Fayetteville Technical Community College
EMPLOYMENT AND AFFIRMATIVE ACTION MANUAL

- **Non-Discrimination & Equal Opportunity Policy Statement**
- **Affirmative Action**
- **Prevention of Illegal Discrimination**
- **Progressive Discipline**
- **Title IX and Clery Act Compliance**
- **Complaint Process and Appeals**

Current Version Originally Published
Fall 2009
Last Revised: June 19, 2017

Proponent: Vice President for Human Resources and Institutional Effectiveness

Available online

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FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE

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VI-1 NON- DISCRIMINATION AND EQUAL OPPORTUNITY POLICY STATEMENT

The Trustees of Fayetteville Technical Community College is committed to providing a non-discriminatory and harassment-free environment for faculty, staff, students, and visitors at the College. Accordingly, it is the policy of Fayetteville Technical Community College (FTCC) to prohibit all forms of illegal discrimination and to foster a campus environment which empowers individuals to bring forth claims of illegal discrimination without fear of retaliation. No form of illegal discrimination shall be tolerated whether it arises in the employment environment or arises in some manner which impedes the ability of students, employees, and others to access any service offered by the College. FTCC shall place a special emphasis on providing training designed to help faculty, staff, and students recognize, intervene, prevent, and end illegal discrimination based on sex or gender, including sexual harassment, sexual violence, sexual assault, sexual orientation and/or gender identity, stalking, domestic violence, dating violence, or other forms of intimate partner violence.

In the event an allegation of illegal discrimination is made, FTCC shall:

- Inform the alleged victim of options and assistance which may be available to them;
- Maintain confidentiality to the fullest extent permitted by law;
- Thoroughly and impartially investigate the allegation;
- When reasonably necessary, provide interim remedy(ies) pending a final resolution;
- Provide all parties involved in the allegation a prompt and equitable determination of the merits of the claim;
- Decide whether the allegations are more likely than not to have occurred (preponderance of the evidence standard); and,
- If it is more likely than not that the allegations occurred, resolve the allegations in a manner designed to end the discrimination, prevent its reoccurrence, remedy the effects upon the victim and the community, and impose reasonable sanctions on any party found to have engaged in behavior prohibited by this policy.

Illegal discrimination shall be defined as any action or decision that interferes or denies a person employment or participation in any educational program/activity at FTCC based upon race, color, national origin, religion, sex/gender, age, genetic information, disability, political affiliation. Sexual harassment, sexual assault, stalking, domestic violence, dating violence, or other forms of intimate partner violence are prohibited and considered to be forms of sex/gender based discrimination.

FTCC faculty, staff, students, and visitors to the College shall be permitted to bring forth claims of illegal discrimination without fear of retaliation. It shall be a violation of this policy for any faculty, staff, student, or visitor to retaliate against an individual bringing forth such claims or defending themselves against an allegation of misconduct. It shall also be a violation of this policy to knowingly make false claims or statements regarding illegal discrimination. Person wishing to file a discrimination complaint, including Title IX violations, may contact one of the following:

1. Vice President for Human Resources and Institutional Effectiveness, located in Room 162 of the Thomas Mclean Administration Building, telephone: 910-678-8373 Email: mitchelc@faytechcc.edu

2. Personnel Manager, located in Room 162 of the Thomas Mclean Administration Building, telephone: 910-678-8246 Email: poggettb@faytechcc.edu

The administration of FTCC shall establish appropriate procedures to implement this policy. The Administration of FTCC shall provide an annual report to the Board of any alleged violation of this policy and a summary how the allegation was resolved. The report shall be due during the June meeting of the Board and will include only allegations that have fully resolved, including the exhaustion of all appeal rights.

VI-2 AFFIRMATIVE ACTION PROGRAM OBJECTIVES

Fayetteville Technical Community College is committed to the concept of affirmative action to avoid all vestiges of illegal discrimination in its personnel policies, procedures and actions, and it intends that all college employees and all citizens within its service area be made aware of this commitment. The Board of Trustees charges the administration, faculty and staff of the College with the responsibility of implementing the doctrine of affirmative action in achieving the following objectives:

(1) To affirm and extend the College's commitment to the principles of equal employment and educational opportunities.

(2) To inform citizens in the service area that the administration and employees of the College practice the precepts of fair and equal treatment in the execution of recruitment, employment, and personnel utilization procedures.

(3) To contribute to the development of a community in which opportunity is available for all individuals regardless of race, national origin, color, religion, gender, disability, age or political affiliation and to utilize the human and material resources of the College to provide opportunities for the development of the skills and attributes inherent in all members of the community.

(4) To comply with all applicable federal and state orders, regulations, laws, legal opinions, and court decisions in the areas of civil rights, equal employment opportunity, and contract compliance made known and available to this College.

(5) To delineate the lines of authority and fixed responsibilities for development, implementation, and supervision of the College's Affirmative Action Program.

(6) To conduct a recruitment program designed to obtain and maintain, to the degree possible, a faculty and staff of the highest quality who reflect the ethnic and gender balance of the available work force within the College's service area.

(7) To provide for non-discriminatory practices in all matters pertaining to employee compensation and benefits.

(8) To develop, promulgate, and adhere to a system of procedures for adjudication of any complaints of discrimination by an employee or student that fall within the authority of the College to consider.

(9) To establish and conduct monitoring procedures for ensuring that the selection, promotion, advancement, transfer, training, evaluation, discipline, and termination of employees are in compliance with governmental and institutional regulations and policies pertaining to equal employment opportunity.

(10) To provide information, upon request, regarding the College's equal employment programs and practices to interested and authorized individuals, groups, organizations and agencies.

(11) To ensure publications, advertisements, notices, public information releases, contracts, and service agreements stipulate adherence to equal employment opportunity regulations.

(12) To ensure that institutional facilities, organizations, and activities remain open to utilization and participation by employees and/or students, as appropriate, without regard to race, national origin, color, religion, gender, disability, age, or political affiliation except those facilities reserved for use by a single gender.

(13) To provide a system of analysis, assessment, and evaluation of employment data and Affirmative Action Plan accomplishments.

(14) To conduct an ongoing evaluation and review of policies, and procedures, and recommend revisions where appropriate.

VI-3 AFFIRMATIVE ACTION RESPONSIBILITIES AND PROCEDURES

VI-3.1 General Information

The success of this institution's Equal Employment Opportunity endeavors and the success of its Affirmative Action Program are dependent upon the individual and collective efforts of each employee of Fayetteville Technical Community College. Accordingly, the ultimate responsibility for implementation of policies and procedures outlined in this plan is shared by all members of the faculty and staff. The progression of responsibilities follows the supervisory chain of the College. The responsibilities of those administrators charged with specific duties for effecting program implementation are detailed in the following subsections.

VI-3.1.1 President

The President of Fayetteville Technical Community College is responsible to its Board of Trustees for the overall development and direction of the College's Affirmative Action Program (AAP). The President will ensure that all administrators and supervisory personnel adhere to the Illegal Discrimination and Sexual Harassment/Violence Prevention Policy and that such policy is reflected in all institutional publications, advertisements, and pronouncements. The President is the final approval authority for all personnel procedures and actions pertaining to employee recruitment, selection, compensation, advancement, transfer, grievance adjudication, Title IX remedies and sanctions, discipline, and termination, as delegated to him by the Board of Trustees. The President will appoint and fix responsibility upon the Vice President for Human Resources and Institutional Effectiveness (HR/IE) to serve as the College's Title IX Coordinator. The President appoints the Personnel Manager as the Deputy Title IX Coordinator. Responsibility of the Title IX Coordinators includes developing, coordinating, and recommending EEO and Affirmative Action policies, procedures and objectives.

