoes, unless otherwise approved
- Shorts, sweat pants, muscle shirts, halter tops, tank tops, t-shirts, or other garments that are revealing
- Jeans and/or jean capris, unless otherwise approved by the supervisor and/or College administrator

**5.11.2 Non-Compliance**

If a supervisor deems that an employee's attire or grooming is not in compliance with this Policy, the employee will be sent home on unpaid leave and will be required to return to work properly dressed and groomed.

**5.12 Employment-At-Will** *(Adopted 6-1-1992, Revised 6-23-2003; Reaffirmed 11-4-2013)*

Employees who do not have a separate, individual employment contract with the College for a specific, fixed term of employment are employed at the discretion of the College for an indefinite period. These employees may resign from the College at any time, for any reason, or may be terminated at any time, with or without cause.

**Procedures:** *(Revised 11-4-2013)*

**5.12.1 Affected Employees**

As defined in Policy 5.9, those employed at-will are:

- (a) Full-time and part-time support staff
- (b) Adjunct faculty
- (c) Temporary employees
- (d) Adult Education and Literacy (AEL) Instructors

### **5.13 Collective Bargaining** *(Adopted 3-7-2016)*

East Central College recognizes the right of eligible members to organize and bargain collectively. Through representatives of their own choosing subject to the procedures set forth in this section and in accordance with applicable Missouri law.

#### **Procedures:** *(adopted 3-7-2016)*

#### **5.13.1 Public Sector Labor Law Employees**

Any College employees that are included within the coverage of the Missouri Public Sector Labor Law must petition for formal certification of their chosen representative with the State Board of Mediation, in accordance with Missouri law, *Section 105.500, et seq.*, RSMo (2000).

#### **5.13.2 Choosing a Representative – Employees not Covered by Public Sector Labor Law**

Any College employees that are excluded from the coverage of the Missouri Public Sector Labor Law may Petition for formal election of their chosen representative with the College Board of Trustees, in accordance with this Board Policy.

#### **5.13.3 Board Requires Secret Ballot Election Process**

The College will recognize a labor union or other organization as the official bargaining representative for a group of College employees only after a secret ballot election, similar to those conducted under the Missouri Public Sector Labor Law and as set forth in this Policy, unless otherwise required by law.

#### **5.13.4 Establishment of Additional Procedures**

College employees may use the process established in this Policy and its related procedures to select a labor union or other organization of their choice as their representative for purposes of collective bargaining. The President is authorized to make additional rules and procedures to govern the election process as may be necessary to implement this Policy.

#### **5.13.5 Petition for Election of Representative with Required Information**

To initiate a secret ballot election process to select a representative, an employee must submit to the President or his or her designee a formal Petition for Election of Representative, including the following requirements:

- a. The name of the labor union or organization seeking such recognition, along with the name, address, e-mail and telephone number of the designated contact person.
- b. A description of the proposed bargaining unit for which representation is sought. The description should include the classifications of employees to be included and excluded, and the approximate total number of employees included in the proposed bargaining unit.
- c. The Petition must be supported by the valid dated signatures of at least 30 percent of the total number of employees in the proposed bargaining unit, on cards or a petition format.
- d. No signature in support can be older than six (6) months from the date the Petition for Election is submitted to the President or his or her designee. The signatures in support should be submitted in a separate sealed envelope, labeled “*Signatures in Support of Petition.*”

Once the President or his or her designee receives such a Petition, he or she will post notice of receipt of the Petition in the same location that notices for Board meetings are posted. The notice will set a future date, no earlier than five (5) business days after the first date of posting, in which any College employees interested in representation by a different labor union or organization may submit a request for a different representative, as described below in 5.13.8, “Other Interested Organizations.”

#### **5.13.6 Initial Support by 30% of Employees in Proposed Bargaining Unit**

The President or his or her designee will identify and designate an appropriate neutral third person or entity to review the Petition and confirm that it is supported by at least 30 percent of the employees in the proposed bargaining unit. The President or his or her designee will provide the designated person or entity with a list of names and signatures of all College employees within the definition of the proposed bargaining unit for verification.

The President or his or her designee, and the third person or entity designated to review the support for the Petition, will have up to 30 business days to verify that the required information is present, and to examine the description of the proposed bargaining unit and the validity of the signatures in support. The President or his or her designee will notify the contact person of the union or other organization seeking recognition of any missing information, to allow an opportunity for any problem to be promptly corrected.

The envelope labeled “*Signatures in Support of Petition*” containing the signatures in support will remain sealed, until the designated third person opens it to verify the existence of valid timely (*i.e.*, within six (6) months) signatures from at least 30 percent of the employees in the proposed bargaining unit.

The designated third person or entity will notify the President or his or her designee, and the contact person of the labor union or other organization, as to whether or not valid timely signatures of 30 percent of the employees were presented in support of the Petition, but will not provide additional information, and will not disclose the signed petition or cards, nor which employees supported the Petition, nor the total number of employees who supported the Petition, to the College or to any person unless required by law.

#### **5.13.7 Determination of Appropriate Bargaining Unit**

If the information in the Petition is complete, and the necessary level of 30 percent support is demonstrated, the President or his or her designee will consider and determine whether the scope and definition of the proposed bargaining unit is appropriate. The President or his or her designee will submit to the Board of Trustees a written recommendation as to the appropriateness of the proposed bargaining unit description, and a list of the College positions and employees who would belong to the unit, if formed. If the President or his or her designee determines that the scope and description of the proposed unit is appropriate, the Board of Trustees will set a date for the election.

If the President or his or her designee determines the scope and description of the proposed bargaining unit is not appropriate, the Board of Trustees will set the matter on its agenda and decide the issue at an upcoming Board of Trustees meeting, unless the President or his or her designee and the labor union or other organization seeking recognition agree that a meeting is not necessary to resolve the disagreement.

If the matter is set for a Board meeting, the contact person for the labor union or other organization seeking recognition will receive notice of the date, time, and location of the meeting. The Board of Trustees will make a determination as to the appropriateness of the proposed bargaining unit within ten (10) business days of the meeting. The Board's decision is final. If the proposed bargaining unit is approved, the Board of Trustees will set a date for the election. If the description of the proposed bargaining unit is not approved, the contact person for the labor union or organization seeking recognition may submit a revised unit description (see paragraph below).

If a revised unit description is submitted, The President or his or her designee will provide the designated third person or entity a list of names and signatures of College employees meeting the definition of the revised proposed bargaining unit, so that the designated third person can determine if signatures from at least 30 percent of the employees in the revised unit were obtained, as described in 5.13.6, "Initial Support by 30 Percent of Employees in Proposed Bargaining Unit" above. If so, the President or his or her designee will submit to the Board a recommendation regarding the appropriateness of the proposed revised bargaining unit as described in this section. If the designated third person or entity determines that the required number of signatures were not obtained, the

employee must re-submit a new petition for election for representation with the 30% showing described in 5.13.6, “Initial Support by 30 Percent of Employees in Proposed Bargaining Unit ” above.

#### **5.13.8 Other Interested Organizations**

As set forth above, once the President or his or her designee receives a complete Petition, he or she will post notice of receipt of the Petition in the same location(s) that notices for Board meetings are posted. Once the President has posted notice that a Petition for Election of Representative has been filed to select a labor union or other organization as the representative for collective bargaining, any College employee in the proposed bargaining unit that is interested in being represented by a different such organization may submit a second Petition to the President or his or her designee.

To do so, the employee must submit a Petition with the same information set forth in 5.13.5, “Petition for Election of Representative” above (including name of labor union or organization seeking recognition, contact information for designated contact person), except that such second Petition need only be supported by signatures of ten percent (10%) of the employees in the proposed bargaining unit.

All information must be submitted to the President or his or her designee no later than the date set in the posted notice. The Board of Trustees will delay setting a date for an election until the new information is reviewed by the President or his or her designee, and the person designated to review the Petition, in accordance with the provisions of 5.13.5, 5.13.6, and 5.13.7 of these procedures as described above. If the request was submitted before the deadline and is supported by the timely (*i.e.*, within six (6) months) signatures of at least ten (10) percent of the employees in the proposed bargaining unit, the additional labor union or organization will also be listed on the ballot, and the Board will set a date for the election.

#### **5.13.9 Ballot, Notice of Election, and Election Procedures**

The Board of Trustees may receive recommendations from the President or his or her designee, and from the contact person for the labor union(s) and organization(s) that will appear on the ballot, regarding appropriate wording and order of choices to appear on the ballot. The Board of Trustees will determine the language to appear on the ballot in time for the Notice of Election (see paragraph below). All approved ballots must include an option under which an employee may vote “No” or for “No Representation” *i.e.*, a vote not to be represented by any labor union or organization for collective bargaining.

The President or his or her designee will provide notice of the election in writing, electronically or otherwise, to all College employees in the proposed bargaining unit. In addition, the President or his or her designee will post notice of the election in the same location that notices for Board meetings are posted, and in other conspicuous places easily accessible to the College employees in the



proposed bargaining unit, no less than five (5) business days prior to the election. The Notice of Election shall contain:

- a. The date, hours and place of the election.
- b. A description of the proposed bargaining unit.
- c. A sample ballot with “Sample” clearly marked on its face.
- d. Information regarding applicable Board policies and procedures.

The election will be held in one (1) or more polling places reasonably convenient to the eligible voters, and at times when the employees in the proposed bargaining unit may vote without leaving their assigned duties. The election will be conducted by secret ballot. The Board, the College President or his or her designee may appoint one (1) or more College employees or other persons who do not belong to the proposed bargaining unit, nor to any labor union or organization listed on the ballot, to distribute and collect the ballots, and to check the names of voters off of a list of College employees in the proposed bargaining unit. The College may also select an outside third person or entity to perform these election functions.

The President or his or her designee and the union(s) or organization(s) seeking recognition appearing on the ballot may each have a representative (“designated observer”) present at each polling place during the election. The designated observers may challenge an individual’s eligibility to vote. Challenged ballots shall be folded and placed in a separate sealed envelope with the name of the voter plainly written on the outside. Challenged ballots will not be considered, unless the number of such votes could affect the results of the election. If the challenged ballots might affect the results of the election, the challenged ballots will be presented to the Board of Trustees at a later formal Board meeting as set forth below, for a final determination of the challenge.

#### **5.13.10 Tally of Ballots and Election Results**

Ballots will not be tallied until after the posted time for closing the polls, unless all of the eligible voters have already cast their ballots. The ballots will be tallied by the Board- or President-appointed College employee(s) who does not belong to the proposed bargaining unit, nor to any labor union or organization listed on the ballot, or the outside third person or entity mentioned in 5.13.9, “Ballot, Notice of Election, and Election Procedures”, and will be done in the presence of the designated observers selected by the President or his or her designee and each of the organization(s) listed on the ballot. Tallied ballots will be placed in a sealed envelope and saved until all challenges and objections are resolved as described in 5.13.11, and the Board votes to certify the election results. The tentative results will be recorded in writing and signed by the observers present when the ballots were tallied. The results will remain tentative until the Board votes to certify the results. The Board’s decision will be final.

If a union or organization seeking representation and appearing on the ballot receives a majority of the votes cast, the outcome is a majority election, and that union will become the elected bargaining representative for the bargaining unit, after all election objections (and any ballot challenges) are resolved, and the Board of Trustees votes to certify the election result.

If the only labor union seeking representation does not receive a majority of votes cast, or if the ballot choice of “No” or “No Representation” receives a majority of the votes cast, the outcome is also a majority election, and no union or organization will become the elected bargaining representative for the bargaining unit, after all election objections (and any ballot challenges) are resolved, and the Board of Trustees votes to certify the election result.

An “inconclusive election” is an election in which the ballot includes at least three (3) choices, i.e., at least two (2) labor unions or organizations seeking representation and an option for “No Representation,” and where no choice receives a majority of the ballots cast. When the results of an election are inconclusive, the Board will set a date for a Runoff Election as described in 5.13.12, “Runoff Election” of these policies and procedures. Unless otherwise directed by the Board, there will only be one Runoff Election.

A “null election” is an election where all choices receive an equal number of votes, or where two (2) choices receive an equal number of votes and a third choice receives a higher, but still a less-than-majority vote. When this happens, the Board of Trustees may declare the election a nullity and set a date to run a new election (a “rerun election”). The new election will follow the notice and election process detailed in 5.13.9, “Ballot, Notice of Election, and Election Procedures” of these procedures. If the rerun election results in another nullity, the Board of Trustees will dismiss the Petition and a bargaining unit will not be formed. If the second election results are “inconclusive,” a Runoff Election will be held.

A “final election” is an election in which two (2) or more choices receive an equal number of votes, another receives no votes, and all eligible voters have voted. In such case, neither a runoff election nor a rerun election will be conducted. Because all eligible employees have voted and there is no majority result, no representative is selected, and no labor union or organization will become the designated bargaining representative for the proposed bargaining unit, once all election objections (and any ballot challenges) are resolved and the Board of Trustees votes to certify the election result. The Board’s decision will be final.

#### **5.13.11 Challenged Ballots and Objections to Election Results**

Within ten (10) business days after the votes are tallied, any employee in the proposed unit may file with College an objection to the conduct of the election or conduct affecting the results of the election, which shall contain a short plain written statement of the reasons for the objection. A copy of the written objection

must be provided to all members of the Board, to the President or his or her designee, and the contact person for any organization(s) seeking to represent the proposed bargaining unit and which appeared on the ballot. The same process shall apply to challenged ballots which may affect the outcome of the election.

The President or his or her designee will investigate all such challenges and objections to the conduct of the election or affecting its results. Unless the President and the persons or challenging the ballots or objecting to the election agree otherwise, the Board of Trustees will hold a meeting to consider the objection. If a Board meeting is held, the President or his or her designee; the person(s) challenging the ballots or filing the objection; and the contact person for each of the organization(s) seeking recognition on the ballot, will receive notice of the meeting. The Board will make a decision within ten (10) business days on the challenge or objection. The Board's decision will be final.

After the time for filing objections has expired and/or the Board has made a final decision on all objections and, if necessary, challenged ballots, the final results of the election will be presented to the Board of Trustees for Certification of Election results (and, if needed, for a runoff election; see paragraph 5.13.12, below).

#### **5.13.12 Runoff Election**

If a runoff election is necessary, the ballot in any runoff shall provide for a selection among the two (2) or more choices receiving the largest number of votes in the last election, the sum of whose votes aggregate at least one (1) more than half of the total votes cast. After voting to certify the first election, the Board will set a date for the runoff election. The election will follow the notice and election process detailed in 5.13.9, "Ballot, Notice of Election, and Election Procedures." All College employees in the proposed bargaining unit may vote in the runoff election, regardless of whether or not that employee voted in the original inconclusive election.

#### **5.13.13 Election Bar**

Once a final election result is certified regarding a bargaining unit, no Petition requesting another election in any part of the same bargaining unit will be accepted by the Board for a period of one (1) calendar year after the date the Board voted to certify the results of the prior election.

#### **5.13.14 Petition for Decertification or Change of Representation**

Any employee in the bargaining unit may Petition for Change of Representation of his or her bargaining unit, or to no longer be represented by any union or organization for collective bargaining. As noted above in 5.13.13, "Election Bar", the Board will not accept such a petition for a period of one (1) year after the Board votes to certify the results of the prior election. At any other time, an

employee must submit to the President or his or her designee a Petition containing the following information:

- a. The bargaining unit in which a Change of Representation is sought, and whether the Petition seeks a different labor union as the representative, or seeks "No Representative."
- b. If the Petition seeks a change to a new labor union as the representative, the name of the labor organization seeking recognition as the new employee representative, along with the name, address, e-mail and telephone numbers of its designated contact person.
- c. The Petition must be supported by the valid dated signatures of at least 30 percent of the employees in the bargaining unit, on either cards or a petition format. No signature in support of the Petition can be older than six (6) months from the date the Petition for Change is submitted to the President or his or her designee. The signatures in support should be submitted in a separate sealed envelope, labeled "*Signatures in Support of Petition.*"

Once the President or his or her designee receives such a Petition, he or she will post Notice of Receipt of the Petition in the same location that notices for Board meetings are posted. The process will follow, as closely as possible, the procedures set out above.

The notice will set a date, no earlier than five (5) business days from the first date of posting, by which College employees in the bargaining unit who are interested in a change in representation (i.e., to an alternate labor organization) may submit such a second request, as in 5.13.8, "Other Interested Organizations." The process will follow, as closely as possible, the procedures set out above.

The President will identify and designate an appropriate third person or entity to review the Petition and confirm the existence of support by at least 30 percent of the employees in the bargaining unit. The President or his or her designee will provide the designated third person or entity a list of names and signatures of all College employees within the current bargaining unit for verification.

The President or his or her designee, and the third person or entity designated to review the support for the Petition, will have up to 30 business days to verify that the required information is present, and to examine the bargaining unit information and the validity of the signatures in support. The President or his or her designee will notify the contact person of the union or other organization seeking a change in representation (if any) of any missing information, to allow an opportunity for any problem to be timely corrected.

The envelope labeled "Signatures in Support of Petition" containing the signatures in support of the Petition for Change will remain sealed, until the

designated third person opens it to verify the existence of valid timely signatures from at least 30 percent of the employees in the current bargaining unit.

The designated person will promptly notify both the President or his or her designee and the contact person for the potential new labor union or organization (if any) as to whether signatures of 30 percent of the employees were presented in support, but will not provide additional information, and will not disclose the signed petition or cards, nor which employees supported the Petition, nor the total number of employees who supported the Petition, to any person unless required by law.

If the information is complete, the Board will set a date for the election. The ballot on any Petition for Change of Representation must include the following choices: 1) the current labor union organization or other designated representative; 2) the new labor union(s) or organization(s) seeking the change in representation (if any); and 3) an option for employees to vote for “None” or “No Representative” *i.e.*, to vote for no representation for purposes of collective bargaining. The election will be conducted in accordance with the process detailed in this policy and these procedures.