VI-3.1.2 Vice President for Human Resources and Institutional Effectiveness

The Vice President for HR/IE is responsible for the management of the College's plan of action. The Vice President for HR/IE will function generally as the staff supervisor in all matters pertaining to Equal Employment Opportunity and Affirmative Action. Specific duties and responsibilities will include:

(1) The collection and maintenance of community census and work-force analysis data.

(2) The establishment and maintenance of Equal Employment Opportunity and Affirmative Action data files.

(3) The provision of assistance to members of the administration, faculty, staff, visitors, contractors, subcontractors, and vendors on matters pertaining to Equal Employment Opportunity and Affirmative Action Plan implementation.

(4) The development, preparation, and recommendation of policies and procedures needed to comply with applicable laws and guidelines affecting Affirmative Action Program (AAP) objectives.

(5) The review, coordination, and updating of administrative and personnel procedures necessary to comply with EEO policies and AAP objectives.

(6) Ensure that a fair and impartial investigation of complaints of illegal discrimination is conducted **timely** and upon completion of such investigation render a decision in the matter. Generally, Title IX-related investigations will be conducted by the Director of Public Safety and Security and/or the Captain of Public Safety. Upon completion of such investigations, the Public Safety and Security Office will provide the completed reports to the Title IX Coordinators for rendering of the post-investigation decision, including remedies and sanctions. The completed investigation reports will be hand carried to the Title IX Coordinators and remain confidential in nature to protect all parties involved in the initial investigation. The Title IX Coordinators retain the right to personally conduct Title IX investigations in situations where it is collaboratively agreed, before such investigation begins, that based upon the specific allegations and circumstances that it would be more appropriate for the Title IX Coordinators to personally conduct the investigation. The Director of Public Safety and Title IX Coordinators will meet and jointly discuss the allegation and special circumstances to render a decision of which office will be assigned the responsibility to conduct the investigation.

(7) The preparation of reports on the status and progress of the College's Affirmative Action Program.

(8) The annual audit of data and accomplishments and the preparation and recommendation of any necessary or desirable revisions to the objectives stated therein to the President.

(9) The primary point of contact and liaison in all matters pertaining to EEO and Affirmative Action.

VI-3.2 Release of Information Policy

It is the policy of Fayetteville Technical Community College to maintain records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government recordkeeping and disclosure requirements. It is also the policy of the College to control the release of records compiled from the files of its applicants, employees, and past employees to prevent the invasion of privacy. The disclosure shall comply with state law prohibiting the release of the records except in special circumstances.

Each administrator and supervisor having the responsibility for maintenance of employee records will be held accountable for their control and utilization in compliance with policies and procedures set forth in this plan. Only specifically designated administrators will have access to records. Such access, even then, will be limited to the performance of reviews necessary for required data collection or for the conduct of advancement, promotion, training, termination, or investigative activities.

VI-3.3 Affirmative Action Procedures

VI-3.3.1 Recruitment, Advertising, and Selection

To fulfill its role as an equal opportunity institution, FTCC takes affirmative action to ensure that qualified members of minority groups and females are afforded opportunities on an equal basis with all other applicants. The recruitment and advertising effort aimed at locating and soliciting minority and female applicants will include the following:

(1) Advertising employment opportunities in minority newspapers.

(2) Sending employment opportunities to colleges and universities with predominately minority and female enrollment, as well as usual recruitment sources.

(3) Advertising employment opportunities in trade journals, if appropriate for job.

(4) Notifying the NC Department of Commerce of job vacancies for posting with the NCWorks Centers across the State of NC.

(5) Linking employment opportunities to NCCCS employment websites.

(6) Emailing employment opportunities campus wide.

(7) Posting employment opportunities on the FTCC website.

Fayetteville Technical Community College recruits employees in all areas (administrative, staff, instructional and service) on the basis of qualifications and individual ability without regard to race, national origin, color, religion, gender, disability, age, or political affiliation except where gender or age are bona fide occupational qualifications or limitations. Emphasis will be placed on attracting applicants who will contribute to maintaining the standard of excellence to which this College is committed.

Recruiting sources will be analyzed annually by the Vice President for HR/IE to evaluate responses from such sources and the need for expansion. Liaison will be maintained with colleges and agencies having or representing a concentration of minorities and women with a goal of increasing the number of qualified applicants from such sources.

All requests for advertisements of position vacancies will be forwarded to the Vice President for HR/IE for review and action.

The phrase "An Equal Opportunity Employer" will be reflected on all position vacancy announcements. These will include publications, journals, institutions and other agencies having access or appeal to minority and women applicants.

Equal Employment Opportunity policies and the Affirmative Action Plan of this College will receive wide dissemination both within and outside of the College. Internal measures will include: informing new employees of College policy during their orientation and placing the Equal Opportunity Employer phrase on all College mailings. External dissemination will include: providing statements of policy to recruitment sources, prospective employees, contractors, and the news media; providing copies of College plans and programs to appropriate governmental and other agencies having a requirement for knowledge of their content; and equally portraying minority and female employees and students and their accomplishments in public information releases, advertisements, catalogs and other appropriate publications to reflect the diversity of the College.

The College President retains authority to occasionally approve upward mobility of qualified personnel within the College in lieu of advertising the position.

Except in cases of occasional upward mobility personally approved by the President, Fayetteville Technical Community College will link all position vacancy announcements to the North Carolina Community College System Office employment website. Vacancies are registered with the State Department of Commerce NCWorks Centers and appropriate professional associations and institutions. News media, to include local minority oriented media, and professional journals are also used to advertise position openings.

The hiring manager concerned retains the authority and responsibility for the in-depth candidate application review, interview and final selection recommendation through administrative/supervisory channels to the President. No offer can be extended to the recommended candidate until the President approves the hiring recommendation.

When an employee selection has been made by the interview panel, the selecting hiring manager submits the recommendation for employment through their supervisory chair, to the appropriate Senior Vice President or Vice President. The Vice President will forward the hiring packet to the Vice President for HR/IE for review and approval. The hiring packet is then forwarded to the Senior Vice President of Business & Finance for review for budget consideration. The Senior Vice President of Business & Finance will forward the hiring packet to the President for final approval.

VI-3.3.2 Applicant Selective Service Registration Status

Part 19 A, Section 1, Chapter 143 B of the North Carolina General Statutes requires that persons subject to Selective Service Registration must register to be eligible for State or Local employment or receipt of public educational assistance.

VI-3.3.3 Special Recruiting Activities

Vacancy announcements will include the position title, job duties, qualification and deadline for receipt of applications along with the appropriate instructions for submitting an application via the electronic applicant tracking system.

The Vice President for HR/IE verifies that all selection actions are in compliance with established procedures and forwards the results to the

President for final approval. Persons to fill non-contract positions may be selected by the appropriate department or office head subject to approval by the President. Those selected for faculty positions will be interviewed by the Senior Vice President for Academic and Student Services or designee. The Senior Vice President for Academic and Student Services will recommend contract provisions to the President for final approval. The President will also be the final approving authority for selection of individuals to fill non-instructional contract positions. As an exception, the VP for HR/IE has been delegated approval authority for hiring recommendations of part-time staff positions on behalf of the President.

If there are no applicants meeting the desired qualification levels, or if those initially interviewed are deemed not qualified, the Vice President for HR/IE may initiate a request for re-advertisement of the position vacancy and defer the interview selection process. Every effort will be made to afford the opportunity for broadening the base of prospective employees consistent with the maintenance of the College's standard of excellence in all areas.