#### **5.14 Employment Contracts – Professional Staff** *(Adopted 4-15-2014)*

Written employment contracts shall be executed with administrative/professional College employees annually. Employees who do not have a written employment contract are considered at-will employees.

##### **Procedures:** *(Adopted 4-15-2014)*

#### **5.14.1 Written Employment Contract**

Written employment contract terms are used to convey the important terms and conditions of an individual's employment. Terms and conditions will include, but may not be limited to:

- A. The beginning and ending date; and
- B. The job title; and
- C. The salary to be paid; and
- D. Any special conditions, assignment or terms associated with the position.

#### **5.14.2 Terms of Employment**

The employment contracts for full-time administrative/professional employees will generally be on an annual basis from July 1 through June 30.

#### **5.14.3 Letter of Intent**

The College will issue a letter of intent for new administrative/professional staff being recommended to the Board for approval to hire.

#### **5.14.4 Issuance of Contracts**

The College will issue contracts to new administrative/professional staff within ten working days of Board hiring approval, and the new administrative/professional staff member will need to return a signed copy of the contract to the designated College official by the designated return date.

The College will issue contracts to reappointed administrative/professional staff within ten working days of Board approval of the budget and annual staffing plan for the upcoming fiscal year. Reappointed administrative/professional staff members will need to return signed contracts to the designated College official by the designated return date.

New and reappointed administrative/professional staff not returning a signed contract to the designated College official by the designated date will be considered to have declined the College's offer of employment and/or voluntarily vacated the position. The individual will need to reapply for the position. The College funded medical and life insurance benefits will be terminated effective the end of the month of the contracted term.

Any alterations made to the contract by the administrative/professional staff member will void the contract.

#### **5.14.5 Grant Funded Contracts**

If employment is contingent upon continued receipt of grant funds, the employment contract will state this contingency. In the event the grant should terminate at any time for whatever reason, then this contract shall terminate and each party's rights and obligations shall be excused and discharged.

#### **5.14.6 Administrative/Professional Employee Reappointment**

Full-time reappointment will be made based on performance evaluations and the recommendation of the supervisor and the administrator to the President of the College and Director of Human Resources. Acceptance of contract renewal shall be made by the Board of Trustees upon the recommendation of the President of the College.

#### **5.14.7 Administrative/Professional Employee Non-Reappointment**

Unless otherwise stated, the contract automatically terminates at its end date. The decision for non-reappointment shall be based upon overall evaluation of the employee and/or the needs of the College

Areas of job performance concern should be discussed with the employee as soon as they are evident and as a part of the evaluation process. Corrections of the deficiencies shall be made in accordance with a plan developed by the employee, supervisor and Human Resources. If deficiencies continue, action shall be taken for non-reappointment. A recommendation for non-reappointment shall be made by the supervisor and the appropriate administrator to the President of the College and Human Resources Director.

The decision to not reappoint a full-time administrative/professional employee shall be made by the College President.

#### **5.14.8 Termination of Contract**

Termination will be made upon the recommendation of the supervisor, administrator, Director of Human Resources and the President of the College. Termination shall be made by the Board of Trustees upon the recommendation of the President of the College.

Contract termination shall be subject to:

- 1) Retirement of the employee;
- 2) Death of the employee;
- 3) Resignation of the employee;
- 4) Termination for cause by the Board of Trustees in accordance with due process procedures (BP5.2.4);
- 5) Revocation of appropriate/required certification or required licensures;
- 6) Conviction of a felony or behavior that is violent or harmful to others

#### **5.14.9 Employment Contract Resignations**

Resignations effective at the end of the contracted term will be submitted to the supervisor, administrator, Director of Human Resources and College President, and do not require Board approval. Resignations with an effective date that occurs during the contract year will be submitted to the President of the College for action. It is expected that thirty working days' notice be provided to the College. Acceptance of resignation shall be made by the Board of Trustees upon the recommendation of the President of the College with input from the administrator. The College funded medical and life insurance benefits will be terminated effective the end of the month of the contracted term or the end of the month in which employment is severed if within the contracted term.

Release on less than thirty days' notice may be granted due to extenuating circumstances but will require approval by the College President and Board.

#### **5.15 Employment Contracts - Faculty** *(Adopted 6-1-1992; Revised 5-6-2002, 4-15-2014)*

Written employment contracts shall be executed with full-time faculty. Faculty members who do not have written employment contracts, such as adjunct faculty, are considered at-will employees.

**Procedures:** *(Revised 8-14-2006, 4-15-2014)*

#### **5.15.1 Written Employment Contract**

Written employment contract terms are used to convey the important terms and conditions of an individual's employment. Terms and conditions will include, but may not be limited to:

- A. The start date, the end date and the total number of contract days; and
- B. The job title; and
- C. The salary to be paid; and
- D. Any special conditions, assignment or terms associated with the position.

#### **5.15.2 Terms of Employment**

The employment contracts covered by this Policy will generally be for the following duration(s):

- A. Contracts for division chair faculty will be on an annual basis from July 1 through June 30. Leave is accrued according to the professional staff and support staff schedule.
- B. Contracts for full-time faculty will be based on 30 credit hours per the nine-month academic calendar or equivalent and run from August through May. Faculty on contracts may accept no more than 18 overload hours per academic year unless approved by the Chief Academic Officer and College President. Faculty do not qualify for paid leave outside the nine-month academic calendar or holiday pay for holidays outside of the nine-month academic calendar.
- C. A contract with compensation for additional duties or days beyond the nine-month faculty contract requirements will be defined according to the associated job description.

#### **5.15.3 Letter of Intent** *(Adopted 4-15-2014)*

The College will issue a letter of intent for new faculty being recommended to the Board for approval to hire.

#### **5.15.4 Issuance of Contracts** *(Adopted 4-15-2014)*

The College will issue contracts to new faculty within ten working days of Board hiring approval and the new faculty members will need to return a signed copy of the contract to the designated College official by the designated return date.

The College will issue contracts to reappointed faculty within ten working days of Board approval of the budget for the upcoming fiscal year. Reappointed faculty members will need to return signed contracts to the designated College official by the designated return date.



New faculty and reappointed faculty not returning a signed contract to the designated College official by the designated date will be considered to have declined the College's offer of employment and/or voluntarily vacated the position. The individual will need to reapply for the position. The College funded medical and life insurance benefits will be terminated effective the end of the month of the contracted term.

Any alteration made to the contract by the faculty member will void the contract.

#### **5.15.5 Grant Funded Faculty Contracts**

If employment is contingent upon continued receipt of grant funds, the faculty member will receive a limited term contract stating this contingency; throughout the grant funded position, only limited term contracts will be awarded. In the event the grant should terminate at any time for whatever reason, then this contract shall terminate and each party's rights and obligations shall be excused and discharged.

#### **5.15.6 Full-time Faculty Contract Classifications**

Full-time faculty contracts shall be divided into three classifications. Contract classifications allow the College to fully evaluate instructional effectiveness and program sustainability.

- A. Limited Term Contract** - A limited term contract shall be made for a semester, academic year or fiscal year and automatically terminates at the end of the contract. This classification is to be used for grant funded positions, temporary replacement for a full-time faculty member, during the startup phase of a new program, when a program is in the process of being discontinued, or as deemed necessary by the President of the College.
- B. Annual Contract** - An annual contract is considered probationary and may be given annually for regular faculty positions. Each annual contract shall show a date when employment ends; reappointment is dependent upon satisfactory evaluations and appropriate recommendations. Faculty may receive up to five consecutive annual contracts prior to being considered for a continuous contract.
- C. Continuous Contract** - A continuous contract shall be recommended only after the employee has been employed full-time as faculty in the same discipline for a period of 5 consecutive years upon satisfactory evaluations and satisfactory completion of the fifth year. All previous time worked consecutively as full-time faculty, including Limited Term Contracts and Annual Contracts, will be applied to the five-year period. Faculty who change disciplines at the request of the College may be granted credit for the prior discipline if it is in the best interest of the College.

#### **5.15.7 Full-time Faculty Reappointment**

Full-time faculty reappointment will be made on recommendation of the Chief Academic Officer and the President of the College for Board action. The Board of Trustees shall normally approve all reappointments prior to April 15 but in no event after the start of the new contract year.

- A. **Limited Term Contract** - Reappointment shall be made upon the recommendation of the Chief Academic Officer and approval of the President and Board. The decision to reappoint shall be based upon satisfactory evaluation of the faculty member, program continuation, grant funding, and staff recommendation.
- B. **Annual Contract** - Reappointment shall be made upon the recommendation of the Chief Academic Officer and approval of the President and Board. The decision to reappoint shall be based upon satisfactory evaluation of the faculty member, program continuation and staffing recommendation.
- C. **Continuous Contract** - At or upon the fifth year of employment, an overall evaluation of the faculty member's instructional effectiveness will be made by the division chair and the Chief Academic Officer. If the evaluation is satisfactory and the program is to continue, the faculty member will be recommended for a continuous contract in the sixth year by the Chief Academic Officer upon approval of the President and Board.

#### **5.15.8 Full-time Faculty Non-Reappointment**

The decision to not reappoint a full-time faculty member employed under a Limited Term Contract or an Annual Contract shall be made by the College President after consultation with the Chief Academic Officer. The decision to not reappoint a full-time faculty member employed under a Continuous Contract shall be made by the Board of Trustees upon the recommendation of the Chief Academic Officer and the President of the College. These decisions will normally be made prior to April 15 but in no event after the start of the new contract year.

- A. **Limited Term Contract** - Unless otherwise stated or terminated for cause by the Board of Trustees in accordance with due process procedures (BP5.2.4), the contract automatically terminates at its end date.
- B. **Annual Contract** - Unless otherwise stated or terminated for cause by the Board of Trustees in accordance with due process procedures (BP5.2.4), the contract automatically terminates at its end date. The decision for non-reappointment shall be based upon overall evaluation of the faculty member, lack of program continuation, and/or reduction in force based on budgetary or staffing requirements.

- (1) If instruction-related areas of concern exist, the faculty member should be notified as soon as they are evident and as part of the evaluation process. Corrections of the deficiencies shall be made immediately in accordance with a plan developed by the instructor, division chair, and the Chief Academic Officer. If the instruction-related deficiencies continue, action shall be taken for non-reappointment. If the faculty member's performance deficiencies are not instruction-related, no prior notice or improvement plan is needed prior to non-reappointment.
- (2) Non-reappointment for an annual contract shall be made upon the recommendation of the division chair, the Chief Academic Officer, and the President of the College.
- (3) Affected faculty may submit a written appeal to the Board of Trustees. The Board of Trustees may review the documents relating to the appeal and decide the matter, or it may hold a hearing. The decision of the Board will be final.

**C. Continuous Contract.**

A continuous contract shall continue in effect for an indefinite period, subject only to:

- (1) Retirement of the faculty member;
- (2) Modification by a succeeding Continuous Contract (compensation, terms of employment or date modifications);
- (3) Death of the faculty member;
- (4) Resignation of the faculty member;
- (5) Termination for cause by the Board of Trustees in accordance with due process procedures (BP5.2.4);
- (6) Revocation of appropriate/required certification or required licensures;
- (7) Conviction of a felony or behavior that is violent or harmful to others
- (8) Non-reappointment due to program suspension or change in program status;
  - a.) Non-reappointment for a continuous contract based on changes in program status shall be made by the Board of Trustees upon the recommendation of the President of the College with input from the division chair and Chief Academic Officer.
  - b.) If a reduction in force is necessary involving faculty on continuous contracts in an area with multiple faculty assignments, faculty members shall be selected for non-reappointment based on instructional effectiveness and College service as evidenced by the faculty evaluation process.

c.) If program recommendations or other conditions exist that indicate the faculty member shall not be retained, said faculty member shall be notified as soon as possible. If circumstances warrant, the faculty member shall be offered a limited term contract of one year.

(9) Non-Reappointment Due to Deficiencies in Performance;

If instruction-related areas of concern exist, the faculty member should be notified as soon as they are evident. Corrections of the deficiencies shall be made immediately in accordance with a plan developed by the instructor, the division chair, and the Chief Academic Officer. If deficiencies continue within one semester after notification, action shall be taken for non-reappointment. If circumstances warrant, the faculty member shall be offered a limited term contract of one year.

(10) Non-Reappointment Due to Financial Exigency;

If contract non-renewal is the result of financial exigency, the faculty positions discontinued due to financial exigency will not be filled within a two-year period by replacement(s) nor will temporary full-time positions be created.

(11) Faculty whose Continuous Contracts are not renewed pursuant to subsection (8), (9), or (10) may submit a written appeal to the Board of Trustees. The Board of Trustees may review the documents relating to the appeal and decide the matter, or it may hold a hearing. The decision of the Board will be final.

#### **5.15.9 Employment Contract Resignations**

Resignations effective at the end of the contracted term will be submitted to the Chief Academic Officer and the Director of Human Resources; such resignations do not require Board approval. Resignations with an effective date that occurs during the contracted term will be submitted to the President of the College for action. It is expected that thirty working days' notice be provided to the College. Acceptance of contract release shall be made by the Board of Trustees upon the recommendation of the President of the College with input from the Chief Academic Officer. The College funded medical and life insurance benefits will be terminated effective the end of the month of the contracted term or the end of the month in which employment is severed if within the contracted term.

Release on less than thirty days' notice may be granted due to extenuating circumstances but will require approval by the College President and Board of Trustees.

**5.16 Faculty Emeritus** *(Adopted 2-4-2013; Revised 11-4-2013)*

Appointments of retired faculty to the honorary status of emeritus faculty may be made by the Board of Trustees upon recommendation of the President.

**Procedures for Faculty Upon Retirement:**

- A. Upon retirement, following fifteen consecutive years of full time service to the College, a faculty member is eligible to apply for Emeritus title.
- B. A retired faculty member will complete the application form and submit all the required documents to the Office of Instruction.
- C. Applicants will be reviewed by a seven (7) member committee appointed by the President, and consisting of five faculty, one administrator and one professional staff member. The committee will establish the criteria used to advance a recommendation of emeritus status. The committee will meet in the spring of each year and recommend Emeritus status no later than the April Board of Trustees meeting.
- D. The committee will make recommendation to the President; the decision of the President is final and not subject to appeal.
- E. Applicants not granted emeritus status may reapply in two (2) years.
- F. Limitations in the number of retirees granted emeritus status will apply and will be determined annually by the committee. Any applicant not advancing due to limitations will be automatically considered in the following year's pool.

**Procedures for Faculty Retired More Than One Year and Posthumous Applications:**

- A. Faculty members, retired from the College for a minimum of one year and having served as a full-time faculty member for a minimum of fifteen consecutive years, may apply for emeritus status.
- B. Application procedures and limitations will follow the guidelines for faculty at retirement. Retirees of more than one year will complete the application form and submit all required documentation to the Office of Instruction.
- C. Emeritus status can be awarded posthumously; an application can be made, following the guidelines stated above, on behalf of a deceased retiree.

**Benefits:**

- A. Title of Faculty Emeritus included in all College publications and materials.
- B. The option to attend commencement in full academic regalia.
- C. Eligible for tuition waivers for credit courses.
- D. An invitation to campus social activities.

- E. A certificate noting the Emeritus appointment and placement of the name of the Emeritus Faculty on a plaque in a prominent location on campus.
- F. A campus identification card noting the Faculty Emeritus status.
- G. An ECC email address.

**5.17 Hiring** *(Approved 11-4-2002; Revised 11-4-2013)*

Except as provided in Policy 5.23.3, the Board of Trustees appoints the employees of the College, defines and assigns their duties and fixes their compensation. Issuance of all employment contracts shall be approved by a majority vote of the Board of Trustees.

**Hiring Procedures for Full-time and Part-time Positions:** *(Revised 8-14-2006, 11-4-2013)*

**5.17.1 Personnel Requisition, Posting, Recruitment**

**Personnel Requisition** – Prior to the posting of, and recruitment for, any position, the hiring supervisor shall complete a personnel requisition and a written job description and submit to Human Resources. The personnel requisition requires the approval of the Director of Human Resources, appropriate administrator, Chief Financial Officer, and College President.

**Position Announcement** -- Human Resources will prepare a position announcement upon approval of the personnel requisition. Human Resources will collaborate with the hiring supervisor to prepare the position announcement. The supervisor shall approve the final position announcement prior to posting.

**Posting** -- Position openings will be posted on the College web page and distributed by e-mail through ecc-announce except as otherwise mentioned in this Policy. Full-time job openings will be posted for a minimum of 10 business days. A position may be posted only internally with approval of the appropriate Vice President, Human Resources Director and the College President.

**Recruitment/Advertising** -- Human Resources will provide the supervisor with the approved recruitment sources for job advertisements. The hiring supervisor shall select from the approved sources and may provide additional recruitment sources relevant to the position and/or field. All on-line and/or print advertisements will be approved and placed by the Office of Human Resources.

**Application Materials** -- Applicants will be responsible for submitting an application and related materials as specified. All application materials will be maintained and reviewed in the Office of Human Resources. No application materials will be allowed to leave the Office of Human Resources without permission of the director. Applications will be retained by the Office of Human Resources for a minimum of one year for all positions.

### **5.17.2 Search and Screening**

A search committee will be established for all full-time positions. A committee may be used for other positions as appropriate. The supervisor will serve as the search committee chairperson. Responsibility for the integrity of the search process will belong with the chair of the search committee, the appropriate administrator, and the Director of Human Resources. The College President may approve an appointment without a search if it is in the best interest of the College.

The position supervisor and appropriate administrator will be responsible for appointment of members of the search committee and will direct them to follow procedures, document decisions, and seek technical assistance when needed. The committee should include employees who will work closely with the new hire, and serve to represent various employee classifications. The committee should contain a minimum of two (2) members, in addition to the chair. Employees may not participate in the selection and/or hiring of an individual who is related to the employee within the fourth degree of consanguinity or affinity. The Director of Human Resources will review the list of search committee members to ensure appropriate representation. A member of the Human Resources staff will serve to monitor EEO.