VI-3.3.4 Application Forms

Fayetteville Technical Community College accepts applications via the College's electronic application system powered by PeopleAdmin©. Applications for employment are maintained for a period of 24 months longer if those applications are the subject of a complaint or lawsuit. Tests may be given to prospective employees or employees seeking advancement or transfer for the purpose of providing an aptitude or ability indicator to assist in the selection process. Tests results will be retained for two years. Tests must also meet all validity and reliability measures to comply with federal and state law and therefore must be approved, prior to use, by the VP for HR/IE.

VI-3.3.5 Promotion, Advancement, and Transfer

A primary element of the College's Affirmative Action Program is that of providing the opportunity to qualified employees to apply for promotion, advancement or transfer to more responsible and remunerative positions. Where vacancies occur that afford such opportunities, they will be filled on the basis of merit without regard to race, national origin, color, religion, gender, disability, age or political affiliation.

Except in limited cases of upward mobility approved by the President, position openings will continue to be made known on a College-wide basis so that any qualified employee may apply. Those employee applicants who have the requisite experience, training, aptitude, record of performance,

developmental potential, and personal qualities will receive priority consideration. There may be a need, however, to broaden the field of applicants, in which case the position will be advertised on the open market with all qualified applicants receiving equal consideration. Candidates will be judged on the basis of individual ability, qualifications, and the needs of the College without regard to any of the factors cited above.

Transfers between departments or activities within the College will be handled in the same manner as promotions and advancements. However, an exception is the lateral, non-advancement transfer made as a result of changes in position authorizations. This involves a simple individual relocation without reference to recruitment or advertisement action.

A report of all promotion, advancement and transfer actions will be electronically created as they occur within the PeopleAdmin System. Form E-3 must be completed with a memo attached stating the reason of any new position title and sent through the appropriate supervisory chain to the VP for HR/IE prior to advertising the position.

VI-3.3.6 Compensation and Benefits

All employees of Fayetteville Technical Community College receive compensation and benefits in accordance with the positions they occupy, their qualifications, and their term of service without regard to race, national origin, color, religion, gender, disability, age or political affiliation. When supplements are authorized, they will also be provided on the basis of qualifications without regard to the above factors. No employee has an expectation of continued employment beyond the term specified in their employment contract. The President retains, for himself or herself, the right to decide whether to issue or not issue additional contracts covering periods after the expiration of any FTCC employee's contract. The employee's race, color, national origin, religion, sex/gender, age, disability, and for political affiliation will not be a part of such consideration.

VI-4 EMPLOYMENT PROCEDURES

VI-4.1 Introduction

Employment procedures are designed to establish a uniform recruiting and selection procedure throughout the Fayetteville Technical Community College campuses. It is designed to ensure that the recruiting and selection processes are fair, equitable, and in compliance with the Americans with Disabilities Act, the Office of Civil Rights, and Equal Employment Opportunities Commission rules, regulation and statutes. This manual provides the administrative staff with procedures for recruiting and selecting the most qualified employees. Uniform recruitment and selection procedures will help to ensure diversity throughout the College. Definitions of employee status are as follows:

Full-time Permanent Employees: A Full-time Permanent Employee is defined as an employee who works the equivalent of 40 or more hours per week and holds a position which is intended to exist for an indefinite period of time. Any such employee shall receive the employee benefits described in the Administrative Procedures Manual. Full-time Permanent Employees have no right to continued employment for any period except that stated in the employee's contract, if any.

Full-time Temporary Employees: A Full-time Temporary Employee is defined as an employee who works the equivalent of 40 or more hours per week and holds a position which exists for no more than 4 months during any 12 month period. Any such employee shall receive none of the employee benefits described in the Administrative Procedures Manual. Full-time Temporary Employees have no right to continued employment for any period of time except that stated in the employee's contract, if any.

Part-time Permanent Employees: A Part-time Permanent Employee is defined as an employee who works less than 40 hours per week and holds a position which is intended to exist for an indefinite period of time. An employee working 30 or more hours per week shall receive a pro-rata share of the employee benefits described in the Administrative Procedures Manual. Part-time Permanent employees who work less than 30 hours per week receive none of the employee benefits described in the Administrative Procedures Manual. Part-time Permanent Employees have no right to continued employment for any period of time except that stated in the employee's contract, if any.

Part-time Temporary Employees: A Part-time Temporary Employee is defined as an employee who works less than 40 hours per week and holds a position which exists for no more than 4 months during any 12 month period. A Part-time Temporary Employee working 30 or more hours per week shall receive a pro-rata share of the benefits described in the Administrative Procedures Manual. A Part-time Temporary Employee who works less than 30 hours per week shall receive none of the benefits described in the Administrative Procedures Manual. Part-time Temporary Employees have no right to continued employment for any period of time except that stated in the employee's contract, if any.

VI-4.2 Veteran's Policy

In recognition of the sacrifices made by veterans and their families on behalf of this nation, this state, and even this College, Fayetteville Technical Community College shall make reasonable efforts to recruit veterans, their spouses, and spouses of active duty service members for employment opportunities at the College. In making hiring decisions, the College shall hire an applicant who is a veteran or the veteran's spouse when the veteran or veteran's spouse is determined, by and through the application, interview, and other hiring processes to be equally or better qualified than all other candidates who applied for the position.

For the purposes of this policy the following definitions apply. The word "veteran" shall be defined as a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and has been discharged under other than dishonorable conditions. The term "veteran's spouse" shall be defined as either (a) the legal spouse of a veteran; or (b) the surviving spouse of a veteran; or (c) the surviving spouse of a service member who died directly or indirectly as the result of active duty military service.

This preference applies to initial employment with Fayetteville Technical Community College and extends to other employment events including subsequent hiring, promotion, reassignment, and lateral transfer.

VI-4.3 Employment Application Procedures

(1) All applications for employment should be submitted via the PeopleAdmin© electronic application system to the Office of the Vice President for HR/IE.

(2) Part-time instructor applications received when no job vacancy has been posted should be submitted via the part-time applicant pool. The applicant pool will be available to Hiring Managers through the PeopleAdmin© system. Applications will remain available for 24 months.

VI-4.4 Hiring Procedures for Full-Time Employment

(1) All position vacancy announcements must be approved by the supervisory chain up to the appropriate Vice President, through the Senior Vice President for Business & Finance and forwarded to Human Resources via the PeopleAdmin© system. Human Resources will review and forward announcements to the President for approval prior to advertising.

(2) All applications for positions advertised with a closing date, will be held in HR queue until the closing date. At that time the PeopleAdmin© system triggers an e-mail to the hiring manager to login to review applications.

(3) Prior to interviewing, the Interview Approval Form (I-3) will be electronically forwarded to the Vice President for HR/IE for approval of the interview panel. All members of the interview panel must be DDI trained and identified on the I-3 form.

(4) During the interview process, a FTCC Interview Guide, (Form I-12) and Consensus Sheet (I-3), must be completed for each applicant interviewed.

(5) For Faculty positions, the applicants are to provide an instructional demonstration or presentation. The presentation will be scored on the Interview Guide Supplement, (Form I-14).

(6) Three Telephone/Written Reference Check forms (Form T-1) must be completed after interviews for the top two or three candidates likely to be referred for employment. One reference check must be from the current/immediate past employer for each of the top candidates. Should an applicant under consideration indicate “no” the college cannot contact current supervisor, the hiring manager must contact the applicant and advise that they are one of the top candidates for the position and to be further considered the college requires a reference check from the current supervisor. The applicant must submit in writing they concur with the college contacting the current supervisor. If the applicant has previously worked or is working for FTCC, that supervisor must complete a reference. The supervisor’s reference can be used as one of three references if the supervisor did not participate in the current interview. If the supervisor did participate in the interview his/her reference is required in addition to 3 others for a total of 4 reference checks. Anyone conducting reference checks on behalf of FTCC is encouraged to contact references beyond the persons identified by the applicant in the reference section of the application.