The screening of applicants will be done by the Office of Human Resources and the committee chair and/or committee. Applicants not meeting the minimum requirements will not be considered for the position.

Before reviewing individual candidates' files, the search committee shall determine the method of applicant evaluation. The evaluation criteria are established prior to identification of any candidates and are based on information contained in the job description, position announcement, and the assessment of criteria derived from the committee's discussion.

The search committee shall identify applicants to be interviewed; develop interview questions; and determine any other evaluative processes such as demonstrations, testing, or other appropriate means of determining an applicant's ability to perform the requirements of the position.

In no instance should the hiring supervisor or any search committee member give information about applicants to any applicant or to any individual other than a member of the search committee. Committee members will sign an acknowledgement form of this procedure. A breach of confidentiality will disqualify the member from further service on any future search committee and may result in disciplinary action.

### **5.17.3 Interviews *(Revised 6-19-2014)***

A list of questions must be submitted to the Director of Human Resources before the interviews take place. Interviews will be scheduled by the Office of Human Resources.

The search committee shall interview selected applicants. The College President and/or Vice Presidents may also interview applicants.

Interviews may occur on campus or via distance technology. The committee may elect to conduct an initial series of interviews via phone or distance technology, then schedule further interviews to be conducted on campus.

With the approval of the College President or his/her designee, applicants selected for interviews may be reimbursed for expenses not to exceed the established amount when traveling 100 miles or more for the interview. Allowable expenses will include lodging and transportation (i.e. air travel, rental car, fuel) or as designated by the College.

Prior or subsequent to the interview, information regarding salary, benefits and the procedure for offers of employment shall be provided to applicants by Human Resources.

#### **5.17.4 Reference Checks** *(Adopted 11-4-2013)*

The committee chair, or appropriate administrator, shall contact a minimum of two professional references provided by the applicant and verify employment history. The College may contact references other than the references provided by the candidate. Information from references may be shared with the search committee.

#### **5.17.5 Recommendation**

Upon conclusion of the interviews and reference checks, committee members will complete an applicant appraisal form on each candidate. The committee will select the candidate(s) for further consideration.

The committee chair will make a recommendation to the appropriate administrator and the Director of Human Resources. The committee chair will confirm the recommendation approval by the appropriate administrator and inform the Director of Human Resources.

The Director of Human Resources and/or appropriate administrator will notify the College President of the recommendation to hire and develop a wage/salary recommendation. As provided by Board Policy 1.30.1, the College President will make the final decision as to whether a job offer will be extended, and at what wage/salary. The offer of employment for faculty and administrative/professional staff is contingent upon the Board's approval.

#### **5.17.6 Failure to Recommend Candidate**

In cases where the search fails to attract a sufficient pool of qualified applicants or the committee does not recommend a candidate(s) for further consideration, the College may 1) close the search without hiring, ~~or~~ 2) reopen the search, or 3) place employee's compensation higher or lower than specified on scale.



#### **5.17.7 Job Offer** *(Adopted 11-4-2013)*

Unless otherwise designated by the President, the Director of Human Resources will extend the job offer to the applicant and confirm the employment conditions, start date and benefits, contingent upon satisfactory drug tests, if required per Policy 5.17.8, and background check. Human Resources will contact the hiring supervisor upon acceptance by the candidate.

#### **5.17.8 Verification of Employment Eligibility – Pre-employment Drug Screening** *(Adopted 11-4-2013)*

Applicants for identified jobs where safety is critical must successfully complete a pre-employment drug test as a condition of employment. The pre-employment drug test is done after the job offer has been extended and accepted. Any applicant who refuses or who has a verified positive test will be denied employment (see the Drug and Alcohol Free Workplace Policy, 5.42). Applicants who test positive may choose to re-test within 24 hours of notification of the test results at the applicant's expense.

#### **5.17.9 Verification of Employment Eligibility – Pre-employment Background Checks** *(Adopted 11-4-2013; Revised 4-14-2014)*

As a condition of employment, all full-time and part-time (as required) job applicants at East Central College must successfully complete a pre-employment criminal background check as per Policy 5.10. In some cases a driver's license check and/or additional screening may be required.

#### **5.17.10 Verification of Employment Eligibility – Federal Employment Eligibility** *(Adopted 11-4-2013)*

The College employs only those individuals who are authorized to work in the United States. Employment eligibility is documented using the Federal Employment Eligibility Verification Form I-9 and is verified for all employees. In addition, the College participates in the E-Verify mandatory employment verification program as required by federal and state regulations.

#### **5.17.11 Approval to Hire** *(Adopted 11-4-2013)*

All administrative, professional staff and faculty offers of employment are contingent upon the President's and Board's approval.

All full-time support staff offers of employment are contingent upon the President's approval.

Interviewed applicants who were not selected to fill the position will be notified by the Office of Human Resources.

#### **5.17.12 Part-time Positions** *(Adopted 11-4-2013)*

The hiring of part-time positions requires a job posting but may not require a search committee or Board approval. The position supervisor will work with

Human Resources when hiring for an open part-time position. All offers of employment require administrative approval.

Unless otherwise approved by the College President or required by law, part-time personnel are only eligible for selected employment benefits.

#### **5.17.13 Interim Appointments and/or Temporary Positions** *(Adopted 11-4-2013)*

The hiring of temporary positions/interim appointments may not require a job posting and/or a search committee. The position supervisor will work with Human Resources when hiring for an interim or temporary position. All offers for employment require administrative approval and may require Board approval.

Unless otherwise approved by the College President or required by law, temporary personnel are not eligible for employment benefits.

#### **5.17.14 Internal Appointments** *(Adopted 11-4-2013)*

At times, the College may conduct an internal search. The position may not be posted on the webpage but announced internally. The hiring may not require a search committee. All offers for employment require administrative approval and may require Board approval. The position supervisor, in conjunction with Human Resources, is responsible for conducting the hiring for the position.

#### **5.17.15 Adjunct Faculty**

The division chairperson or designee is responsible for recommending the employment of adjunct faculty to the Vice President of Instruction. An Adjunct Instructor Approval Form must be completed on all new adjunct faculty and be maintained on file in the Office of Human Resources along with the appropriate application materials. The form must be signed by the division chairperson and approved by the Vice President of Instruction before the adjunct faculty member can be listed as the instructor of record for any course. The division chair must submit a list of recommended adjunct faculty to hire prior to the start of each semester; this list shall be amended as necessary to ensure all course offerings are staffed. Adjunct faculty must meet the same teaching qualifications as full-time faculty and be approved by the Board.

#### **5.17.16 Employment of Relatives**

An employee of the College shall not initiate, participate in or influence College decisions involving a direct benefit to family relatives including, but not limited to, matters of initial employment, promotion, compensation, leave of absence, performance evaluation, discipline and termination.

An employee of the College shall not supervise, be supervised by, coordinate the work of or have work coordinated by a relative who is also employed by the College. Relatives may not be supervised by the same direct supervisor.

For the purposes of this Policy, a relative is defined as any individual related by blood, marriage, or legal custody and shall include, but not be limited to, spouse, child, foster child, step-child, parent, foster parent, current parent in-law, grandparent, current grandparent-in-law, grandchild, daughter-in-law, son-in-law, step-parent, brother, sister, brother-in-law, sister-in-law, niece, nephew, aunt, uncle, cousin and similar relatives of the employee's spouse and any individual living in an employee's household.

**5.18 Position Descriptions** *(Approved 8-14-1989; Revised 5-12-2003; Reaffirmed 11-4-2013)*  
The Office of Human Resources will maintain accurate position descriptions for each regular position at the College.

**Procedures:** *(Revised 11-4-2013)*

**5.18.1 Position Description Contents**

The information contained in each position will include a summary of the position's classification level, primary duties, essential tasks, positions supervised, educational/work experience requirements, physical requirements and other relevant functions.

**5.18.2 Responsibility for Accuracy of Description**

The Office of Human Resources, in conjunction with the department supervisor, division Vice President and the President of the College, will be responsible for creating, reviewing and revising the descriptions. The performance evaluation process includes a review of the employee's job description. Position descriptions do not necessarily cover every task or responsibility that may be assigned and do not limit administration's right to assign additional related duties as needed.

**5.19 Job Transfer** *(Adopted 6-1-1992; Revised 5-9-2005, 12-2-2013)*  
Transfer of personnel will be made in the best interest of the College. The length of service and qualifications of the person will be taken into consideration.

**Procedures:** *(Revised 4-6-2006)*

**5.19.1 Reasons for Transfer**

The College retains complete discretion in handling employee transfers. Acceptable reasons for transfer may include, but are not necessarily limited to, fluctuations in workloads, better utilization of personnel or increased career opportunities, and health considerations.

**5.19.2 Pay for Transferred Employees** *(Revised 12-2-2013)*

Pay for employees will be determined as follows:

**A. Lateral Transfers**

Employees transferred to a job within the same classification will continue to receive their existing rate of pay.

**B. Transfer to Lower Classification**

Employees transferred or reclassified to a job in a lower classification will continue to be paid at their former rate of pay for four weeks or end of current contractual obligations, if applicable, and then at the new job rate of pay thereafter.

The new salary will be calculated according to the salary placement guidelines as used for new hires.

**C. Transfer to Higher Classification**

Employees transferred or reclassified to a job in a higher classification will be placed at the appropriate salary according to the salary placement guidelines as used for new hires or no less than six percent higher than the employee's current salary commencing with the start of the new job.

**D. Transfer from Non-Faculty Position to Faculty** *(Adopted 12-2- 2013)*

Employees transferred or reclassified will be placed at the appropriate faculty salary commencing with the start of the new position. Credentials, relevant experience and years of service to the College will be considered in determining the appropriate salary.

**E. Transfer from Faculty to Non-Faculty Position** *(Adopted 12-2-2013)*

Employees transferred or reclassified will be placed at the appropriate salary according to the salary placement guidelines commencing with the start of the new position. Credentials, relevant experience and years of service to the College will be considered in determining appropriate salary.

**5.20 Personnel Records** *(Adopted 6-1-1992; Revised 4-7-2003, 12-2-2013)*

Personnel records and information will be maintained for each applicant, employee, and past employee as required by federal and state laws. Personnel files maintained by the Office of Human Resources are to contain information that is needed by the College to conduct its business or which is required by federal or state law. These records will be stored in a fireproof cabinet in a secure location. Files may be paper or electronic or a combination of the two versions.

**Procedures:** *(Revised 12-2-2013)*

**5.20.1 Personnel Files-In General**

The file of an individual employee will be considered confidential information and a closed record, to the extent allowed by the law, and will only be available to authorized administrative personnel and to the employee. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment are closed records under the Missouri Sunshine Law to the extent allowed by law. Pursuant to state law, the names, positions, salaries and lengths of service of all employees are public information and must be released upon request.

**The Master Personnel File Stored in Human Resources**

This file may contain, but is not limited to, the following records:

1. Applications
2. Evaluations and other performance documentation
3. Salary records
4. Personal information including, but not limited to: name, address, telephone number, emergency numbers, and spouse
5. Individual employment contract
6. Employee benefit records
7. Transcripts

**The Master Personnel File Stored in the Business/Payroll Office**

This file may contain, but is not limited to, the following records:

1. Summary record of leaves taken
2. Withholding allowance certificates (W-4 forms) and wage and tax statements (W-2 forms)
3. Timesheets

**Faculty Records in the Office of Instruction**

This file may contain, but is not limited to, the following records:

1. Professional Development Plans
2. Evaluations

In accordance with the retention schedule established by the Missouri Secretary of State's Office, records in this file will be retained for 75 years from the date of hire with the following exceptions:

1. Employee benefit records, other than year-end leave balance reports and the official copy of retirement enrollment records, will be retained for three (3) years after employee separation or eligibility for the benefit has expired. Year-end leave balance

reports and the official copy of retirement enrollment records will be retained for the full 75 years.

2. Withholding allowance certificates (W-4 forms) and wage and tax statements (W-2 forms) will be retained for five (5) years after employee separation or after the form has been superseded.
3. Records relating to employee leave requests will be retained for three (3) years after completion of an audit of these records.

At time of separation from employment, personnel files may be replaced with a summary file which is retained in lieu of the original file. Summary files contain the following pertinent information condensed from the personnel files: appointments, resignations, promotions, salary history, years of service and all accumulated leave.

### **Employee Health and Medical File**

These records shall be kept in a file separate from the employee's other personnel records. This file may contain, but is not limited to:

1. Medical examination records and related documentation
2. Records pertaining to an employee's disability, including employee's request for accommodation and documentation of employer accommodations provided
3. Documentation of work-related illnesses or injuries
4. Records of exposure to hazardous conditions or materials
5. Drug-testing records
6. Physician statements
7. First aid incident reports
8. FMLA-related records
9. Worker's Compensation Records

In accordance with the retention schedule established by the Missouri Secretary of State's Office, records in this file will be retained for seven (7) years after separation except that records relating to hazardous exposure shall be retained for 30 years after separation.

### **Immigration Records File**

The Immigration Reform and Control Act requires all employers to hire only American citizens and aliens who are authorized to work in the United States. The law seeks to preserve jobs for those who are legally entitled to them. The College will implement the following procedures to assure compliance with the law:

- A. Any employee hired after November 6, 1986, will complete an Eligibility Verification Form (Form I-9), and will produce documents that will establish his or her identity and eligibility

to work. (Form I-9 contains a list of documents that will fulfill this requirement.)

- B. The College will retain an individual's Form I-9 for three (3) years after the date of hire or one (1) year after the individual is terminated, whichever is later. These records will be maintained in Human Resources and kept in a file separate from the employee's other personnel records.
- C. The forms may be reviewed by the Immigration and Naturalization Service and potentially by other federal agencies. In order to minimize potential intrusion, Eligibility Verification Forms will be maintained separate from the employee's personnel files.

Public Access Files for H1B sponsorship will be stored in the Human Resources office separate from the employee personnel record. The College will retain the Public Access Files for one year after the date of employment under the Labor Condition Application. If no foreign national was employed under the Labor Condition Application, the Public Access File will be maintained for one year from the expiration or withdrawal of the Labor Condition Application. Individuals may review the file in the presence of an HR representative. The file may not be removed from the office unless approved.

#### **5.20.2 Employees' Responsibility**

Employees are responsible for notifying the Office of Human Resources in writing of any changes in the following:

- (a) Name
- (b) Address
- (c) Telephone number
- (d) Marital status (for benefits and tax withholding purposes only)
- (e) Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only)
- (f) Beneficiary designations for any of the College's insurance, disability, and pension plans
- (g) Persons to be notified in case of emergency
- (h) Changes in tax withholding (W-2 form)

### **5.20.3 Record Inspection**

Employees are allowed to inspect their own personnel records in accordance with federal and state laws. Employee review of his/her file will be conducted in Human Resources with a representative of HR present.

- (a) In the event that an employee reviews his/her personnel file and feels that any information in the file is inaccurate or irrelevant, the employee may submit a written request to the Director of Human Resources to have the material revised or removed from the file. If such a request is not granted, the employee will be permitted to place a written statement of disagreement in the file and can pursue the matter further using the Grievance Process. Under no circumstances may an employee remove an official document from his/her personnel file.
- (b) Employees are prohibited from reviewing any personnel files except their own, unless authorized by the Director of Human Resources. Examples of individuals who may have a legitimate need to review personnel records include the President, appropriate administrator, immediate supervisor, and the Director of Human Resources or a designated assistant. Any access to a personnel file will be verified and recorded in the Human Resources Office.

Employees are responsible for keeping copies of College communication that may be in their personnel file. Employees will be responsible for making personal copies, which will be conducted in the Office of Human Resources. Employees will not be allowed to remove their file from the Office of Human Resources.

The Office of Human Resources will not make copies of a personnel file for the employee unless otherwise required by special circumstances.

Once an employee is terminated, the access to the personnel file ceases.

### **5.20.4 Information Request**

Employees are to refer any personnel-related inquiry regarding employees and past employees to the Office of Human Resources. The Office of Human Resources will verify title, dates of employment and salary.

### **5.21 Performance Review** *(Adopted 6-1-1992; Revised 2-2-2004, 4-15-2014)*

Supervisors will conduct annual performance reviews on each regular employee according to job responsibilities, employment obligations and goals. Performance reviews will be scheduled by the supervisor and conducted using a fair and objective evaluation process. The purpose of this review process is to evaluate performance for consideration of job retention and performance improvement.



**Procedures:** *(Revised 8-14-2006, 4-15-2014)*

**5.21.1 Performance Review Schedule**

<b>Classification</b>	<b>Performance Review Date</b>	<b>Recommendation to Board</b>
President	December	January
Administrators	February - March	April
Professional Staff	March – April	May
Faculty	November – March	April
Support Staff	September - October	Not applicable

**5.21.2 Procedures by Classification**

**A. Faculty**

Full-time faculty will be evaluated by the division chair and Chief Academic Officer on 1) teaching and instructional management, including content expertise, instructional design, instructional delivery, and record-keeping and classroom management, 2) College and community service, and 3) professional growth and development.

The performance review process will include submission of a development portfolio by the faculty member to demonstrate compliance with the three areas listed above.

A detailed “Professional Evaluation and Development Portfolio” booklet is provided to each full-time faculty member outlining the evaluation process and including sample forms.

Full-time faculty on annual contracts will be evaluated annually. Full-time faculty on continuous contracts will be evaluated on a regular rotation with no longer than a three-year interval or as deemed necessary.

Adjunct faculty will be evaluated by the division chairperson during their first semester of employment and on a regular rotation with no longer than a three-year interval or as deemed necessary.

**B. Professional and Support Staff**

The Board of Trustees will evaluate the President of the College.

All employees will be evaluated annually by the immediate supervisor on performance of position responsibilities.