(7) After conducting interviews and making a selection, a recommendation to hire packet should be prepared that includes:

a. Full-Time Employment Form (Form E-3).

b. Educational Degree and Work Experience Evaluation (Form E-26) (Faculty Only).

c. Full-Time Credentials Verification Form (Faculty Only).

d. Faculty Credential Alternative Qualification Summary Sheet (Form F-14) Portfolio Packet (If Required).

e. Application, resume, cover letter and copies of transcripts (if required) for person selected.

f. Three Telephone/Written Reference Check Forms for the top two or three candidates.

g. Completed Interview Question/Target Rating Consensus Sheet (Form I-13).

h. Completed FTCC Interview Guides (Form I-12) from each interviewer for the applicant.

i. Completed FTCC Interview Guide Supplements (Form I-14) from each interviewer for the applicant. (Faculty interview packets only)

j. An Interview Question/Target Rating Consensus Sheet and FTCC Interview Guides for the other applicants interviewed are to be included in the packet and forwarded with the recommended applicant's packet.

(8) The employment packet must be forwarded through the supervisory chain to the Vice President for HR/IE who will in turn verify that all required documents are in the packet and forward the packet to the President for final approval and signature. Employment referrals not meeting all minimum position requirements at the time of employment must be justified by memorandum from the appropriate Vice President or Senior Vice President to the President. The memorandum will specify additional requirements and corrective actions to be taken within a specified period as a condition of continued employment. For faculty, in exceptional cases, outstanding professional experience and demonstrated contributions to the teaching discipline may be presented in lieu of formal academic preparation. A Faculty Credential Alternative Qualification Summary Sheet (Form F-14) must be included in the hiring packet. For Staff, in exceptional cases, outstanding professional experience and demonstrated competence may substitute for academic preparation. The appropriate Senior Vice President or Vice President must justify this exception to the President on an individual basis. NO PROMISE OR COMMITMENT WILL BE MADE TO THE APPLICANT UNTIL FINAL APPROVAL IS RECEIVED FROM BY THE PRESIDENT.

(9) AFTER FINAL APPROVAL FROM THE PRESIDENT, the Human Resources Office will notify the appropriate supervisor with the approved starting date and approved starting salary. The supervisor will contact the applicant for acceptance and report back to HR the applicant's decision.

(10) On the first day of employment the Human Resources Office will conduct in-processing of full-time employees. Hiring dates should normally be on the first day of the month following the President's approval to hire with any exceptions to hiring dates being approved by the VP for HR/IE.

VI-4.5 Hiring Procedures for Positions of Vice President's Level

(1) The Vice President for HR/IE monitors the selection process by accomplishing the following:

a. Updates employment opportunity link or NCCCS employment website.

b. Announces advertisement of vacancies within the news media after vacancy announcement is approved by the President.

c. Receives applicant responses, prepares application packet for each applicant, to include an application, and transcripts, and with the assistance of at least a three person screening committee, appointed by the President, conducts initial applicant screening.

d. Five Top Candidates form completed (Form C-13)

e. Forwards qualified applicant's documentation to the President.

(2) The President

a. Receives packet of qualified applicants from the Vice President for HR/IE.

b. Conducts interviews and makes selection. Neither a job offer nor a commitment of job is offered until the Board of Trustees' Human Resource Committee has been informed of the selected candidate.

c. Provides the name of the best qualified applicant to fill the position vacancy to the Board of Trustee's Human Resource Committee.

d. Submits employment packet to the Vice President for HR/IE. Packet to include:

1. Full-Time Employment Form (Form E-3).

2. Employee Application, resume and copies of transcripts.

3. Three Telephone/Written Reference Check forms (Form T-1) must be completed after interviews for the top two or three candidates likely to be referred for employment. One reference check must be from the current/immediate past employer for each of the top candidates. Should an applicant under consideration indicate "no" the college cannot contact current supervisor, the hiring manager must contact the applicant and advise that they are one of the top candidates for the position and to be further considered the college requires a reference check from the current supervisor. The applicant must submit in writing they concur with the college contacting the current supervisor. If the applicant has previously worked or is working for FTCC, that supervisor must complete a reference. The supervisor's reference can be used as one of three references if the supervisor did not participate in the current interview. If the supervisor did participate in the interview his/her reference is required in addition to 3 others for a total of 4 reference checks. Anyone conducting reference checks on behalf of FTCC is

encouraged to contact references beyond the persons identified by the applicant in the reference section of the application.

4. Completed Interview Question/Target Rating Consensus Sheet (Form I-13).

5. Completed FTCC Interview Guides (Form I-12) from each interviewer for the applicant.

6. Five Top Candidates Form (Form C-13).

7. Validation Committee Action Form (Form V-4).

(3) The Vice President for HR/IE

a. Schedules a meeting of the Validation Committee, appointed by the President, to validate the hiring procedures.

b. Forwards the employment packet to members of the Validation Committee.

(4) The Validation Committee (appointed by the President)

a. Verifies that all hiring practices as listed below have been complied with. The considerations relate to:

1. Job qualifications

2. References

3. Affirmative Action Guidelines

b. Reviews the entire hiring process to verify that all procedures have been accomplished. Committee members complete check-off list of accomplishments and affix signatures to Validation Committee Action Form (Form V-4).

(5) President/Board of Trustees Human Resources Committee

a. The Vice President for HR/IE submits the file of the recommended applicant to the President.

b. Upon the President's approval to hire, the President presents the name of the selected applicant to the Human Resources Committee of the Board of Trustees for acceptance.

c. After final acceptance from the Board of Trustees Human Resources Committee, the applicant is notified that he or she has been approved for the position.

d. The Human Resources Office sends an email message (or letter) to non-selected applicants stating the position has been filled.

VI-4.6 Hiring Procedures for Part-Time Employment

(1) Staff position vacancy announcements must be approved by the supervisory chain up to the appropriate Vice President or Senior Vice President through the Vice President for Business & Finance and forwarded to the Human Resources Office via the PeopleAdmin© System.

(2) Part-time faculty may be advertised through the same process as part-time staff or applicants may be selected through the programs/department PeopleAdmin© applicant pool.

(3) All applications will be forwarded to the appropriate Senior Vice President/Vice President/Associate Vice President or designee for review and approval.

(4) After the screening of referred applications, those applications not selected for interviews should be retained in the appropriate PeopleAdmin© applicant pool for 18 months.

(5) During the interview process, an FTCC Interview Guide, (Form I-12) must be completed for each applicant interviewed.

(6) Three Telephone/Written Reference Check forms (Form T-1) must be completed after interviews for the top two or three candidates likely to be referred for employment. One reference check must be from the current/immediate past employer for each of the top candidates. Should an applicant under consideration indicate “no” the college cannot contact current supervisor, the hiring manager must contact the applicant and advise that they are one of the top candidates for the position and to be further considered the college requires a reference check from the current supervisor. The applicant must submit in writing they concur with the college contacting the current supervisor. If the applicant has previously worked or is working for FTCC, that supervisor must complete a reference. The supervisor’s reference can be used as one of three references if the supervisor did not participate in the current interview. If the supervisor did participate in the interview his/her reference is required in addition to 3 others for a total of 4 reference checks. Anyone conducting reference checks on behalf of FTCC is encouraged to contact references beyond the persons identified by the applicant in the reference section of the application.

(7) After conducting interviews and making a selection, the person recommending hiring will forward the application packet to the appropriate Vice President/Senior Vice President for approval to hire. NO PROMISE OR COMMITMENT TO EMPLOY SHALL BE MADE TO THE APPLICANT UNTIL FINAL APPROVAL AND

NOTIFICATION BY HUMAN RESOURCES. After approval, the applicant may be contacted and an employment date established.

(8) The employment packet will be forwarded to the Vice President for HR/IE. See chart for packet contents:

Packet Contents	Curriculum (Faculty)	Cont. Ed. (Faculty)	Staff	Staff (Cont. Ed.)
Part-Time/Temporary Employment (E-4)			Y	Y
Part-Time Temporary Employment Agreement (Contract)		Y		
Faculty Credentials Sheet	Y			
FTCC Application	Y	Y	Y	Y
Transcripts (As Required)/ Documentation of Training and Experience	Y	Y	Y	Y
Telephone/Written Reference Check Form (3 Required) (T-1)	Y	Y	Y	Y
Interview Question/Target Rating Consensus Sheet (Form I-13)	Y	Y	Y	Y
FTCC Interview Guide (I-12)	Y	Y	Y	Y
FTCC Interview Guide Supplement (I-14)	Y	Y		
Continuing Education Personnel Approval Form (Form P-15)		Y		Y

VI-4.7 Guidelines for Hiring Retired/Returning Faculty/Staff

Effective July 1, 2007, the following guidelines govern approval of contracts for retiring faculty/staff who wish to return to teaching after the state mandated six months waiting period. Any offer to teach will be contingent upon availability of a faculty/staff position and availability of funds. **The President must approve all requests for retiring/returning faculty/staff.**

- A retiring/returning FTCC faculty/staff member will be hired for Fall and Spring semesters only. Exceptions for teaching both Fall and Spring semesters will be made to those retiring after Spring semester and eligible for a January start date.

  Approximate starting/ending dates would be August 1 thru December 15 for Fall semester and January 1 thru May 15 for Spring semester. Salary for December and May will be prorated for the actual days worked base on the monthly salary rate.

- A retired/returning faculty/staff member will teach a full load, i.e., 18-20 contact hours or 20-24 contact hours, and maintain all other faculty/staff job description responsibilities such as advising, office hours, registration, etc.

- The monthly salary will not exceed one-half of the monthly FTCC salary at time of the faculty/staff member's retirement.

- A retired/returning faculty/staff member may not return as a Division Chair, Chair, or Program Coordinator.

- Faculty/staff desiring to return to teaching after the six months waiting period and desiring to teach less than a full teaching load will receive the Pay-by-Course rate.

- Any exceptions for contracts provided to retiring/returning faculty/staff must be approved by the President.

These guidelines do not apply to retired faculty/staff members hired prior to July 1, 2007.

VI-5 DISCIPLINE AND INVOLUNTARY TERMINATION

The maintenance of a standard of excellence by Fayetteville Technical Community College is primarily attributable to the ability, dedication, and productivity of all its employees. This includes being at work at designated times to prevent a loss of productivity and support to students, visitors, and other College employees.

VI-5.1 Absenteeism and Tardiness

It is an expectation of all employees that they will take necessary precautions to prevent absenteeism and tardiness. A lapse in either attendance or punctuality presents a hardship to other employees, and as such, absenteeism and/or tardiness may be one of the performance attributes discussed on the annual performance appraisal. As a condition of employment, all employees are expected to be at their work site prepared to work at the scheduled time unless excused in advance by their supervisor. An employee is considered absent if he or she is not present for work as scheduled, regardless of cause. Additionally, unexcused absenteeism and habitual tardiness may subject the employee to disciplinary action. Unexcused absenteeism is defined as failure to report for work without prior approval of the supervisor. Tardiness is defined as arriving late for work or returning late from breaks/meals, or early departure from work without prior supervisory approval. In rare instances when employees cannot avoid being late for work or are unable to work as scheduled, they are required to make contact with their supervisor (or their supervisor's supervisor) prior to the beginning of their scheduled shift. Habitual failure to make contact with the supervisor (or supervisor's supervisor) when absent or late may result in disciplinary action.

VI-5.2 Disciplinary and/or Corrective Action

Should any employee either fail to measure up to the demands and/or essential duties of his or her job, not perform that job in a satisfactory manner, violate the policies or procedures of the College, or engage in conduct unbecoming an employee of FTCC, corrective action must be taken to preclude adverse impact on the College's standards and its service obligations. Where such action may be necessary, it will be undertaken without regard to race, national origin, color, religion, gender, disability, age or political affiliation. Note: If the misconduct is a Title IX related allegation, the procedures in paragraph V-9 must be used.

Disciplinary or corrective action may include informal counseling, verbal or written admonitions, performance improvement plans, probation, suspension with or without pay, or termination of service, dependent upon the nature and seriousness of the employee's actions or inactions. Personal and private counseling of an employee on his or her job performance, either as a routine matter or as a corrective measure, is a normal function

and responsibility of the employee's immediate supervisor. Supervisors are expected to document, in writing, the major points discussed during the performance counseling discussions and retain a copy of the documentation. If a Performance Improvement Plan (P-24) is used, supervisors must forward the original copy to HR for inclusion in the personnel file and retain a copy in the department files. When an employee's actions warrant, he or she may be admonished, either verbally or in writing, by the immediate supervisor. Written admonitions must be approved (initialed) by the appropriate Senior Vice President or Vice President prior to inclusion in the employee's personnel record. For serious violations of College policy, or for job performance failures, or for other reasons defined in College policies, a supervisor may recommend that an employee be placed on probation, suspended or terminated. This recommendation, with supporting documentation such as previous performance counseling memoranda, previous performance improvement plans, etc., must be submitted through administrative channels through the VP for HR/IE to the President.

An employee may be suspended with pay pending an investigation directed by the President into alleged misconduct or improper performance of duties for up to ninety (90) days. All efforts will be made to resolve the matter within 90 days. However, the College reserves the right to extend the suspension period with pay to complete the full and impartial inquiry**.** If no action is instituted against the employee as a result of the inquiry, the employee will be reinstated.

VI-5.3 Probation, Suspension or Termination

This procedure applies to any individual employed under the terms of a written contract of employment, signed by a duly authorized representative of FTCC, providing a fixed term of employment. Such individuals are normally at compensation grade 30 or above and are not required submit timesheets and as such are termed "contract" employees. Contract employees may serve in either a full-time or part-time capacity in an academic or administrative position and are normally classified as exempt employees.

This procedure will have no application in instances of contract non-renewal or reduction in force of employees, whether part-time or full-time, and those employees having no written contract of employment and that are required to maintain timesheets and usually classified as non-exempt employees. There is no tenure system at Fayetteville Technical Community College; however, any contract employee who presents a prima facie case that his or her Constitutional rights have been violated in non-reappointment has the right to the appeal procedures as specified.

Fayetteville Technical Community College ("FTCC") provides to contract employees, as defined below, the right to an appeal hearing to review their dismissal. This provision is

not applicable to non-contract employees that maintain and submit timesheets for work performed on behalf of the College.

VI-5.3.1 Grounds for Probation, Suspension, or Termination:

A contract employee may be placed on probation, suspension, with or without pay, or terminated for cause relating to personal conduct or improper performance of duties. Such causes include, but are not limited to: incompetence, neglect of duty, conduct unbecoming of an FTCC employee, the commission of an act involving moral turpitude, including sexual harassment/violence or related Title IX misconduct, abandonment of employment, and insubordination. A contract employee may be placed on probation with conditions to include, but not limited to: contracts for a limited duration, disqualification for salary increases or other appropriate conditions. There is no right to appeal a probation decision.