If the employee receives an overall performance evaluation that indicates performance needs improvement, the employee will receive a performance improvement plan, and the employee will be re-evaluated as specified in the improvement plan. If only selected categories of the performance evaluation need improvement, the supervisor may elect to write a performance improvement plan focused on those areas. A performance

improvement plan can be implemented at any time deemed necessary and is not solely a function of the performance review process.

A Performance Improvement Plan will address each specific performance issue that needs improvement, the action that must be taken to correct deficiencies and the date of the next evaluation. This plan will be attached to the evaluation form. Non-compliance with the Performance Improvement Plan will result in further action, up to and including termination.

After the supervisor has provided the evaluation to the employee, the employee has ten calendar days to review and respond. Following the employee response period, the supervisor will route the completed evaluation form to the appropriate Vice President for review. Completed evaluations are then forwarded to the Director of Human Resources for review prior to inclusion in personnel files.

New employees will be evaluated after three months of employment. A six-month evaluation may be required at the discretion of the supervisor.

#### **5.21.3 Evaluation Process Management**

The Chief Academic Officer will be responsible for developing and monitoring the faculty evaluation process including documentation. The Director of Human Resources will be responsible for developing and monitoring the evaluation process including documentation for administrators, professional and support staff. All evaluation processes are subject to approval by the College President.

**5.22 Salary Placement** *(Approved 7-15-1991; Revised 5-8-2006, 11-4-2013)*  
Salary placement guidelines will be developed by the administration and Human Resources

**Procedures:** *(Revised 11-4-2013)*

#### **5.22.1 Faculty Salary Guidelines**

- (a) Faculty will receive contracted pay according to guidelines that will be reviewed annually.
- (b) The faculty salary guidelines will include provisions for those with less than a master's degree as well as those with an earned doctorate.
- (c) Initial placement will be based upon relevant experience as determined by the College, earned academic degrees, and market demand.
- (d) Faculty rank at hiring will be considered based on the guidelines of the Rank and Promotion Policy.

### **5.22.2 Professional and Administrative Salary Guidelines**

- (a) Professional employees and administrators will receive contracted pay according to grade levels.
- (b) Initial placement will be based upon relevant experience, earned academic degrees and market demand.

### **5.22.3 Support Staff Salary Guidelines** *(Adopted 11-4-2013)*

- (a) Support staff employees will receive pay according to grade levels.
- (b) Initial placement will be based upon appropriate experience, earned academic degrees and market demand.

## **5.23 Staffing Plan** *(Adopted 6-1-1992; Revised 6-23-2003; Reaffirmed 11-4-2013)*

The administration will develop and maintain an annual staffing plan in order to budget for and monitor staffing levels.

### **Procedures:** *(Revised 11-4-2013)*

**5.23.1** Developing the staffing plan will be the responsibility of the President, with approval by the Board of Trustees. Maintaining the staffing plan will be the responsibility of the Director of Human Resources.

### **5.23.2 Time Schedule**

- A. The management team will discuss and assess staffing needs for the next fiscal year. Discussions will begin early in the calendar year and continue until budgetary framework has been established.
- B. The President will submit to the Board of Trustees the Staffing Plan for the new fiscal year with the annual budget not later than June 30.
- C. The President will submit for approval by the Board of Trustees changes to the staffing plan as needed during the fiscal year.

**5.23.3** The Staffing Plan will include full-time and part-time regular positions, the position title, the employee classification, the funding source, and the name of the individual currently holding the position.

- A. New positions must be approved by the Board of Trustees.
- B. Replacement of employees in exempt positions must be approved by the Board of Trustees.
- C. Vacancies in non-exempt positions may be filled with the approval of the College President.

**5.24 Supplemental Employment** *(Approved 12-3-1968; Revised 6-23-2003, 3-3-2014)*

No full-time employee of the College will engage in any supplemental employment which will in any way interfere with his/her ability to carry out his/her assignment. Authorization must be obtained before an employee accepts supplemental employment during any period when he/she is performing work for the College. Supplemental employment is defined as any assignment for pay with the College or any other employer that is outside the employee's defined, regular College position.

**Procedures:** *(Revised 8-14-2006)*

**5.24.1 Requests for Permission** *(Revised 3-3-2014)*

Requests to accept supplemental employment with the College or any other employer, including self-employment, should be submitted on the Supplemental Employment Request form and approved by the appropriate administrators, including the College President. Requests need to be submitted each fiscal year and when the supplemental employment changes. Requests for adjunct assignments shall be submitted each semester prior to the start of classes. Approval is valid for a maximum of one year or the specified date.

**5.24.2 Use of Leave for Supplemental Employment** *(Revised 3-3-2014)*

Employees who have accepted supplemental employment may not utilize paid sick leave when the absence is used to work on the supplemental job. Personal leave and vacation days may not be utilized to work a supplemental job at the College.

**5.24.3 Provision of Tutoring or Private Services**

Employees shall not tutor or provide services for compensation to any student who should receive those services free of charge through the use of usual and customary College services and procedures.

**5.24.4 Supplemental Employment for Additional Compensation with the College** *(Adopted 3-3-2014)*

College employees with supplemental employment must perform the duties outside of their normal work shift, including breaks and/or lunch and cannot use accrued leave.

Full-time professional employees teaching/working for the College outside of their normal job shall be paid through the assignment sheet/Memorandum of Understanding (MOU) while a full-time hourly employee shall complete a timesheet for hours worked.

Exempt employees will be paid according to the terms of the assignment sheet or MOU.

Non-exempt employees will be paid at the established hourly rate for the supplementary job for actual hours worked and will receive pay for an evening

class if the College is closed for inclement weather. Non-exempt employees must keep an accurate time record of all hours worked for the supplementary teaching duties and submit a separate timesheet for this position to the appropriate division chair.

**5.25 Temporary Employees** *(Approved 1-7-1991; Revised 6-23-2003, 11-4-2013)*  
The President of the College may supplement the approved staffing plan with temporary employees when needed.

**Procedures:** *(Revised 11-4-2013)*

#### **5.25.1 Definition of Temporary Employee**

A temporary employee is hired either part-time or full-time for a specified period of time not to exceed twelve months. Temporary employees are subject to FLSA and PSRS/PEERS guidelines.

**Project-based employees** are hired to assist department staffing on an as needed basis. Actual hours worked are dependent on the immediate needs of the department as established by the supervisor and administrator (includes art models).

**Community Education Employees** are hired to teach non-credit courses or complete special projects. Actual hours worked are dependent on the immediate needs of the project or the enrollment of the course as established by the supervisor and administrator.

**Customized Training Employees** are hired to teach non-credit/credit courses or complete special projects. Actual hours worked are dependent on the immediate needs of the project or the enrollment of the course as established by the supervisor and administrator.

#### **5.25.2 Benefits**

Temporary employees are not eligible for College paid benefits such as paid leave, vacations, holidays, educational assistance, and College-paid dental, vision, or life insurance. Temporary employees are not eligible for College-paid medical insurance unless otherwise required by law.

Temporary employees who are required to work over the weekly limit set by the Public Education Employee Retirement System or the Public School Retirement System on a consistent basis will be required to contribute to the retirement system in accordance with applicable state law.

Temporary employees qualify for workers' compensation and unemployment benefits as governed by state and federal regulations.

#### **5.25.3 Employee Status Change**

A temporary employee who accepts a regular position will be eligible for the benefits associated with the regular position according to Board Policy.

## **5.26 Educational Leave** *(Adopted 6-16-2014)*

The term “educational leave” refers to the release from duties or time normally required of a full-time employee in carrying out his/her full responsibilities assigned.

Educational leave is granted for purposes related to the employee’s work at the College. College funds may be used to pay employee salaries while they are on educational leave if the eligibility criteria are met. The College provides two types of educational leave – sabbatical leave and professional leave.

Sabbatical leave is intended to advance education or research related to the employee’s position.

Professional leave is intended for work exchange or other professional experience related to the employee’s position.

### **Procedures: (Adopted 6-16-2014)**

#### **5.26.1 Eligibility for Paid Educational Leave**

Full-time, general fund (non-grant funded) employees may be granted paid educational leave after having been employed by the College for six years.

- A. An eligible full-time employee may be granted educational leave for one full contract year (fall/spring semester) at one-half of the individual’s salary for the period.
- B. An eligible full-time employee may be granted educational leave for six months or one semester during the regular academic year at the full contractual salary for the period of the leave.

Retention of benefits while on paid educational leave:

- 1) The salary computed will be the salary which the individual would receive in the period for which the leave is to be taken.
- 2) The employee shall retain all accumulated sick leave, personal leave and vacation leave, and years of service status.
- 3) The College will continue to provide benefits as defined in Policy 5.34 Insurance and Benefit Plans.
- 4) Educational leave will not constitute a break in service with the College.
- 5) Vacation leave, if applicable, and sick leave will accrue during the educational leave period. Personal leave will be earned per Policy.
- 6) Educational leave time will count toward years of service with the College.
- 7) To the extent permitted by the PSRS/PEERS requirements and guidelines, educational leave will count as service credit in the PSRS/PEERS system.

### **5.26.2 Eligibility for Unpaid Educational Leave**

A request for educational leave for which the employee is not eligible under the foregoing leave-with-pay policy must meet the following criteria for consideration:

- A. The benefit to the institution demonstrably outweighs the penalty incurred by the employee's absence.
- B. No additional cost is incurred by the institution as a result of the proposed educational leave.

Retention of Benefits while on unpaid educational leave:

- 1) The employee shall retain all accumulated vacation leave, personal leave and sick leave, as well as years of service status. Eligibility to accumulate leave and years of service credit ceases on the date educational leave without pay begins.
- 2) Accumulated vacation leave may be exhausted before going on educational leave without pay or the employee may choose to retain part or all of the accumulated leave until return to service.
- 3) While on unpaid educational leave, the employee may continue some College employee benefits, as defined in Policy 5.34, at the employee's expense. The College will not make any contributions towards employee benefits during a period of unpaid educational leave.
- 4) Unpaid educational leave will not count toward years of service with the College.
- 5) Unpaid educational leave will not count as service credit in the PSRS/PEERS system.
- 6) The employee and/or family are not eligible for educational assistance.
- 7) Following the completion of unpaid educational leave, the employee is not eligible for unpaid educational leave for another six years.

### **5.26.3 General Principles**

- A. The College reserves the right to suspend or limit funding for educational leaves if the College determines that budget conditions do not support educational leaves. The notification of such suspension or limitation will occur by January 1 of each year.
- B. Duties of the employee will be covered during the educational leave period in a manner that is acceptable to the administration.
- C. Upon return from educational leave, the employee may return to his/her previous position or one which is comparable.

- D. At the conclusion of paid educational leave, the employee must serve two full academic/fiscal years in service with the College or repay in full the cash value of salary and benefits for the educational leave. Should the employee serve at least one year but less than two years, one-half of the cash value of salary and benefits received shall be repaid. The employee will be required to sign a promissory note before commencement of paid educational leave. The President of the College has the right to waive any or all of these requirements.
- E. Following the completion of paid educational leave, the employee is not eligible for paid educational leave for another six years.

#### **5.26.4 Application Process**

Applications for educational leave shall be filed with Human Resources no later than November 1 of the fiscal/academic year preceding the proposed start date of the educational leave. The employee will need a recommendation letter from the immediate supervisor and division Vice President supporting the employee's request for educational leave. Proposals submitted after the deadline will not be considered.

#### **5.26.5 Selection Guidelines**

The broad based activities considered part of educational leave include academic activities, scholarly endeavors and professional development.

Criteria to be used in determining eligibility of qualified applicants for sabbatical leave are:

1. Employees who need additional coursework to complete a degree, provided the degree is directly related to the employee's assignment.
2. Employees requesting courses which will be beneficial to the College's instructional programs.
3. Employees requesting academic travel, an immersion experience or an exchange program related to the faculty's field or program.

Criteria to be used in determining eligibility of qualified applicants for professional leave are:

1. Employees requesting leave for advanced training applicable to their College assignment.
2. Employees requesting to accept and fulfill a leadership role in an organization outside of the College in order to enhance knowledge and skills.
3. Employees requesting other professional leave that would be beneficial to the College.

In the event that applications for educational leave in any given year exceed the number that can be released without jeopardizing the ongoing programs of the College, preference will be given to employees who have not previously utilized educational leave.



#### **5.26.6 Review Committee**

All applications for educational leave will be reviewed by a committee which shall consist of three faculty and two professional staff employees as selected by the respective employee association. The College President will appoint an administrator/Cabinet member to serve as a non-voting member on the committee.

The committee will review the educational leave proposals and make a recommendation to approve or not approve the requests based on the criteria and funding. Proposals selected by the committee will be presented to the College President for approval. The College President will make a recommendation to the Board of Trustees for approval. The Board of Trustees will typically review the recommendation at its March meeting, but no later than the start of the next fiscal year.

#### **5.26.7 Appeal**

If a request for educational leave is denied, the employee may submit a written request to the College President within seven days of such notification outlining the rationale for the additional review. A response to the employee's appeal request will be provided in writing within fifteen business days of receipt of the appeal. The decision of the President is final.

#### **5.26.8 Reporting**

At the conclusion of the educational leave, the employee returning from educational leave will present a written report to the appropriate Vice President and the employee's supervisor. The report will summarize the educational leave activities, provide information on achieving the goals of the educational leave and outline the connection of the educational leave to the professional development goals of the individual.

### **5.27 Tuition Waiver and Tuition Reimbursement** *(Adopted 6-1-1992; Revised 6-4-2001; Reaffirmed 4-15-2014)*

Educational assistance benefits may be provided to employees and retirees.

**Procedures:** *(Revised 4-6-2006)*

#### **5.27.1 Employee Tuition Waiver** *(Revised 4-15-2014, 7-23-2014; 2-18-2015)*

East Central College encourages its employees to further their education. Enrollment in classes at East Central College encourages professional and personal growth of employees and provides a tangible fringe benefit.

The employee must complete the Tuition Waiver Request Form and receive the approval of the immediate supervisor, area Vice President and Human Resources prior to the first day of class. Failure to complete the form in advance will result in denial of waiver benefits. Enrollment in the course(s) should be outside the

employee's normal working hours and should not interfere with the employee's work responsibilities. Coursework may not be completed during normal working hours.

The employee tuition waiver covers tuition and general fees but does not apply toward any special fees, book/supply costs, courses offered only on a non-credit basis or program costs assessed through educational partners for tuition, seat charges or other fees.

Employees receiving a tuition waiver for themselves or a dependent(s) who separate from the College prior to mid-term in the semester in which the tuition waiver is granted will be required to pay the tuition for that semester. If employment terminates after mid-term, no tuition will be due the College.

#### **5.27.2 Tuition Waiver Eligibility** *(Revised 4-15-2014)*

Tuition waiver eligibility for full-time and part-time employees begins the semester following the employee's hire date. The following employees are eligible for tuition waiver benefits for ECC credit classes:

- Full-time employees – Eligible for up to six credit hours per semester.
- Part-time employees – Eligible for up to six credit hours per semester.
- Adjunct instructors - Eligible for six credit hours during the semester immediately following completion of their assignment as an adjunct instructor, unless otherwise approved by Human Resources.
- Retirees – Eligible for up to six credit hours per semester. Retirees are defined as individuals who have completed five years of service to East Central College and are eligible for retirement benefits through PSRS/PEERS.
- Spouses – Eligible for up to eighteen credit hours per semester.
- Unemancipated children of full-time employees – Eligible for up to eighteen credit hours per semester which includes dual-tech, dual enrollment, and dual credit tuition for unemancipated children who are under the age of 24, unmarried and live in the employee's residence. Unemancipated children may be: natural children, adopted children, stepchildren that live with employee, or other children for whom the employee is the legal guardian. If the student is using multiple tuition-based funding programs, the other funding will be applied to the student's account before the employee waiver. Should the student drop a course(s) during the semester, the student will be responsible for repaying any charges beyond tuition and general fees. Exceptions to this procedure must be approved by the Director of Financial Aid.

Eligible individuals using a tuition waiver who withdraw or wish to repeat a course are subject to the applicable academic policies and may receive a waiver for only one repeat per course. Repeatedly withdrawing from courses covered by tuition waiver may result in a suspension of the tuition waiver benefit.

### **5.27.3 Approval of Tuition Waiver** *(Revised 4-15-2014)*

Requests for tuition waivers for employees must be approved by the employee's immediate supervisor, area Vice President and the Office of Human Resources. These requests must be submitted on the Tuition Waiver Request Form prior to the start of each semester. The course itself, as well as the day and time of the course, are subject to these approvals.

Requests for tuition waivers for retirees, spouses, and/or unemancipated children must be initiated by the employee and must be approved by the Office of Human Resources. These requests must be submitted on the Tuition Waiver Request Form prior to the start of each semester.

### **5.27.4 Full-Time Employee Tuition Reimbursement** *(Revised 4-15-2014)*

- A. Full-time regular employees are eligible to receive financial assistance for approved college study directed toward improvement of their qualifications. Reimbursement of tuition shall be up to an amount equal to 100% of the applicable undergraduate or graduate educational fee (tuition) at the University of Missouri-St. Louis. Employee tuition reimbursement covers tuition only and does not apply toward any special fees or book/supply costs.
- B. Courses must be taken at a regionally accredited college or university and must be applicable toward a higher degree than the current highest degree of the employee. Exceptions may be made by the area Vice President, Director of Human Resources and President when it is deemed to be in the best interest of the College.
- C. The employee must complete the Tuition Reimbursement Request Form and receive the approval of the immediate supervisor, area Vice President and Human Resources prior to enrolling in the course(s). Enrollment in the course(s) should be outside the employee's normal working hours and must not interfere with the employee's work responsibilities. Any exceptions must be approved by the College President. Coursework may not be completed during normal working hours.
- D. No more than six credit hours will be reimbursed prior to admission to an undergraduate or graduate degree program. A degree plan, approved by the supervisor, area Vice President and College President must be on file with the Human Resources office prior to requesting tuition reimbursement beyond the initial six hours. Only coursework detailed in the program of study for the advanced degree (beyond the employee's current degree) will be considered for tuition reimbursement.
- E. The employee's immediate supervisor, area Vice President, College President and the Director of Human Resources must indicate approval of the course(s) by signing the Tuition Reimbursement Request form.

- F. Financial assistance shall be limited to no more than eighteen credit hours for any fiscal year during which the employee is employed with East Central College.
- G. Employment is required to continue two calendar years following tuition reimbursement. Should the employee voluntarily leave the employment of East Central College within one year of completion of coursework for which the employee was reimbursed, 100% of the tuition reimbursed for the 12 month period ending the date of the last course completed for which reimbursement was received and 50% of the tuition reimbursed for the prior 12 month period shall be repaid to the College. Employees voluntarily leaving the employment of East Central College after one year but prior to the completion of two years of employment following tuition reimbursement shall repay 50% of the tuition reimbursed for the 12 month period ending the date of the last course completed for which reimbursement was received. Any exception must be authorized by the College President.
- H. All freshman and sophomore level classes must be taken at ECC (covered under the tuition waiver) unless ECC does not offer the requested course or equivalent. Employees working toward an Associate degree will be required to take the classes at ECC. Reimbursement of tuition for freshman and sophomore level classes not available at ECC shall be up to an amount equal to 100% of the applicable educational fee (tuition) at East Central College. Exceptions must be approved by the area Vice President, Human Resources and the College President.
- I. Employees who, prior to completing the approved course, voluntarily leave the College or are terminated will not be reimbursed. Records of all education programs completed by each employee will be maintained by the Office of Human Resources.

#### **5.27.5 Completed Course(s)**

The employee must submit a transcript or grade report to the Office of Human Resources to verify that the approved course has been completed.

#### **5.27.6 Grade Requirements**

Grade “C” or better for undergraduate level course work or grade “B” or better for graduate level course work is required for reimbursement.

#### **5.27.7 Course Approval** *(Revised 4-15- 2014)*

The employees’ immediate supervisor, area Vice President, and the Director of Human Resources must indicate approval of the course(s) by signing the Educational Assistance Request Form. Enrollment in the course(s) should be outside the employee’s normal working hours and should not interfere with the employee’s work responsibilities. Any exceptions must be approved by the College President.

#### **5.27.8 Degree Attainment (*Revised 4-15-2014*)**

Full-time Faculty, Professional and Support Staff who obtain a college or university degree that exceeds the established degree requirements for the position in which they are employed will receive a salary increase. Subsequent degrees at the same level will not qualify for additional salary increases.

The degree must be obtained from a regionally accredited college or university. An official transcript showing degree completion must be submitted to the Human Resources Office.

Salary increases will be awarded on the first payday following verification of degree completion. Faculty and Professional Staff will receive the amount added to their annual contractual salary; Support Staff will receive an hourly rate adjustment equal to the annualized award.

The following increase to annual salary will be awarded upon completion of the degree:

Associate's degree	\$ 500
Bachelor's degree	\$1,000
Master's degree	\$1,500
Specialist degree/MFA	\$2,000
Doctoral degree	\$3,000

#### **5.28 College Holidays (*Approved 12-18-1989; Revised 8-7-2000; Reaffirmed 11-4-2013*)**

The College will establish a holiday schedule that combines fixed and floating holidays allowing for normal calendar variations and the academic calendar.

#### **Procedures: (*Revised 4-6-2006, 11-4-2013*)**

##### **5.28.1 Holiday Schedule**

The College will be closed on the following holidays. The holiday schedule will be developed, in light of the academic calendar, and must be approved by the College President.

- New Year's Day
- Martin Luther King, Jr. Day
- Spring holiday (assigned to Good Friday)
- Memorial Day
- Independence Day
- Labor Day
- Day before Thanksgiving
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day

- The weekdays which fall between Christmas Day and New Year's Day
- One floating holiday designated by the College President

#### **5.28.2 Employee's Eligibility for Holiday Pay**

Regular full-time employees are eligible for holiday pay. Temporary and part-time employees, and employees on unpaid leave are not eligible for holiday pay.

In order to qualify for holiday pay, an employee must work all scheduled work hours on the last scheduled workday prior to the holiday and on the first scheduled workday immediately following the holiday or, in lieu of working all such hours, be approved for vacation, personal leave, sick leave, jury duty, bereavement or paid military leave. Employees who do not meet these requirements will not be eligible for holiday pay and will be required to use vacation or personal leave for the holiday if absent immediately prior to or following the holiday without approval. A doctor's certification may be required if sick leave is utilized.

#### **5.28.3 Holidays Not Observed by College**

The College recognizes that some employees may wish to observe periods of worship or to commemorate certain days that are not included in the College's holiday schedule. Requests for time off for religious observances will be considered on a case-by-case basis. In order to provide this accommodation, requests for time off to observe a religious holiday should be submitted in the same manner as a request for vacation. If accrued vacation or personal leave is available, the employee will use such paid time off for the observance of such holidays; otherwise, such time off is without pay. This Policy applies only to religious holidays. It does not apply to regular weekly days of worship. If an employee's regular work schedule falls on his/her worship days, generally he/she will be required to work as scheduled.

#### **5.28.4 Holiday Scheduled Work**

In most cases, employees will not be scheduled to work on College holidays. The College reserves the right to schedule employees to work on a College-designated holiday.

A non-exempt employee who is required to work on a holiday shall be paid holiday pay plus additional compensation at the employee's regular rate of pay for any hours actually worked on the holiday.

An exempt employee who is required to work on a College-designated holiday may be granted, with the supervisor's approval, another specified work day off with pay in lieu of the College-designated holiday.

An employee absent from work due to an on-the-job injury or illness will receive the appropriate worker compensation payment in effect, if any, in lieu of holiday pay.

### **5.28.5 Holiday Falling on Weekend**

When a College-designated holiday falls on a Saturday, the holiday will be observed on the preceding Friday; when a College-designated holiday falls on a Sunday, the holiday will be observed on the following Monday or as determined appropriate by the College President.

## **5.29 Hours of Work** *(Adopted 6-1-1992; Revised 6-23-2003; Reaffirmed 12-2-2013)*

The time and duration of working hours for exempt and non-exempt employees will be established as required by workload and the efficient management of personnel resources.

### **Procedures:**

#### **5.29.1 Employee Work Hours**

Each department's hours of operation will be determined by the supervisor and administrator. The schedule of work hours for employees will be determined by the department supervisor. Employees will be informed of their scheduled hours and of any changes to the schedule as far in advance as possible.

The normal workday for full-time exempt and non-exempt employees will consist of 8 consecutive hours of work with an unpaid meal period.

#### **5.29.2 Attendance at Lectures, Meetings, and Training Programs**

Attendance at lectures, meetings, and training programs will be considered time worked if pre-approved by the appropriate administrator.

Attendance is not considered time worked if:

- (1) The employee's attendance is voluntary, i.e. not required by the College;  
or
- (2) The course, lecture or meeting is not a requirement of the employee's job

#### **5.29.3 Overtime** *(Revised 12-2-2013)*

Non-exempt employees may be required to work overtime whenever it is deemed necessary by their administrator. Employees are not permitted to work overtime without the prior approval of their supervisor, their appropriate administrator, and the Chief Financial Officer.

## **5.30 Paid Leave Benefits** *(Adopted 6-1-1992; Revised 6-4-2001, 12-2-2013)*

Eligible full-time employees receive paid sick leave, vacation leave and personal leave annually.

**Procedures:** *(Revised 4-6-2006, 12-2-2013)*

**5.30.1 Sick Leave**

Full-time Administrative/Professional Staff and Support Staff employees will accumulate Sick Leave monthly, at the rate of 16 days per year, or 10.67 hours per month. Employees will be eligible to accrue Sick Leave effective the first of the month following the date of hire. Sick Leave does not accrue while an employee is on unpaid leave. Sick Leave may be utilized in one-half hour increments.

Full-time faculty on a nine, ten or eleven month contract will accumulate Sick Leave monthly on a pro-rated basis. Full-time faculty on a twelve month contract accumulate sick leave monthly, at the rate of 16 days per year or 10.67 hours per month. Sick leave may be utilized in four or eight hour increments.

Sick Leave accrues monthly on the last working day of each month and may accumulate up to 60 working days (480 hours). Sick Leave accrual is to help bridge the leave for long-term disability. Pay advices do not necessarily reflect leave used within the current pay period.

**5.30.2 Use of Sick Leave**

Sick Leave may be used for reasons of personal illness, injury, or medical appointment of an employee and/or to care for an illness or injury or to attend to a medical appointment of an immediate family member. Immediate family members include the employee's spouse, children, step-children, foster children, children for which the employee is a legal guardian, parents, step-parents and foster parents.

A statement from a physician verifying the necessity for absence(s) may be required for more than three consecutive days of absence.

Employees should notify their supervisor as soon as the need for Sick Leave is known and must complete and submit a leave of absence approval form.

In the event of an injury or illness that is covered by workers' compensation insurance, state laws governing such injuries take precedent over this Policy.

At the time of termination of employment, any accrued sick leave will be forfeited.

**5.30.3 Personal Leave**

Full-time Faculty, Administrative/Professional Staff and Support Staff employees will receive five days, or 40 hours, of Personal Leave per year on July 1 of each fiscal year.

Full-time Faculty, Administrative/Professional Staff and Support Staff employees hired after July 1 of each fiscal year will receive prorated Personal Leave effective the date of hire as follows:



July through September:	100% or 5 days/40 hours
October – December:	75% or 3.75 days/30 hours
January – March:	50% or 2.5 days/20 hours
April –May:	25% or 1.25 days/10 hours

#### **5.30.4 Use of Personal Leave** *(Revised 4-22-2014)*

Personal Leave is to be used at the discretion of the employee, subject to supervisory approval. Examples of activities for which an employee may want to utilize Personal Leave include personal business which cannot be conducted outside of normal working hours, religious observances, and parent-teacher conferences.

Personal Leave may be utilized in one-half hour increments. Employees must complete and submit a leave of absence approval form.

Personal Leave that is unused as of June 30<sup>th</sup> of each fiscal year will be transferred to the employees Earned Sick Leave account if the employee has not already met the maximum sick leave accrual.

Pay stubs do not necessarily reflect leave used within the current pay period.

An employee resigning from the College may use no more than 16 total hours of personal or vacation leave during the last two weeks of employment. At the time of termination of employment, any unused personal leave will be forfeited.

#### **5.30.5 Vacation Leave**

Vacation Leave is to be used at the discretion of the employee, subject to supervisory approval. Employees will be eligible to accrue Vacation Leave effective the first of the month following the date of hire. Leave accrues monthly on the last working day of each month. Vacation Leave does not accrue while an employee is on unpaid leave.

The President will have vacation leave as negotiated.

Full-time administrative, professional, and support staff employees, and division chairs will accrue three weeks (15 days or 120 hours, at the rate of 10 hours per month) paid vacation annually. After five years of full-time employment with the College, the annual vacation time will be four weeks (20 days or 160 hours, at the rate of 13.33 hours per month). Maximum vacation accrual is nine weeks (45 days or 360 hours).

#### **5.30.6 Use of Vacation Leave** *(Revised 4-22-2014)*

Vacation Leave cannot interfere with department's operation. Requests for 40 consecutive hours or more of Vacation Leave should be approved by the supervisor two weeks in advance of such leave. The supervisor must approve specific vacation dates. Only accrued vacation leave may be taken; leave cannot be used prior to being accrued.

Vacation leave may be reported in one-half hour increments. Employees must complete and submit a leave of absence approval form.

Pay advices do not necessarily reflect leave used within the current pay period.

An employee who is resigning from the College may use no more than sixteen total hours of vacation or personal leave during the last two weeks of employment.

At the time of termination of employment, any accrued vacation leave will be paid through direct deposit following the last regular payment.

#### **5.30.7 Voting Leave**

East Central College employees may take up to three hours leave from work to vote in local, state, and national elections. Employees will be expected to notify the supervisor at least one week in advance and will be required to use personal or vacation leave time for the absence.

#### **5.30.8 Jury Duty/Court Appearance Leave**

Leaves of absences for jury duty or for court appearances related to College business shall be granted with pay.

#### **5.30.9 Bereavement Leave**

Up to three consecutive working days of leave with pay will be granted to regular, full-time employees upon the death of a family member. For purposes of this policy, family members are: spouse, child(ren), parents or parents-in-law, grandparents or grandparents-in-law, grandchildren, brother or brother-in-law, sister or sister-in-law, step-parent or step-child, foster child, foster parent, or any member of the immediate household of the employee.

Requests for extended leaves of absence for out of state travel should be approved by the supervisor. Accrued personal or vacation leave may be used.

#### **5.30.10 Inclement Weather**

The President of the College may declare any workday an excused day, when, in the President's estimation, inclement weather and hazardous road conditions are severe enough to justify this action. Such declaration may be made before or during the workday.

No loss of pay will occur for faculty and staff when the College President has activated an inclement weather closing. Likewise, employees scheduled for paid time off on a day of inclement weather may revise their leave of absence form to reflect the actual number of hours the College was open. This procedure does not apply to employees on unpaid leaves of absences.

Employees who are required to work during an inclement weather closing will receive pay for the scheduled hours they would have worked had the College

not been closed. In addition, they will be paid for any hours actually worked during the time period the College is closed. Any work on all or part of an excused day must be approved by the supervisor.

When, in the estimation of the President of the College or designee, inclement weather and hazardous road conditions are not severe enough to declare an excused day, an absence due to weather and road conditions will be charged to the employee's personal or vacation leave. Employees with no available vacation or personal leave time will not be paid for hours absent from work.

In the case of an emergency closing after the work day has begun, all employees will be released from work except for designated facilities employees who must be on duty for snow removal. Any work after an emergency closing has been declared must be approved by the supervisor.

(a) College Closed

If the weather warrants, the College will close and cancel day and/or evening classes. This means all employees are released from work from the time of the closure announcement until the College reopens.

(b) Snow Schedule *(revised 9-16-2014)*

In the event that snow prevents the College from opening on time in the morning, but roads are expected to be passable later in the morning, the College may elect to use a snow schedule. As snow schedule means the College will start later than usual, 10 a.m. for non-teaching staff (except maintenance), 10:30 a.m. for faculty and students. Snow schedule guidelines designating start times for classes will be published annually.

**5.31 Compensation** *(Adopted 6-1-1992; Revised 11-4-2002; Reaffirmed 12-2-2013)*

Paychecks will be issued to employees on a regular basis and in a manner so that the amount, method, and timing of such payments comply with any applicable laws or regulations and will include standard deductions.

**Procedures:** *(Revised 8-14-2006; Revised 12-2-2013)*

**5.31.1 Payroll for Employees**

Employees will be paid biweekly through direct deposit.

- Professional staff contracted salary will be paid in equal installments over 26 pay periods effective July 1 – June 30.
- Faculty contracted salary will be paid in equal installments over 26 pay periods effective with the start date of the contract in August. A prorated amount will be used for a January start date. Overload pay is according to the semester adjunct pay schedule.
- Support staff will be paid biweekly based on hours worked.
- Adjunct faculty will be paid biweekly based on the semester adjunct pay schedule.

### **5.31.2 Non-Exempt Employees**

- (a) Non-exempt employees are paid for hours worked as recorded on time sheets. Time sheets are to be completed weekly and turned in by noon the following Monday to the Business Office or at designated drop locations. Employees are paid every other Friday for hours worked through the preceding Friday. The workweek begins on Saturday and continues through the following Friday. Federal and state income tax will be withheld according to the W-4 on file. Basic social security, ~~and~~ Medicare and PEERS contributions will also be withheld as required.
- (1) Employees must record their starting time, time out for ~~lunch~~ meal break, time in from meal break, quitting time, and total hours worked for each workday. Unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) should be entered on the time sheet as such. Time sheets cover one workweek and are to be completed at the close of each workday. A copy of the leave of absence form should be submitted with the timesheet.
- (2) Employees are not permitted to sign in or commence work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of the supervisor.
- (3) Time sheets must be verified and signed by the supervisor or appropriate administrator at the end of each work week. The supervisor/employee shall submit the time sheets to the Business Office as requested.

Employees may be subject to disciplinary action for failure to follow guidelines.

- (b) Non-exempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation at the rate of one and one-half times the regular hourly rate for actual hours worked above 40 hours per week. Sick leave, personal leave, vacation, jury duty, College holidays and closings are treated as paid leave and not hours worked in regards to overtime.

### **5.31.3 Direct Deposit**

All employees will be paid by direct deposit to the employee's account; multiple accounts may be designated based on the capabilities of the College and the financial institutions. Employees will have electronic access to pay advices through eCentral and will not receive paper copies. Any exceptions must be approved by Human Resources.

**5.31.4 W-2's** *(Adopted 12-2-2013)*

W-2's will be available according to IRS guidelines. Employees have the option to receive electronic W-2's through eCentral

**5.31.5 Payroll Deduction Required by Court Order** *(Adopted 1-6-1997)*

The Chief Financial Officer or designee is the only person authorized to receive a writ of sequestration or attachment, wage assignment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee.

**5.31.6 Payroll Deduction for Debts Due the College** *(Adopted 1-6-1997)*

The following policy shall apply to the collection of a debt owed to the College by any employee.

- (a) Payroll deductions shall be made from the wages of an employee owing a debt to the College for reasons such as: compensation overpayment, lack of receipts for cash advances for College expenses, lack of payment of special fees or books for classes taken, College owned property which the employee has damaged, destroyed, or lost due to gross negligence or an intentional act, or any other reason a debt may be owed to the College.
- (b) The full debt owed to the College shall be deducted from the employee's final pay. The employee shall be held responsible for any amount owed in excess of the final pay and will be invoiced according to College procedures.
- (c) The amount deducted shall not result in lowering the wage below the minimum wage.