VI-5.3.1.1 Notice of Proposed Suspension or Termination

An employee working pursuant to a written contract will be notified in writing of the proposed suspension or termination by the VP for HR/IE. Such notice will clearly state the reason(s) for the proposed suspension or termination, the effective date of the proposed action, the time and place where the contract employee may review any material relied upon in making the proposal, and afford the contract employee a reasonable opportunity to respond orally or in writing to the proposal, before a final decision is made by the President.

VI-5.3.1.2 Notice and Request for Hearing

A contract employee will be given notice of the decision to suspend or terminate him or her as soon as practicable after the decision has been made by the President. The contract employee may request a hearing to review the decision made by the President. The request shall be made to the President within ten (10) working days of receipt of the notice of the decision. The request will specify the grounds upon which the contract employee contends the suspension or termination is improper. If an appeal to the President is successful, the contract employee will be reinstated and all benefits of employment will be reinstated.

VI-5.3.1.3 Hearing

If an employee is not satisfied with the President's decision, they may request a hearing before an Adhoc Committee.

(1) The Adhoc Committee, appointed by the President, will conduct the hearing. The President may appoint any member of the faculty or staff to serve as a member of the Adhoc Committee, except those who have been directly involved with the recommendation or consideration.

(2) The hearing shall be held within ten (10) working days of receipt of the request.

(3) The hearing will be closed to the public. All parties have the right to counsel, at their own expense, to present witnesses and documents in support of their claims, to cross-examine witnesses and to examine all documents and evidence introduced at the hearing. A recording of the hearing will be made, and a copy provided to the employee, upon request, at FTCC's expense. The conduct of the hearing will be under the control of the designated Chair of the Adhoc Committee.

VI-5.3.1.4 Recommendation of the Adhoc Committee

Within five (5) working days after the hearing, the Adhoc Committee shall make a written recommendation to the President as to the proper disposition. Such recommendation will include appropriate findings of fact and conclusions of the Committee.

VI-5.3.1.5 Decision of the President

Within ten (10) working days of receipt of the Committee's recommendation, the President shall accept, reject, or modify the Committee's recommendation.

VI-5.3.1.6 Appeal to the Board of Trustees

Following the President's action on the Adhoc Committee's recommendation, a contract employee may file a written appeal within ten (10) calendar days to the Board of Trustees. The Board of Trustees

may review the matter in full, or may delegate the duty to review such appeal to an ad hoc committee of at least three (3) Trustees. The Board of Trustees will consider the evidence previously assembled including the information adduced at the hearing, the Committee's recommendation, the decision of the President, information in the appeal, and any other relevant evidence. The contract employee has no right to appear and present additional testimony or evidence in person to the Board or any committee thereof. Should the Board of Trustees need clarification, the Board may obtain in-person testimony from the appropriate parties. However, if in-person testimony is received by the Board of Trustees, the appealing employee shall have a right to provide oral testimony. The Board of Trustees will render a final decision on the matter within forty-five (45) calendar days of receipt of the contract employee's appeal. No additional administrative remedy shall be granted after a decision is made by the Board or its Adhoc Committee.

VI-6 POLITICAL ACTIVITIES OF EMPLOYEES

VI-6.1 Definitions

The following terms have the meanings indicated:

(1) "Employee" means instructional faculty and administrative faculty and staff, general staff and persons employed by FTCC at the pleasure of the Board or on other short-term contracts, including the President.

(2) "Board" means the Board of Trustees of Fayetteville Technical Community College.

(3) "FTCC" means Fayetteville Technical Community College.

(4) "Public Office" means any national, state or local governmental position of public trust and responsibility, whether elective or appointive, which is created or prescribed or recognized by Constitution, statute or ordinance. Membership in the General Assembly of North Carolina will constitute a full-time public office under this definition.

(5) Use of the masculine gender in this policy will be construed to include the feminine and neuter genders.

VI-6.2 Policy

It is the policy of the Trustees of FTCC that each FTCC employee will retain all rights and obligations of citizenship provided in the U.S. Constitution and laws of the State of North Carolina and the Constitution and laws of the United States. The Board encourages employees of FTCC to exercise their rights and obligations of citizenship; however, the campaigning for public office, holding part-time or full-time public office, or office in the General Assembly, or soliciting support for political candidates and activities during regular work hours may not only interfere with the responsibilities of employees to FTCC but also derogate from the responsibility to provide the best possible education to its students. It is, therefore, in an attempt to define reasonable constraints for such employees engaging or proposing to engage in such political activities that this policy is formulated.

NOTE: The requirements of this policy will apply prospectively only. No change in the employment status of an employee who was an incumbent in public office on the effective date of this policy will be required under this policy for the remainder of his or her term of office; provided, however, that this policy

will not apply to any employee of FTCC who was a full-time public officer on the effective date of this policy.

VI-6.3 Procedures

(1) Wherever, under this policy, an employee other than the President is required to notify the Board. Such notification will be sent to the Board through the President of FTCC.

(2) Any employee who is elected or appointed to a full-time public office or the General Assembly will be required to take a leave of absence without pay upon assuming the office. The length of the leave of absence will be determined by the Board.

(3) Any employee who becomes a candidate for public office will be prohibited from soliciting support during his or her regular work hours either on or off the College property unless otherwise authorized by the Board. The Board will grant no general authorizations, but will act on individual requests.

(4) The Board will notify the State Board of Community Colleges if the President of FTCC should become a candidate for, is elected or appointed to, public office.

VI-7 REDUCTION IN FORCE AND FURLOUGH POLICY

VI-7.1 Intent of the Board of Trustees

It is the intent of the Trustees of Fayetteville Technical Community College to avoid, through prudent budgeting and fiscal constraint, any financial crisis that would require the College to reduce the number of persons employed by the College through implementation of this Reduction in Force Policy. However, the Trustees reserve the right for itself to implement this policy in order to ensure the college's ability to fulfill its mission to the fullest extent possible during a financial crisis. Whenever it is necessary to implement this policy, the implementation will be accomplished without regard to race, color, nationality, religion, age, sex, disability, or political affiliation of any employee.

VI-7.1.1 Declaration of a Financial Crisis

If the President of the College, in consultation with the Senior Vice President for Business and Finance, determines the existence of a financial crisis, the President shall report the crisis to the Board of Trustees. Upon its receipt of the President's notice, the Board of Trustees may authorize the implementation of a reduction in force as provided in VI-7.1.2 below.

This Reduction in Force Policy shall not apply to:

a. Any former employee of the College whose contract of employment has expired and which employee is no longer working for the College in a paid position requiring more than 30 hours per week.

b. Any part-time employee working less than 30 hours per week, or

c. Any employee whose position is funded through a grant or special appropriation.

VI-7.1.2 Reduction in Force

Upon the Trustee's authorization of a Reduction in Force the President shall be authorized to eliminate any positions(s) of the College and immediately sever the employment of any person(s) employed in such position(s). In the event a valid contract exists between the College and an employee whose employment with the College is severed pursuant to this policy, the contract shall be immediately terminated and both the College and employee shall be relieved from further obligations under the contract except the College shall pay the employee for any

services already rendered pursuant to the contract and any benefits provided pursuant to this Reduction in Force policy.

VI-7.1.3 Notice of Termination to Individual Employees

The President shall provide written notice to the employee(s) whose employment is being severed pursuant to this policy. The notice shall either be hand delivered to the employee(s) or delivered by registered or certified mail. If hand delivered, the employee shall be given opportunity to remove their personal belongings from their work station at that time. If the notice is delivered by registered or certified mail, the employee(s) shall schedule an appointment with their supervisor to remove their personal belongings from their work station. Decisions to terminate employment pursuant to these provisions will not be the result of discriminatory action against an employee based upon his/her race, national origin, color, religion, gender, disability, age or political affiliation.