**5.31.7 Voluntary Payroll Deductions** *(Adopted 12-2-2013)*

A. Charitable Contributions

The College has authorized East Central College Foundation scholarships and United Way contributions as approved charitable payroll deductions. These contributions will cease at termination of employment.

B. Other Authorized Contributions

The College may authorize payroll deductions for College-sponsored programs and/or approved memberships or as deemed necessary. Contributions will cease at the end of employment and the remaining balance, if applicable, will be deducted from final pay.

**5.32 Rest and Meal Breaks** *(Adopted 6-1-1992; Revised 6-23-2003, 6-16-2014)*

Rest breaks and a meal break during the course of each workday will be provided for non-exempt personnel. The scheduled time for rest and meal breaks varies among departments, depending on the needs of the department.

**General Guidelines:** *(Adopted 6-16-2014)*

Rest and/or meal breaks may not be taken at the beginning or end of the workday except for special circumstances with supervisory approval.

Employees must have prior approval to extend rest and/or meal breaks beyond their assigned period.

Supervisors are responsible for balancing workloads and scheduling rest and meal breaks. A supervisor has the discretion to change the time of breaks based on departmental needs.

Non-exempt employees must not perform any work related duties during the rest breaks and/or during the 30 minute unpaid meal break. Should an employee be required to work at his/her desk during a meal break, the employee's work schedule will be adjusted accordingly unless prior approval for overtime has been given by the supervisor.

Employees are expected to return to their work promptly at the end of each break and will be subject to disciplinary action for tardiness.

Employees who are scheduled to work four or up to six hours may take one 15 minute paid break during the scheduled shift.

Employees who are scheduled to work six hours or up to eight hours may take two 15 minute paid breaks during the scheduled shift.

Employees who are scheduled to work 8.5 hours or up to 10 hours may take one 15 minute paid break prior to the 30 minute unpaid meal break and one 15 minute paid break after the unpaid meal break. Or, if approved by the supervisor, such employees may combine the two 15 minute breaks with the 30 minute unpaid meal break for a total break of 60 minutes.

Nursing mothers should refer to Policy 5.45 for information regarding accommodations.

**Procedures:**

**5.32.1 Rest Breaks** *(Revised 6-16-2014)*

Whenever practical, employees are to receive a rest break of 15 minutes at approximately the middle of every four hours of scheduled work not broken by the unpaid meal break. Or, if approved by the supervisor, such employees may combine the two 15 minute paid breaks with the 30 minute unpaid meal break for a total break of 60 minutes.

Time spent on rest breaks will be compensated as working time, and employees are not required to sign out and in on their time sheets.

If an employee chooses to remain at work during a rest break, that rest break is forfeited. The employee may not leave before the scheduled ending time and will not receive extra pay for the time worked.

**5.32.2 Meal Breaks** *(Revised 6-16-2014)*

- (a) The meal break will be near the middle of the work shift. The meal break will be thirty minutes unpaid and must be recorded on the time sheet for non-exempt employees. Or, if approved by the supervisor, such employees may combine the two 15 minute paid breaks with the 30 minute unpaid meal break for a total break of 60 minutes.
- (b) Employees required to work more than ten hours in any workday will be allowed a second unpaid 30 minute meal break six hours after returning from their first meal break.
- (c) Employees will not be compensated for their meal breaks unless they are required to remain at their work stations while eating. Prior supervisory approval is required. The employee will adjust the work schedule for the week so that no overtime is required unless approved by the supervisor.

**5.33 Service Awards** *(Approved 3-4-1991; Revised 6-23-2003, 11-4-2013)*

It is the policy of the College to recognize eligible employees for their years of service to the institution.

**Procedures:** *(Revised 8-2007)*

**5.33.1 Years of Service Recognized** *(Revised 11-4-2013)*

Awards shall be presented annually by the President of the College to full-time employees at their five-year service anniversary and every five years following. Awards shall also be presented upon retirement from the College as defined by Policy 5.36.

**5.33.2 Determining Eligibility** *(Revised 12-23-2014)*

- A. Years of service will be determined from the first date of full-time employment with the College (including temporary full-time employment that is contiguous with regular full-time employment). Time spent on approved leave of absence such as Family and Medical Leave, Military Leave, or Sabbatical or Professional Leave will be considered as active employment for service awards. In the event of a termination of employment and subsequent rehire, years of service will be adjusted accordingly.
- B. The Office of Human Resources is responsible for identifying those employees to be honored.

### **5.33.3 Awards** *(Revised 11-4-2013)*

Employees eligible for recognition for their years of service will be honored at a recognition dinner with the Board of Trustees and administrators prior to the October Board meeting each year. All honorees will receive a certificate of recognition. Those with ten or more years of service will also receive an award commemorating their years of service.

### **5.34 Insurance and Benefit Plans** *(Adopted 6-1-1992; Revised 6-23-2003, 11-4-2013)*

Information and summary communications intended to explain benefit plans shall be furnished to all plan participants and beneficiaries on a continuing basis.

For purposes of this Policy, a dependent is a child, step-child or foster child aged 26 or under and spouse is as defined by the state of Missouri (Mo. Stat. 451.022).

### **Procedures:** *(Revised 4-6-2006; Revised 11-4-2013)*

#### **5.34.1 College Insurance Benefits**

The following insurance benefits are provided by the College to qualifying full-time employees. The employee may add spouse and/or dependents at an additional cost to the employee. Insurance coverage for new employees begins the first of the month following their date of hire. In the event of termination or resignation, insurance benefits will terminate at the end of the month of the last day worked. The individual will qualify for continuation of medical, vision and dental insurance under COBRA.

- (a) **Medical Insurance** – The College pays the premium for all full-time employees' medical insurance. The employee may be responsible for a portion of the premium based on the type of plan he/she chooses. Employees participating in the high deductible insurance plan can also participate in a Health Savings Account (HSA). Employees working 30 hours per week or more may qualify for medical insurance as defined by the Affordable Care Act.
- (b) **Vision Insurance** – The College pays the board approved premium for all full-time employees' vision insurance.
- (c) **Dental Insurance** – The College pays the board approved premium for all full-time employees' dental insurance.
- (d) **Life Insurance** – All full-time employees are insured with a \$50,000 life insurance policy. The employee may add additional insurance at his/her own expense.
- (e) **Long-Term Disability Insurance** – The College will pay the premium for a salary continuance program which assures full-time employees a continuous income equal to not less than 2/3 of the employee's monthly



salary when an employee is disabled because of injury or illness. Maximum is \$6,000 per month.

- (1) The College will provide access to medical, dental, vision, and disability insurance coverage through the College's group plans at the expense of the employee until a disabled employee is eligible for Medicare.
  - (2) Group term life insurance may be continued on a disability waiver. This requires a disability claim form to be completed.
- (f) **Unemployment Insurance** – The College provides unemployment insurance to all employees in compliance with state and federal laws.

#### **5.34.2 Tax Shelters**

Interested full-time employees may tax-shelter certain earnings in compliance with Internal Revenue Service codes.

The chief financial officer will develop and file all appropriate documentation with state and federal agencies regarding sheltering contributions.

- A. Tax Sheltered Annuities** [IRS code, section 403(b)] are available for employees who wish to tax shelter earnings. A list of current vendors is available from Human Resources.
- B. Deferred Compensation Plans** [IRS code, section 457(b)] are available for employees who wish to tax shelter earnings.
- C. Cafeteria Plans (Flexible Spending Account [FSA])** [IRS code, section 125] are available for employees who wish to redirect pre-tax income to pay eligible benefit items normally paid with after-tax dollars.

The deductions that may be included in the cafeteria plan are:

1. Medical, dental and vision insurance premiums paid by the employee
2. Certain un-reimbursed medical expenses
3. Adult and child dependent care

The College also offers a Limited Purpose FSA for dental and vision expenses to those employees participating in a Health Savings Account.

#### **5.35 Leaves of Absence** *(Adopted 6-1-1992; Revised 6-4-2001, 12-2-2013)*

Employees are eligible for extended paid/unpaid leaves of absence from the College under certain circumstances.

## **Procedures:**

### **5.35.1 Family and Medical Leave Act (FMLA) *(Revised 12-2-2013)***

The College will comply with the provisions of the federal Family and Medical Leave Act (FMLA). The Office of Human Resources must be notified immediately upon request of Family Medical Leave to assure legal compliance. Please refer to Policy 5.44 for the complete Family and Medical Leave Act Policy and Procedures.

### **5.35.2 Military Leave *(Revised 12-2-2013)***

Full-time employees who are members of the U.S. Armed Forces and its reserve components will be eligible for re-employment in the same or similar position after completing military service, provided that the employee shows his/her orders to his/her supervisor as soon as s/he receives them; satisfactorily completes active duty service; enters the military service directly from employment with East Central College; and applies for and is available for re-employment within 90 days after discharge from active duty. If the employee is returning 31-180 days of active duty for training, he/she must apply within 14 days after discharge. If active duty lasts 30 days or less, the employee must report to work at their next scheduled work shift.

Employees with one year or more of service will be protected against loss of income as a result of participation in annual encampment or training duty in the U.S. Military Reserves or the National Guard. In these circumstances, the College will pay the difference between what an employee earns from the government for military service and what the employee would have earned as normal straight-time earnings through his/her employment with the College. This difference will be paid for up to two weeks in a calendar year. An employee who qualifies for such pay and who is on military leave during one of the College's paid holidays, will receive full holiday pay from the College for that day, irrespective of any military pay earned that day.

Employees may also be eligible for leave in certain circumstances, described below, if their spouse, son, daughter, parent or next of kin is a member or veteran of the U.S. Armed Forces.

An eligible employee may take FMLA leave for a "qualifying exigency" arising out of the fact that his/her spouse, son, daughter or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a “covered servicemember” may take up to 26 weeks of unpaid leave during a 12-month period to care for the servicemember, if the servicemember is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness that occurred in the line of duty (or existed before but was aggravated by service in the line of duty) and that resulted in the servicemember being unable to perform the duties of his/her office, grade, rank or rating.

#### **5.35.3 Public Service Leave of Absence**

Employees who desire to accept temporary employment in federal, state, or local government or with an organization devoted to higher education betterment may be granted a public service unpaid leave of absence with no paid benefits up to one year.

#### **5.35.4 Requests for Unpaid Leave**

When possible, requests for a leave of absence or any extension of a leave should be submitted to the employee's supervisor(s) sixty days prior to commencement of the leave period, or as soon as is practicable. The approval or denial process is Supervisor, Administrator, Director of Human Resources, President, and Board of Trustees.

#### **5.35.5 Employee Failure to Return to Work** *(Revised 12-2-2013)*

If an employee fails to return to work for his/her next scheduled work shift after the conclusion of an approved leave of absence, the employee may be terminated from employment.

#### **5.35.6 Reduced Work Schedule for Full-time Employees** *(Adopted 7-30-2001; Revised 12-2-2013)*

Full-time employees may request a reduced work schedule on a temporary basis. Reduced work schedule will be defined as completion of less than 40 hours per week. Full-time employees who request reduced leave must work a minimum of 20 hours per week.

##### **A. Eligibility**

To be eligible to request the reduced schedule, employees must be 12-month, full-time employees for a consecutive period of at least two years, based upon their date of hire. The employee must demonstrate satisfactory work performance, as reported by the supervisor, for the most recent two-year period.

Upon return from Reduced Work Schedule employees must complete a minimum of two years of continued 12-month, full-time employment with satisfactory performance before they are eligible to request Reduced Leave

again. An employee may request a Reduced Work Schedule no more than twice.

**B. Approval Process**

In all cases, the supervisor, vice president(s), Human Resources and President of the College must approve the reduced schedule. The approval process will include an assessment of the hardship to the department and to the College. The expected workload effect and departmental conditions will also be considered, and may influence the parameters of the Reduced Work Schedule. Every request will be evaluated on a case-by-case basis. The supervisor, vice president(s), Human Resources and President of the College will decide if temporary employees will be hired to assist with the workload.

**C. Duration**

The duration of the Reduced Work Schedule is subject to the approval of the supervisor, vice president(s), Human Resources and the President of the College, but will not exceed one fiscal year.

**D. Continuation of Salary and Benefits**

During the period of Reduced Work Schedule, the employee will be paid only for time worked. Non-exempt employees will be paid for hours worked; exempt employees will be paid a percentage of their annual salary, based upon the percentage of schedule worked. Insurance and retirement benefits will be continued on a pro-rated basis. These benefits will include medical, dental, vision, life and disability insurances. Educational Assistance may be used by qualified dependents, but may not be used by the employee who is on the Reduced Work Schedule. During the period of Reduced Work Schedule, the employee may utilize accrued leave, but additional leave will not accrue while the reduced work schedule is in effect. Accrued sick leave may only be used if the reduced work schedule is due to a qualifying FMLA leave. The employee will not be eligible for supplemental employment with the College. If reduced work schedule is in conjunction with FMLA, benefits will be continued at no cost to the employee.

**5.36 Retirement** *(Adopted 6-1-1992; Revised 6-23-2003, 11-4-2013, 7-15-2015)*

The College provides retirement options for employees with five or more years of service within the regulations and guidelines of the Public School Retirement System (PSRS), the Public Education Employee Retirement System (PEERS), and applicable state law.

**A. Full-time Faculty and Administrative/Professional Staff**

The retirement contribution as established by state statute is paid by the employee with matching contribution by the College into the Public School Retirement System.

**B. Full-time Support Staff**

The retirement contribution as established by state statute is paid by the employee with matching contribution by the College into the Public Education Employee Retirement System.

**C. Notification of Retirement**

Qualifying retirees shall notify the Director of Human Resources as indicated:

- (1) Administrators, professional staff, and teaching faculty shall notify the College of retirement at least 90 days prior to the effective retirement date unless otherwise authorized by the College President.
- (2) Support staff members shall notify the College of retirement at least sixty days prior to the effective retirement date unless otherwise authorized by the College President.
- (3) Qualifying retiree shall notify PEERS/PSRS as required.

**5.37 Shared Sick Leave** *(Approved 4-2-2007; Revised 8-25-2014)*

The College will maintain a Shared Sick Leave program for employees who are unable to work due to the employee's own serious illness, injury or impairment.

**General Principles**

The College will maintain a Shared Sick Leave program for employees who are unable to work due to the employee's own serious illness, injury or impairment which requires continuing treatment/supervision by a health care provider and which is likely to cause the employee to take a prolonged leave without pay or likely to result in a substantial permanent disability leading to termination of employment or retirement with the College. Shared Sick Leave may not be used for absences resulting from providing care for a family member. Following the use of Shared Sick Leave, an employee must complete a minimum of one (1) year of continuous full-time employment with the College before he/she is eligible to receive Shared Sick Leave again.

**Procedures** *(Revised 8-25-2014):*

**5.37.1 Eligibility Requirements for Shared Sick Leave**

Full-time employees may be eligible for Shared Sick Leave if they meet the following criteria:

- a. The employee must have been employed full-time by the College for at least twelve (12) months immediately preceding the first day leave from the Shared Sick Leave pool is used.
- b. The employee must have been absent from work for at least fifteen (15) continuous working days due to the employee's own serious illness, injury or impairment.
- c. The employee must have exhausted all accrued leave or must provide certification from a licensed medical provider that future absences related

to the employee's serious illness, injury or impairment will extend beyond the employee's current accrued leave balances for personal, vacation and medical leave.

- d. The employee must submit a certification from a licensed medical provider that the employee's inability to work is due to a serious illness, injury or impairment.
- e. If the employee has previously received Shared Sick Leave, the employee must have completed a minimum of one (1) year of continuous full-time employment with the College since the conclusion of the most recent use of Shared Sick Leave.

#### **5.37.2 Approval Process**

- a. The employee must complete the Shared Sick Leave request form and must include a detailed explanation of the reason for requesting Shared Sick Leave.
- b. The employee shall submit the completed Shared Sick Leave request form along with the required documentation to the Human Resources Director.
- c. The Human Resources Director and the area Vice President will review requests upon receipt of the request form and the required certification from a licensed medical provider.
- d. The Human Resources Director will make a recommendation to the College President.
- e. The College President will approve or disapprove the request within ten (10) working days from receipt of the recommendation from Human Resources. The decision of the President is final.
- f. The College may approve up to 160 hours of Shared Sick Leave for full-time employees. The approval will include the number of allotted Shared Sick Leave hours, dates for use of the hours and whether recertification will be required.
- g. All requests for Shared Sick Leave will be considered confidential.
- h. Shared Sick Leave may be retroactive to the start of the unpaid leave if circumstances warrant or if the individual was unable to complete the request form and provide the required certification prior to the use of all accrued leave.
- i. Exceptions to this Policy must be approved by the President.

#### **5.37.3 Reconsideration of Shared Sick Leave Request**

Requests that are denied may be eligible for reconsideration upon receipt of additional information or change in circumstances that would make the employee eligible for Shared Sick Leave. A written request for review of the eligibility for Shared Sick Leave should be submitted to the Director of Human Resources and the President of the College within ten (10) working days from the date of disapproval notification. The Human Resources Director will make a recommendation to the College President who will make a final determination within ten (10) working days of receipt of the written request.

#### **5.37.4 Benefits While on Shared Sick leave**

- a. An eligible full-time employee may be granted up to 160 hours of Shared Sick Leave over a two (2) month period.
- b. The College will continue paid medical, dental, life, and disability insurance for the duration of the use of Shared Sick Leave.
- c. The employee can accrue sick leave and will earn personal days according to College guidelines. The employee will not be eligible to accrue vacation leave until the first of the month following return to work full-time.
- d. Educational Assistance may be used by qualified dependents, but may not be used by the employee who is on full-time or intermittent Shared Sick Leave.
- e. The employee will not be eligible for supplemental employment within the College and will not be approved for supplemental employment outside of the College during the period he/she is receiving Shared Sick Leave.
- f. Utilization from the Shared Sick Leave bank ceases when: 1) the employee is released to return to work, 2) the employee has been absent 90 continuous working days and is eligible to apply for Long-Term Disability benefits, 3) the employee begins receiving retirement benefits, or 4) the approved number of hours has been used.
- g. An employee who uses Shared Sick Leave days from the Shared Sick Leave bank is not required to pay back the hours.
- h. Leave covered by this Policy shall not constitute a break in service and an individual shall have all rights and privileges as defined in the Policies of the Board of Trustees unless otherwise specified.

#### **5.37.5 Return to Work**

Prior to returning to work, an employee who has been absent due to his/her own serious injury, illness or impairment must provide to Human Resources a return to work release from a licensed medical provider. If the return to work release contains any restrictions, Human Resources will work with the employee and the supervisor to determine if the College can accommodate the state restrictions. The College will consider any employee who fails to return to work after receiving the release from the licensed medical provider to be absent from his/her job without authorization. The College considers three (3) days of unauthorized absences to be a voluntary resignation.

#### **5.37.6 Donations to Shared Sick Leave Bank**

An employee may donate up to 40 hours from his/her accrued sick leave in a fiscal year to the Shared Sick Leave bank as long as his/her accrued sick leave does not fall below 240 hours. Once a donation has been made to the Shared Sick Leave bank, it cannot be restored to the individual. Donations may be made during the months of September and May of each year. The Shared Sick Leave bank cannot exceed a maximum of 2,000 days, and donations will be accepted only when the days accumulated in the bank drop below 2,000 days.

#### **5.37.7 Option for Employees Ineligible for Shared Sick Leave**

Employees who do not qualify for Shared Sick Leave, who have exhausted their accumulated paid leave, and/or who have exhausted Family and Medical Leave may consult Human Resources to determine eligibility to apply for an unpaid leave, reduced work schedule, retirement and/or long-term disability.

#### **5.37.8 Exhaustion of the Shared Sick Leave Bank**

Days in the Shared Sick Leave bank will be distributed until exhausted or as determined by the College President. The program may be amended as required to maintain the integrity and purpose of the Shared Sick Leave bank.

### **5.38 Professional Association Membership (Adopted 6-1-1992; Revised 11-3-2003; Reaffirmed 11-4-2013)**

Employees are encouraged to join and participate in professional associations and may be sponsored in professional associations when this will serve the College's interests and goals.

#### **Procedures:**

#### **5.38.1 Employee-Selected Professional Association**

Employees are encouraged to participate in professional associations that promote professional development. However, employee participation in such associations may not be supported financially by the College unless such participation is in support of particular College interests and goals.

#### **5.38.2 College-Recommended Professional Association**

The College may identify certain professional associations in which it wants to be represented and then designate the employees that it will sponsor for membership in such associations. Employees so designated will represent the College in the organization and will be expected to participate actively and promote its interests.

#### **5.38.3 Coordinating Representation**

Administrators are responsible for coordinating sponsorships of employees in professional associations. Administrators will normally consider the following factors in selecting associations in which to sponsor representation and in designating employees to be sponsored for membership.

1. The nature and purpose of the association;
2. The benefit to be derived by the College's support and from employee participation;
3. The cost to the College;



4. The extent to which the College is already represented in the association;
5. The employee's job responsibilities, length of service, and overall qualifications for membership

#### **5.38.4 Planning, Budgeting, and Expense Approval**

Administrators are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities. The College will pay for or reimburse the approved and reasonable expenses of employees sponsored for membership in professional associations.

**5.39 Professional Development - Faculty** *(Approved 4-7-2003; Revised 8-27-2007, 4-15-2014)*  
East Central College is strongly committed to professional development and encourages faculty to take advantage of opportunities for education, peer networking, learning and growth.

#### **Procedures:** *(Revised 4-15-2014)*

- 5.39.1** All full-time faculty may have access to an annual budget for professional development.
- A. Faculty may accrue a budgeted amount provided that a Faculty Development Plan outlining proposed use of funds is submitted either in written or electronic format within 15 days of the faculty member's contract start date.
  - B. The plan should be submitted to the division chair and the Chief Academic Officer. Faculty may participate in development activities such as coursework intended to improve specific skills (i.e. technological skills), workshops related to improving instruction, conferences designed for professional enhancement or related activities. Faculty development funds may be used to pay for advanced coursework that does not qualify for tuition assistance.
- 5.39.2** Faculty who successfully complete the approved activities as outlined in the Faculty Development Plan may request reimbursement.
- A. Upon successful completion of the development activity, faculty will submit appropriate documentation and request for reimbursement to the Chief Academic Officer for verification.
  - B. Upon approval, the documentation will be forwarded to the Chief Financial Officer for reimbursement.
  - C. Reimbursement amounts will be computed as outlined in the Expense Reimbursement Policy (4.18).

**5.40 Professional Development - Staff** *(Adopted 4-15-2014)*

East Central College is strongly committed to professional development and encourages professional and support staff to take advantage of opportunities for education, peer networking, learning and growth.

**Procedures:** *(Adopted 4-15-2014)*

- 5.40.1** Employees may participate in development activities or workshops intended to improve specific skills (i.e. technical skills), conferences designed for professional enhancement and/or related activities.
- 5.40.2** All full-time professional and support staff should submit requests to participate in conferences, training or workshops to their supervisor for approval. Requests for professional development must relate to the job.
- 5.40.3** Upon successful completion of the approved development activity, employees will submit appropriate documentation and request for reimbursement for eligible expenses to the supervisor for approval. Reimbursement amounts will be computed as outlined in the Expense Reimbursement Policy (4.18).

**5.41 Disability and Workplace Accommodation** *(Adopted 5-12-2014)*

East Central College is committed to the fair and equal employment of individuals with disabilities. It is the College's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. It is the policy of the College to comply with all Federal and state laws concerning the employment of persons with disabilities.

**Procedures:****5.41.1 Disability**

"Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such impairment, has a record of such impairment or is regarded as having such impairment is a "disabled individual." A "qualified person with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job.

**5.41.2 Reasonable Accommodation**

The College will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. A "reasonable accommodation" is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job.

There are three types of reasonable accommodations that may be considered:

1. Changes to the job application process so that a qualified applicant with a disability will receive equal consideration for the job opportunity;
2. Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; or
3. Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

#### **5.41.3 Essential Job Functions**

“Essential job functions” refers to activities that are core to performing a job and cannot be modified. For each position, the job description will identify essential job functions. Job descriptions will be reviewed on a periodic basis to evaluate job functions designated as essential.

#### **5.41.4 Requesting a Reasonable Accommodation**

An employee with a disability is responsible for requesting an accommodation from the Human Resources Department or his or her supervisor, and providing medical documentation regarding the disability when requested. Once medical documentation is received, the Human Resources Department will work with the supervisor, employee and medical provider, where applicable, to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job. Based on this interactive process, a reasonable accommodation will be selected that is most appropriate for both East Central College and the individual employee. While an individual’s preference will be considered, the College is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the organization.

#### **5.41.5 Undue Hardship**

A request for reasonable accommodation may be denied if it would create an undue hardship for the College. Factors to be considered when determining whether an undue hardship exists may include, but are not limited to, 1) the nature and cost of the accommodation, 2) the College’s overall financial resources, 3) the effect on expenses and resources or other impact, and 4) the number of employees at the location and the total number of employees of the College.

#### **5.41.6 Safety**

All employees are expected to comply with all safety procedures. East Central College will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. The determination that an individual with a disability poses a direct threat will be made by the Human Resources Department and will be based on factual, objective evidence. A written copy of the determination will

be given to the employee so that he/she may submit additional information and/or challenge the determination that he/she poses a direct threat.

#### **5.41.7 Confidentiality**

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed to ECC personnel as deemed necessary and as permitted by law.

#### **5.41.8 Complaint Procedure**

It is the policy of East Central College to prohibit any harassment or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he/she has been subject to such treatment or has witnessed such treatment, the situation should be reported to Human Resources. Any employee found to have engaged in retaliation against another employee for making a request for reasonable accommodation under this Policy, registering a complaint under this procedure or assisting in the investigation of any registered complaint will be subject to immediate disciplinary action up to and including termination.

### **5.42 Drugs and Alcohol Free Workplace** *(Reaffirmed 12-2-1991; Revised 7-30-20012, 11-4-2013)*

It is the objective and goal of East Central College to provide a drug and alcohol-free environment.

#### **Procedures:**

#### **5.42.1 Federal Law Compliance**

It is the College's intent and obligation to meet compliance with the Drug-Free Work Place Act of 1988, Public Law 100-690, and update to the Drug-Free School Community Act of 1989, Public Law 101-226 to provide a drug-free, healthy, and safe work environment.

#### **5.42.2 Explanation and Consequences of Prohibitive Behavior**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, narcotics or alcoholic beverages on the College premises or off-campus sites (including College vehicles and any private vehicles parked on College premises or off-campus sites) or College-sponsored functions is absolutely prohibited. This includes reporting to work under the influence of alcohol or illegal drugs and/or having a detectable level of alcohol or an illegal drug present in one's system while on the job, operating College vehicles or on any College premises. Violations will result in disciplinary action, up to employment termination, and may have legal consequences. All employees and applicants are required to comply with the Drugs and Alcohol Policy as a condition of employment.

Instance of violations could result in the involvement of civil law enforcement authorities. Violations include, but are not limited to, possessing illegal or non-prescribed drugs and narcotics or alcoholic beverages at work; being under the influence or using those substances while working; or dispensing, distributing, or illegally manufacturing or selling them on College premises.

Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction in writing to the Human Resources Office within five days, and the Human Resources Office will take appropriate action as required by law.

#### **5.42.3 Drug and Alcohol Testing**

Employees may be asked to take a test if there is reasonable suspicion to believe that an employee is under the influence of an illegal drug and/or alcohol. The following circumstances could cause reasonable suspicion:

1. Observed drug or alcohol use.
2. Apparent physical state of impairment.
3. Incoherent mental state.
4. Marked change in personal behavior that is otherwise unexplainable.
5. Deteriorating work performance that is not attributable to other factors.
6. An accident where there is reasonable suspicion that drugs or alcohol may be a factor.
7. Any circumstances which cause a reasonable suspicion that an employee is under the influence of illegal drugs and/or alcohol.

The test will determine the presence of drugs, narcotics, or alcohol, unless such tests are prohibited by law. Employees who agree to take the test must sign a consent form authorizing the test and the College's use of the test results for purposes of administering its discipline policy. It is a violation of this Policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. Tests that are paid for by the College are the property of the College, and the examination records will be treated as confidential and held in separate medical files.

#### **5.42.4 Employer and Employee Responsibilities** *(Revised 11-4-2013)*

- A. Supervisors should report immediately to the division Vice President and Human Resources Office any action by an employee that might pose a danger to himself/herself or others. The Director of Human Resources, the division Vice President, and the College President or his/her designee will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be

under the influence of drugs, narcotics, or alcohol will be required to leave the premises and, to the extent allowed by law, may be suspended without pay. Alternate transportation must be arranged by the employee. If the employee is unable to secure transportation, alternate transportation will be provided at the employee's expense (i.e. taxi). At no time will a current employee be allowed to transport the employee who is under the influence.

Employees are to report to the division Vice President or Director of Human Resources any suspicious behavior of a co-worker, employee, student or campus visitor that may be alcohol or drug related without fear of retaliation. To the extent possible, the report will be handled in a confidential manner.

- B. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek help through the Employee Assistance Program. Authorization to return to work will be required. Employees who participate in a treatment program will be expected to meet existing job performance standards and established work rules.
- C. Nothing in this statement is to be interpreted as constituting a waiver of management's responsibility to maintain discipline or the right to take disciplinary measures in the case of poor performance or misconduct.
- D. It must be understood that this Policy has no bearing whatsoever on what employees do on their own time unless it reflects on their job performance.

#### **5.42.5 Alcohol and Drug-Free Awareness Program** *(Revised 11-4-2013)*

The College will inform employees as deemed necessary about:

- A. The dangers of alcohol and drug abuse in the workplace.
- B. The College's policy and procedures for maintaining an alcohol and drug-free workplace.
- C. Any available drug counseling, rehabilitation and employee assistance programs.
- D. The penalties that may be imposed upon employees for alcohol and drug abuse violations occurring in the workplace.

#### **5.42.6 Treatment** *(Revised 11-4-2013)*

Employees who suspect that they may have an alcohol or drug dependency problem are encouraged to seek diagnosis and follow through with the treatment that is prescribed by qualified professionals in order to arrest the problem. Employees having these problems will receive treatment that is extended under

the College's health benefit plans and are encouraged to seek additional and/or alternate treatment that may be available at the employee's own expense.

**5.43 Communicable Diseases** *(Approved 3-7-1988; Revised 11-3-2003, 11-4-2013)*

This Policy is intended to prevent the transmission of communicable diseases from an employee (as defined below) to other members of the College community. An employee with a communicable disease presents a reasonably foreseeable risk of harm to others. Therefore, the College will take action in accordance with this Policy to minimize the risk of transmission and to maintain a safe campus working and educational environment. Some College departments have additional restrictions and procedures that must be followed due to the nature of the educational environment.

**Procedures:** *(Revised 11-4-2013)*

**5.43.1 Definitions** *(Revised 6-30-2014)*

The term "communicable disease" shall mean an infectious disease that is readily capable of transmission to other individuals through close contact, exposure to routine secretions, and/or physical proximity on a College campus. A communicable disease may be acute (short-term) or chronic (long-term). For purposes of this Policy, the term is not intended to include diseases for which transmission is virtually eliminated as a result of the application of standard universal precautions (e.g., HIV/AIDS).

For purposes of Policy 5.43, the term "employee" shall include all College employees, students hired as employees, outside or independent contractors, individuals retained or hired by contractors, sub-contractors, sole-proprietors, service providers, and volunteers performing a service for the College.

The term "Assessment Team" shall mean a multi-disciplinary team convened to review and assess the employee's communicable disease and its effect on the College community.

The terms "others" or "others in the College community" shall mean employees, students, and visitors to the College or any of its satellite facilities or properties.

**5.43.2 Disclosure**

If an employee becomes aware that he/she has a communicable disease, that employee shall self-report to the Director of Human Resources. A College supervisor who has personal knowledge that a College employee has a communicable disease must also report this fact to the Director of Human Resources.

**5.43.3 Assessment**

Upon receipt of a report that an employee has a communicable disease, the Director of Human Resources is authorized to exclude any employee from College property until a multi-disciplinary team ("Assessment Team") is

convened to review and assess the employee's condition. The employee shall be placed on administrative leave with pay until the Team makes a determination regarding the employee's status as set forth below.

The Director of Human Resources must convene the Team within a reasonably prompt period of time after receiving a report that the employee has a communicable disease. The Team should be convened within five (5) business days, if not sooner. The Assessment Team will be comprised of the following persons: (1) the employee; (2) the Director of Human Resources or designee; (3) a College-selected physician or other consultant with knowledge of the particular disease; (4) the employee's health care provider; and (5) other advisers for the parties, upon request, at their respective expense. All individuals are responsible for arranging their schedules to meet at the time and place designated by the Director of Human Resources. Because of the importance of addressing the communicable disease in a prompt manner, this meeting will not be rescheduled because of the unavailability of one or more members. However, Team Members may participate remotely upon giving advance notice to the Director of Human Resources.

The Team will assess, review, and consider the following: (1) the employee's condition; (2) the present and future risk of transmission to others; (3) the existence and practicality of implementing precautions, methods and strategies to eliminate or reduce the risk of transmission to others; (4) the restrictions, if any, that will be required to prevent the employee from creating the risk of transmission to others; (5) whether the employee should be excluded from working on College property, and, if so, whether alternative work arrangements can be made; and (6) if warranted, the date upon which the Team will reconvene to reassess the matter.

The Team will make its determination within three (3) working days after it has convened. The Team's determination will be communicated in writing to the Director of Human Resources, who shall provide written notice of the determination to the employee and President of the College. If the excluded employee works for or is a subcontractor of an outside entity, then the outside entity shall be notified in writing of the determination.

If the condition is chronic or persists for more than a short, definable period, the Team shall reassess its determination as often as the Team deems appropriate.

This assessment process is not intended to limit or otherwise inhibit the right of the College to contact the local health authority or other public health official for guidance in handling a communicable disease situation or for direction. Directives or orders from public health officials shall supersede the assessment process in this Policy.

#### **5.43.4 Consent**

To aid in its assessment, the Team may request that the employee provide a HIPAA-compliant authorization that permits the Team to communicate with the



employee's health care provider(s) regarding the status and effect of the employee's communicable disease. In addition, the Team may require, at College expense and in accordance with law, the employee to undergo a physical examination and/or medical tests that are narrowly tailored to assist the Team in determining whether the employee still has a communicable disease. An employee who refuses to provide consent to enable the Team to communicate with the employee's health care provider(s) or to undergo the required examination/tests may be subject to exclusion from employment and/or from College property, as permitted by law, until such time as consent is provided or the Team determines that the employee may be returned to work in accordance with this Policy.

#### **5.43.5 Compensation During Period of Exclusion**

As noted above, the employee shall be placed on administrative leave with pay until the Team makes a determination regarding the employee's status.

If the Team excludes the employee from being physically present to work on College property, the Director of Human Resources will notify the employee whether that exclusion is with or without pay. Non-contractual, at-will employees will not be paid during the exclusion period, but they shall be entitled to use their available paid leave during the period of exclusion. If the Team is able to make alternative work arrangements for the employee, such that the employee is able to perform his/her regular job duties away from campus, the employee will be paid for hours actually worked. Employees under contract shall not be paid during the period of exclusion only where the law allows such denial of pay. A contracted employee who is able to perform his/her regular job duties away from campus will be expected to do so.

Excluded employees shall, if eligible, be afforded the protection of the Federal Family and Medical Leave Act.