VI-7.1.4 Employee Rights upon Termination

a. **Severance Pay:** Salaried employees terminated pursuant to these provisions shall receive severance pay in an amount equal to one month's salary. Employees paid per hour worked shall receive severance pay equal to their hourly wage multiplied by 173.33 hours. Any terminated employee who has a negative leave balance at the time of termination shall have their severance pay reduced in an amount that fully compensates the College for the negative leave balance.

b. **Payout of Vacation and Bonus Leave:** Employees terminated pursuant to these provisions shall receive a lump sum payment of their accumulated vacation leave up to a maximum of 240 hours and any accumulated bonus leave balances as of the date of termination. Any vacation leave by an employee in excess of 240 hours shall be converted to sick leave. The College shall not pay the employee for any accumulated sick leave.

c. **Health Care Coverage:** To the extent required by law, and only to such extent, the College shall continue to make its contribution to the State Health Plan on behalf of the terminated employee.

d. **Right of First Refusal:** For one year after the effective date of a termination pursuant to these provisions, the President will not fill a position vacated by an employee terminated pursuant to this policy without first offering that position to the terminated employee.

The offer of reemployment will be made by registered or certified mail, to the employee's last known address, and the employee must accept the offer of employment in writing within fifteen (15) calendar days of the date the offer was mailed by the College. Failure to respond within the provided fifteen (15) calendar days shall be deemed a rejection of the offer of employment and any and all rights to reemployment shall expire. Employees shall notify the Human Resources Office of changes in address during the one year period following the employee's termination pursuant to this policy. Certified mail returned as non-deliverable will be considered as providing notice to the former employee.

VI-7.1.5 Review of Individual Terminations

Employees are not entitled to an administrative review of any termination made pursuant to this Reduction in Force Policy. However, any employee who is terminated pursuant to this policy may request a review of the action if he/she believes the termination was the result of discriminatory action against the employee based upon his/her race, national origin, color, religion, gender disability, age, or political affiliation. The employee must request the review of the action in writing and addressed to the President. It must specify the grounds on which it is contended that the decision was the result of discriminatory action against the employee based upon his/her race, national origin, color, religion, gender disability, age, or political affiliation. It must include a short, plain statement of facts that the employee believes support the contention. Upon receipt of the request, a thorough review will be conducted by one or more designees of the President. If it is determined that the termination was based on some illegal discrimination, the employee shall be reinstated and compensated for lost wages. If it is determined that no illegal discrimination occurred, the employee may appeal that decision to the Board of Trustees as described in the FTCC Employment and Affirmative Action Manual, Section VI-7.4.1.6.

VI-7.2 Furloughs

In the event that the College is lawfully required to furlough any or all of its employees, the Board of Trustees may authorize the President to unilaterally alter the terms and/or conditions of the employment of any College employee. If the employee has an employment contract with the College, the President is authorized to unilaterally amend the contract and such unilateral amendment shall be binding on both the College and employee upon five days written notice to the employee. The authorization to unilaterally alter the terms and/or conditions of employment and the employment contract, if any, includes but is not limited to the authorization to furlough an employee, the authorization

to reduce the compensation owed to the employee, and the authorization to reduce or eliminate any employee benefit when the benefit is not required by law.

VI-8 EMPLOYEE GRIEVANCES AND APPEALS

VI-8.1 Definition

Grievance: FTCC expects employees to work together collegially and with mutual respect. Occasionally, differences of opinion may occur. Minor differences are to be resolved at the lowest level possible. The grievance process is designed to resolve matters that are severe, pervasive and impedes the employee's ability to satisfactorily perform his/her duties. The grievance process is not designed for claims concerning a performance counseling, performance improvement plan, performance appraisal evaluation, probation, suspension, termination or allegations of illegal discrimination to include sexual harassment/violence. However, claims concerning a probation, suspension or termination will be considered under provisions of VI-5 Discipline and Involuntary Termination. Should an employee allege illegal discrimination, to include sexual harassment/violence as defined by Section VI-1 of this manual, the employee must present the grievance directly to the VP for HR/IE, who is designated as the College's Title IX Coordinator. Should the VP for HR/IE or a member of his/her staff be a party to the claim, the allegations will be presented to the VP for Administrative Services to investigate the Title IX allegation.

VI-8.2 Policy

Fayetteville Technical Community College ("FTCC") encourages the prompt and fair resolution of grievances. An employee may present a grievance without fear of coercion, restraint, interference, penalty, or reprisal.

VI-8.3 Procedure:

(This procedure applies to all employees of FTCC.)

Step 1: Employees shall attempt resolution of their grievance(s) by first discussing the concerns directly with the party (parties) involved because the other party may not even be aware of the concern. This discussion should be scheduled as soon as possible and within 15 calendar days of the incident(s) giving rise to the grievance or concern allowing for a timely resolution at the lowest possible level.

Step 2: If the employee is not satisfied with Step 1 decision, the employee must present their written grievance or concern to their immediate supervisor within thirty (30) calendar days of the incident giving rise to the grievance. Should the grievance or concern be against their immediate supervisor, the employee must present the written grievance to the supervisor's immediate supervisor. The employee and their supervisor(s) will meet

within three (3) working days following the presentation of the grievance to discuss the grievance concerns, and to attempt informal resolution. The supervisor(s) will provide a written decision on the informal grievance not later than ten (10) working days following this meeting. Except in cases of illegal discrimination, including sexual harassment/violence, employees must use their supervisory chain to attempt resolution at the lowest level possible.

Step 3: If the employee is not satisfied with Step 2 decision, the employee may, within five (5) working days, submit an appeal to the former resolution decision in writing to the next level of supervision within the table of organization of FTCC. The employee shall attach the step 2 written complaint and the supervisor's written response to the Step 2 appeal and specifically address what portions of the previous resolution is being appealed for further consideration and reasons for the Step 3 appeal. If the next level of supervision determines that a meeting is necessary to discuss the grievance, notification of such meeting will be given to the employee and any other appropriate personnel. Such meeting will be held as soon as reasonably possible but in most circumstances within five (5) working days of receipt of the grievance. Following the meeting, the supervisor will render a written decision as soon as reasonably possible but in most circumstances within five (5) working days. If the supervisor can render a fair and impartial decision without a meeting, basing their decision on a review of the documentation submitted, the supervisor will render a written decision as soon as reasonably possible but in most circumstances within ten (10) working days of receipt of the grievance. This decision may be provided to the appellant either by U.S. Postal Mail or via FTCC email and a copy of such notification will be retained in the supervisor's office.

Step 4: If the employee is not satisfied with Step 3 decision, the employee may, within five (5) working days of their receipt of the Step 3 decision, submit an appeal of the former resolution decision in writing to the appropriate Senior Vice President or Vice President within the table of organization of FTCC. The employee shall attach the step 2 and 3 written complaints/appeals and the supervisor's written responses to the Step 2 and 3 appeals and specifically address what portions of the previous responses are being submitted for further consideration with reasons supporting a Step 4 appeal. If the (Senior) Vice President determines that a meeting to discuss the grievance is appropriate, notification of such meeting will be given to the employee and any other appropriate personnel. Such meeting will be held as soon as reasonably possible but in most circumstances within five (5) working days of receipt of the grievance. Following the meeting, the (Senior) Vice President will render a written decision as soon as reasonably possible but in most circumstances within five (5) working days. Should the (Senior) Vice President feel they can make a fair and impartial decision without a meeting, basing their decision on the appeal by review of the documentation submitted in the appeal packet, and/or from discussions with the supervisory chain, the (Senior) Vice President will render a written decision as soon as reasonably possible but in most circumstances within ten (10) working days of receipt of the grievance. This decision may be provided to the

appellant either by U.S. Postal Mail or via FTCC email and a copy of the decision and previous appeal documentation will be retained in the (Senior) Vice President's office.