#### **5.43.6 Return to Work**

The Team is authorized to decide that the employee may return to work if it determines that one or more of the following is true:

- (1) The employee no longer has the communicable disease; or
- (2) The communicable disease is not in the infectious or contagious stage, or
- (3) The communicable disease poses little to no risk of transmission in the College environment upon the application of universal precautions.

#### **5.43.7 Appeal**

The employee may appeal the Team's determination to the President of the College by written notice within three (3) business days of the receipt of the Team's decision. The employee shall set forth in writing all reasons as to why the Team's decision should be modified or reversed. As part of the appeal

process, the President is entitled to review all documentation produced and considered by the Team. Upon conclusion of this review, the President will issue a written decision to the Team and the employee. The President's decision shall be final. However, if the employee believes that the actions under this Policy were taken in violation of Section 504 of the Rehabilitation Act of 1974 ("Section 504") or the Americans with Disabilities Act ("ADA"), the employee is permitted to submit an appeal by proceeding to the final level of the College's Grievance Policy on Section 504/ADA complaints. A copy of that Policy may be obtained from the College's Compliance Coordinator for these laws, whose contact information is as follows:

Director of Human Resources  
East Central College  
1964 Prairie Dell Road  
Union, MO 63084  
Phone: 636-584-6712

An employee who is unable to resolve a problem or grievance under Section 504 or the ADA has the right to file a complaint with the Office for Civil Rights for the United States Department of Education, Region VII, 8930 Ward Parkway, Suite 2037, Kansas City, MO 65114; phone 816-268-0550.

#### **5.43.8 Confidentiality**

Employees with communicable diseases have a right to privacy and a need for confidentiality of their medical information. Therefore, to preserve this right, the following rules will apply:

- (1) The employee's medical condition and related information may be disclosed to those individuals who have a "need to know" the information in order to implement this Policy, to assure that proper care is provided, and/or to detect/monitor situations in which the potential for transmission of the communicable disease may increase, as well as to those individuals who are otherwise authorized to receive, or who must receive, this information under law.
- (2) The employee's medical information shall be retained in a file separate from the employee's personnel file. This separate file shall be maintained by the Director of Human Resources.
- (3) Willful, negligent or unauthorized disclosure of information about an employee's medical condition will be cause for remedial or disciplinary action, up to and including dismissal.

#### **5.43.9 Exposure to Blood and Bodily Fluids**

Many College employees work in programs that may regularly or commonly expose them to blood or other bodily fluids. These employees shall follow the Centers for Disease Control Guidelines.

All College employees shall take routine and universal precautions when there is a possibility of exposure to blood or other bodily fluids. Direct skin contact with blood or other bodily fluids should be avoided whenever possible. Employees who may repeatedly come into contact with potential sources of communicable diseases will receive specific training.

#### **5.44 Family and Medical Leave Act** *(Adopted 11-4-2013)*

The College complies with the provisions of the Family and Medical Leave Act (FMLA). The College reserves all rights available to employers under the Family and Medical Leave Act.

##### **Definitions**

**Son or Daughter** – For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition: a biological, adopted, foster child, stepchild, legal ward or a child for a person standing in loco parentis who is (a) under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

For purposes of FMLA leave taken related to Armed Forces active duty or call to duty, or covered servicemember care: a biological, adopted, foster child, stepchild, legal ward or a child for a person standing in loco parentis who is of any age.

**Parent** – A parent is defined as the employee's biological, adoptive, step or foster parent, or the individual who stood in loco parentis to an employee when the employee was a child.

**Serious Health Condition** – Generally, a serious health condition is defined as a physical or mental illness, injury, impairment, or condition involving 1) inpatient care in a hospital, nursing home, or hospice; or 2) continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes three or more consecutive calendar days of incapacity relating to the same condition that also involves treatment two or more times directed by a health care provider or treatment one or more times with a resulting regimen of continuing treatment. Included also in the definition is any condition or medical situation not specifically listed here but contained within the FMLA regulations.

**Next of Kin** - The nearest blood relative of the covered servicemember.

##### **Procedures:**

#### **5.44.1 Eligibility**

Employees are eligible for Family Medical Leave if they have worked at least 1,250 hours during the prior 12 months and have been employed with the College at least one year. Employees are entitled to take up to 12 weeks of leave without pay and/or utilize accrued leave during a 12-month period due to one or more of the following:

- (a) For incapacity due to pregnancy, prenatal medical care or child birth;
- (b) To care for the employee's child after birth, or placement for adoption or foster care;
- (c) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- (d) For a serious health condition that makes the employee unable to perform the employee's job;
- (e) A qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces.

In addition, employees who are the spouses, sons or daughters, parents or next of kin of a covered servicemember are entitled to take up to 26 weeks of unpaid leave during a single 12-month period to care for the servicemember who incurs an injury during military service when that injury results in the servicemember being unable to perform his or her duties.

The employee is required to first use accumulated sick, personal, and/or vacation days; the balance of the leave will be unpaid up to the 12-week maximum. If the employee is using Family Medical Leave for his/her own medical needs, the College will continue to provide paid insurance benefits during the leave. As described in this Policy, medical certification from an applicable health care provider will be required. The duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence shall be determined by the College in conjunction with applicable federal and state law.

#### **5.44.2 Counting of Leave Taken Under FMLA**

The College will determine the amount of leave available under this Policy for an eligible employee by using a "rolling" 12 month period. A "rolling" 12 month period measures backward from the date an employee's leave commences to the 12 months preceding this date.

#### **5.44.3 Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Employees must report that the leave is FMLA related when informing the supervisor. Leave due to qualifying exigencies may also be taken on an intermittent basis.

#### **5.44.4 Notice Requirements of Employees**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not

possible, the employee must provide notice as soon as practicable and must comply with an employer's normal call-in procedures. The employee's supervisor must consult Human Resources as soon as there is knowledge an employee needs to be off work.

#### **5.44.5 Medical Certification**

Medical certification by an applicable health care provider is required for all leaves with the exception of leave for childbirth.

The employee must provide certification as soon as reasonably possible and no later than 15 days after the College notifies the employee that the leave may qualify as FMLA. If the employee fails to provide such timely certification, the leave request may be denied until a reasonable period after the required certification is provided, or the leave request may be denied entirely. Human Resources will inform the employee if the request is approved/denied.

#### **5.44.6 Active Duty/Call to Duty Certification**

For leave of absence due to Armed Forces active duty or call to duty, the employee must provide the available Armed Forces documentation as soon as possible.

#### **5.44.7 Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

#### **5.44.8 Substitution of Paid Leave for Unpaid Leave**

The employee is required to first use accumulated sick, personal, and/or vacation days; the balance of the leave will be unpaid up to the 12 week maximum.

#### **5.44.9 Continuation of Benefits while on Family or Medical Leave**

For any employee granted leave under this Policy:

- (a) The College will continue to pay the employer portion of the group medical, dental, vision and life insurance premiums.
- (a) The employee must continue to pay the employee's portion of insurance premiums.

- (b) If the employee does not return to work when FMLA leave is exhausted, the opportunity to purchase continuing coverage under COBRA regulation will apply.

#### **5.44.10 Impact on Future Retirement Benefits**

For information on potential impact of Family and Medical Leave on retirement benefits, the employee should refer to the PSRS-PEERS website at <http://www.psrs-peers.org>. Subject to PSRS-PEERS requirements, employees on unpaid leave may be able to contribute based on current salary into the applicable retirement system in order to earn service credit.

#### **5.44.11 Fitness-for-Duty Requirements**

Employees who take leave under this Policy due to their own serious health condition must provide to the Human Resources office, in advance of returning to work, a “return to work” slip from their health care provider stating that they are able to resume the essential functions of their jobs with or without a reasonable accommodation. Employees may not return to work without the required documentation from their health care providers.

#### **5.44.12 Return from Family and Medical Leave**

Employees are expected to return to work the first workday following the last day of the family or medical leave. In cases where the employee is unable to return sooner or the employee needs an extension of leave time, employees are asked to provide two days’ notice of such whenever possible. Upon return from a family or medical leave, an employee will be restored to the same or an equivalent position. An employee’s failure to return from leave on the designated date will be handled in accordance with College Policy.

#### **5.44.13 Option for Employees Ineligible for FMLA Leave**

Employees who do not qualify for leave under FMLA or who have exhausted family and medical leave may consult Human Resources to determine their eligibility to apply for an unpaid leave.

#### **5.45 Nursing Mother Accommodations** *(Adopted 4-15-2014)*

East Central College will comply with the requirements of the Patient Protection and Affordable Care Act (PPACA), which amended Section 7 of the Fair Labor Standards Act (FLSA) to provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother.

**Procedures:**

**5.45.1 Providing Accommodation**

The College will accommodate employees who are nursing mothers and who need to express milk during the work day for up to one (1) year after the child's birth. Employees covered by this provision will work with their supervisor to determine how best to accommodate the needs of the mother while still meeting job expectations.

**5.45.2 Time for Lactation Accommodation**

Supervisors will be required to provide a reasonable amount of break time to express milk as frequently as needed by nursing mothers. Nursing mothers covered by Policy 5.32 will be allowed to extend the two paid fifteen minute breaks provided in that Policy by up to an additional 15 minutes of paid time to express milk if needed. If a longer break time is necessary, the employee will be required to make up the missed time or use vacation/personal leave. If an employee takes more than the two paid breaks and the unpaid 30 minute lunch break during the work day to express milk, the employee will need to make up the time missed or use vacation/personal leave. Non-exempt employees will be required to record break times on the timecard. Accrued sick leave cannot be used for milk express breaks as this does not qualify for sick leave.

**5.45.3 Environment for Lactation Accommodation**

The nursing mother may use her office, an office in the immediate work area or one of the private locations designated by the College for expressing milk. Milk may be stored in College refrigerators located in the break areas throughout the campus.

**5.46 Workers' Compensation (Adopted 5-12-2014)**

The College provides Workers' Compensation benefits for all College employees pursuant to the mandates of the Missouri Workers Compensation Law. Employees who suffer an injury or who are exposed to or contract any occupational disease arising out of and in the course of their employment with the College ("a work-related injury") will receive benefits from the College in accordance with this Policy and the Missouri Workers' Compensation Law ("the Law").

**Procedures:**

**5.46.1 Reporting of Injury**

Employees must notify their supervisor or College designated representative immediately of any work-related injury prior to seeking treatment or if refusing treatment. The supervisor or College designated representative should inform Human Resources of the work-related injury. College designated representatives include the Facilities/Grounds Director, the Satellite Site Director for the site at which the work-related injury occurred, an ECC first

responder and Campus Security personnel. Human Resources will maintain on the web page a list of the College designated representatives and any forms referenced in this Policy.

An injured employee must visit an authorized provider or facility in order to be covered through Workers' Compensation. The employee is to inform the medical providers and facilities that the injury was work-related.

- 1) Day Hours – If a work-related injury happens during the hours of 6 a.m. to 4:30 p.m., the employee must inform the immediate supervisor or Division Vice President. A written report of injury must be completed that day.
- 2) Evening Hours – If a work-related injury happens Monday – Thursday after 4:30 p.m., the employee must inform the immediate supervisor, ECC first responder or Campus Security. The work-related injury should be reported to the supervisor and a written report of injury must be completed the next business day.
- 3) Weekend/Holiday - If a work-related injury happens on the weekend, the employee should contact the immediate supervisor or Campus Security. The work-related injury should be reported to the supervisor and a written report of injury must be completed the next business day.

#### **5.46.2 Designated Workers' Compensation Facilities**

The College will identify healthcare facilities in close proximity to each of its locations which will be designated Workers' Compensation facilities to be utilized in case of a work-related injury. Employees are required to utilize the designated facilities according to the designated hours.

An injured employee must visit an authorized provider or facility in order to be covered through Workers' Compensation. A list of these facilities will be maintained in the Human Resources Office and posted on the Human Resources web page. Employees will be responsible for payment for medical treatment if they receive treatment from any medical provider or facility other than the College authorized medical provider or facility.

For purposes of physical therapy, an employee may use the College authorized medical provider or facility that is closest to the employee's home.

#### **5.46.3 Emergency Situations**

Employees and/or ECC first responders must notify the supervisor immediately of any work-related injury. If a work-related injury is an emergency, 911 should be called immediately. The medical providers will determine the appropriate care and whether or not the employee needs to be treated at the hospital. The College designated representative will contact the hospital and



authorize treatment. If the nature of the work-related injury is such that the employee cannot immediately submit the completed report of injury form, the employee's supervisor will assist the employee in completing the form as soon as possible.

#### **5.46.4 Non-Emergency Situations**

If the work-related injury is a non-emergency but requires medical treatment, the employee will pick up a Treatment Authorization Form from Human Resources, Facilities and Grounds, or the Satellite Site office and go to a designated medical facility closest to his/her campus per the hours of operation. If the employee is not capable of driving, alternate transportation arrangements will be made by the employee or College. Employees should not transport another employee unless approved by a College Administrator, Human Resources or the applicable Satellite Site Director. The College designated representative will contact the treatment facility to authorize treatment of the employee.

#### **5.46.5 Injury Report**

An injury report should be completed by the employee and the supervisor and submitted to the Human Resources Office no later than the next business day after the work-related injury. Any witness(es) should complete the injury report form and submit it to the supervisor. If the nature of the work-related injury is such that the employee cannot immediately submit the completed report of injury form, the employee's supervisor will assist the employee in completing the form as soon as possible. Any delay in reporting the work-related injury may delay Workers' Compensation benefits. Injury report forms are available in the Human Resources office and on the Human Resources web page.

#### **5.46.6 Follow-up Medical Treatment**

Follow-up visits and/or therapy should be scheduled during normal working hours. An employee does not receive compensation when treatment is after hours or on a holiday.

An employee can receive mileage reimbursement for medical treatment according to College Policy for travel from the work location to the designated facility. An employee can receive mileage reimbursement for medical treatment according to Workers' Compensation for travel from the work location to the designated medical facility if twenty-five miles or more one way.

#### **5.46.7 Return to Work**

Employees must provide a release from their treating physician to return to work after being absent due to a work-related injury. The employee will work with the supervisor and Human Resources if any restrictions are required. All releases from treating physicians must be forwarded to the Human Resources office.

An employee who fails to return to work after receiving the release from their treating physician to do so would be considered absent from their job without authorization. The College considers three days of unauthorized absences without notice to be a voluntary resignation.

#### **5.46.8 Compensation Benefits**

The College will pay for time lost because of a work-related injury during the remainder of the normal workday in which the work-related injury occurs.

#### **5.46.9 Temporary Total Disability Benefits**

Employees will receive Temporary Total Disability (TTD) Benefits in accordance with the Law. TTD Benefits are wage replacement benefits paid to an employee in lieu of wages during the period of time in which the employee is unable to return to any employment because of a work-related injury.

Employees whose average weekly wage as defined by the Law (“average weekly wage”) exceeds the actual wage necessary to obtain the maximum total disability rate as defined by the Law (“maximum wage”) may use accrued vacation, sick leave or personal leave to cover the difference between the employee’s average weekly wage and the maximum wage during the time period such employee is entitled to TTD Benefits under the Law.

By Law, TTD Benefits are not provided for the first three (3) full days of absence due to a work-related injury unless the employee is off work for at least 14 calendar days due to a work-related injury. The employee may request use of accrued vacation, sick leave or personal leave for the first three (3) days’ absence from work. If the employee is off work more than 14 calendar days, TTD Benefits will be made from the first day of lost time. The College will reduce the next month’s accrued vacation, sick leave or personal leave based on the difference between the amount of TTD Benefits paid and the amount of accrued leave used for the first three (3) days of absence.

An employee who is receiving unemployment benefits may not receive concurrent TTD benefits.

An employee who is terminated from employment with the College for post-injury misconduct will not be entitled to continue to receive TTD benefits.

An employee receiving TTD Benefits will continue to accrue vacation and sick leave.

Employees should refer to PSRS/PEERS for information on the potential impact of TTD Benefits on retirement benefits.

An employee who has returned to work after a work-related injury, but is still receiving medical treatment, will not receive TTD benefits for time missed from work for physical therapy, employer-requested medical evaluations, or to attend medical treatment and/or evaluations. The employee will be allowed to seek follow up treatment during the normally assigned work shift.

#### **5.46.10 Continuation of Employee Benefits While Off Work Due to Work-Related Injury**

If an employee is not able to work due to a work-related injury and as long as the injured person remains an employee of the College, all regular employee benefits may continue. However, since the employee will be receiving TTD Benefit checks directly from the College's insurer and not through the College's regular payroll system, the employee's portion of the cost for dependent benefits cannot automatically be deducted from the employee's payroll check. Therefore, the employee is responsible for making separate payment arrangements with the College.

Workers' Compensation leave for more than three days will be designated as FMLA leave for qualifying employees.

#### **5.46.11 Compliance**

Under the law, Workers' Compensation benefits can be denied if an employee is found to be using alcohol and/or non-prescribed controlled drugs in the work place and the use is the proximate cause of the injury. If the employee is found to be using alcohol/drugs and the use is not the proximate cause of injury, a 50% penalty can be leveraged against otherwise payable benefits.

An employee with a work-related injury must strictly follow any and all instructions of the treating physician. This compliance includes, but is not limited to: prescription use, therapy, rest, following activity restrictions, and returning for follow-up visits. Compliance with medical instructions is mandatory on and off the job.

If an employee violates a rule of the College or fails to use a required safety device, that employee's Workers' Compensation benefits may be reduced by 25-50%.

Employees are expected to comply with these policies as a condition of their employment. This includes, but is not limited to, the expectation that an employee shall:

1. Comply with physician's orders,
2. Immediately notify their supervisor or the College designated representative of a work-related injury,
3. Refrain from the use of drugs and/or alcohol in violation of the College's policies,
4. Comply with safety standards,

5. Return to work upon release of physician, and
6. Be absolutely truthful and accurate in all claims and reports.

Failure to comply with this Policy may result in College discipline up to and including termination.