Step 5: If the employee is not satisfied with Step 4 decision, he or she may, within ten (10) working days, appeal the Senior Vice President or Vice Presidents decision in writing through the VP for HR/IE to the President. The employee shall attach the step 2, 3, and 4 written complaints/appeal responses and specifically address what portions of the previous responses are being submitted for further consideration with reasons supporting an appeal at Step 5. If the President determines that a meeting to discuss the appeal is appropriate, notification of such meeting will be given to the employee and any other appropriate personnel. Such meeting will be held as soon as reasonably possible but in most circumstances within ten (10) working days of the President's receipt of the Step 5 appeal. Following the meeting, the President will render a final binding written decision as soon as reasonably possible but in most circumstances within ten (10) working days. If no meeting is necessary based upon a review of the documents associated with the appeal packet, the President will render a written decision as soon as reasonably possible but in most circumstances within (20) working days of receipt of the grievance. The President's final and binding decision will be provided to the appellant either by U.S. Postal Mail or via FTCC email and a copy of the President's final decision and all previous appeals and decisions will be maintained in the Human Resources Office.

VI-9 ILLEGAL DISCRIMINATION AND SEXUAL HARASSMENT/VIOLENCE PREVENTION POLICY

VI-9.1 Board of Trustee Policy

See Paragraph VI-1 of this manual for the Board of Trustee Illegal Discrimination and Sexual Harassment/Violence.

VI-9.2 Implementation Procedures of Policy V-1, Illegal Discrimination and Sexual Harassment/Violence Prevention Policy

All members of this community are expected and instructed to conduct themselves so as to contribute to an atmosphere free of illegal discrimination, including sexual harassment or sexual violence. Illegal discrimination of an employee by another employee or student or of a student by another student or employee is a violation of this College policy and will not be tolerated. Any employee or student violating this policy shall be disciplined in accordance with the procedures outlined below.

This policy is adopted to promote an atmosphere in which all members of the Fayetteville Technical Community College community may work and study free of illegal discrimination and to provide for the orderly resolution of complaints of illegal discrimination.

VI-9.3 Title IX Officers

VI-9.3.1 Appointment of the Title IX Grievance Officer(s)

The President designates the Vice President for HR/IE as the College's Title IX Grievance Officer and Personnel Manager as the Deputy Title IX Grievance Officer. The Deputy Title IX Officer will normally receive the initial complaints of sexual harassment and will in collaboration with the College's Title IX Officer attempt to resolve the complaint in an informal manner. In the event an allegation of sexual harassment is made involving the VP of HR/IE or the Personnel Manager, the Vice President of Administrative Services shall be designated as the Title IX Grievance Officer for that complaint.

The College's Title IX Grievance Officer(s) will:

(1) Inform employees and students of the policy against illegal discrimination and of the grievance procedures for resolving complaints;

(2) Receive complaints of illegal discrimination from employees and student and ensure a fair and impartial investigation of complaints of illegal discrimination is conducted timely and upon completion of such investigation render a decision in the matter. Generally, Title IX-related investigations will be conducted by the Director of Public Safety and Security and/or the Captain of Public Safety. Upon completion of such investigations, the Public Safety and Security Office will provide the completed reports to the Title IX Coordinators for rendering of the post-investigation decision, including remedies and sanctions. The completed investigation reports will be hand carried to the Title IX Coordinators and remain confidential in nature to protect all parties involved in the initial investigation. The Title IX Coordinators retain the right to personally conduct Title IX investigations in situations where it is collaboratively agreed, before such investigation begins, that based upon the specific allegations and circumstances that it would be more appropriate for the Title IX Coordinators to personally conduct the investigation. The Director of Public Safety and Title IX Coordinators will meet and jointly discuss the allegation and special circumstances to render a decision of which office will be assigned the responsibility to conduct the investigation.

(3) The Title IX Coordinators may confer separately with the complaining person and the person against whom the complaint is made attempting to determine the circumstances leading to the complaint;

(4) If in his/her opinion it is desirable and both parties consent, confer jointly and informally with both parties;

(5) Make a determination as to the merits of the complaint using the preponderance of the evidence standard, and where appropriate, propose an informal resolution; and

(6) Keep the matter confidential, except to the extent disclosure is required by these procedures or required by law.

VI-9.3.2 Illegal Discrimination and Sexual Harassment/Violence Prevention Procedures

The Administration of Fayetteville Technical Community College hereby establishes the following procedures to implement the Trustees policy entitled “Illegal Discrimination and Sexual Harassment/Violence Prevention Policy” located in section VI-1 of this manual.

For the purpose of these procedures, the following definitions shall apply:

1. **Illegal discrimination** must be severe, pervasive (persistent) and objectively offensive and shall be defined as:

   a. the failure or refusal to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;

   b. the limiting, desegregating, or classification of any employee in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;

   c. the denial, deprivation, limitation, or any other discrimination against an individual to any educational service or program of the College when the denial, deprivation, limitation, or other discrimination is because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;

   d. any other action of the College, its personnel, working in their official employment capacity, which is based on an individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation.

2. **Hostile Environment** shall be defined as unwelcomed conduct which is severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive when such unwelcomed conduct is the result of some Illegal Discrimination. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, name calling, physical assaults, threats, intimidation, ridicule, mockery, insults, offensive objects or pictures, and interference with work or education a hostile or offensive workplace or education. Petty slights, annoyances, isolated instances, or environments created by something other than illegal discrimination shall not rise to the level of a Hostile Environment.

3. **Preponderance of the Evidence** shall be defined as a finding that a claim or allegation is more likely than not to be true. This term does not refer to the quantity of evidence but rather to the quality of the evidence. It means that the

fact finder must be persuaded, considering all the evidence, that the necessary facts to establish the allegation are more likely than not to exist.

4. **Sex/Gender Discrimination** conduct which is severe pervasive, and objectively offensive so as to exclude a person from participation in or the denial of a person from the benefits of any FTCC employment, education program, or FTCC activity based upon their sex or gender shall be prohibited from illegal discrimination. Without limiting the definition of Sex/Gender Discrimination, the following are defined as acts of Sex/Gender Discrimination.

   a. **Sexual Harassment**: A request for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature by an employee or student, constitutes sexual harassment when:

      i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
      ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting that individual, or
      iii. Submission to or rejection of such conduct by a student is made the basis for decisions concerning a student's grade, academic achievement or progress, or participation in any program, curriculum or activity of the College, or
      iv. Such conduct is sufficiently severe and pervasive to a reasonable person that it interferes with an individual's performance, or creates an intimidating, hostile or offensive environment.

   b. **Sexual Violence**: Refers to a type of sex/gender discrimination involving physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts, as defined below fall into the category of Sexual Violence including: dating violence, domestic violence, rape, sexual assault, sexual battery, sexual coercion, and stalking. Sexual Violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex/gender discrimination prohibited by Title IX, the Board of Trustees, and College Administration.

      i. **Dating Violence** is defined as violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

ii. **Domestic Violence** is defined as asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current of former co-inhabitant, persons similarly situated under a domestic or family violence law, or anyone else protected under domestic or family law.

iii. **Rape** is defined as non-consensual sexual intercourse, however slight, with any object, by one person upon another person that is without consent and/or done by force.

iv. **Sexual Assault** is defined as any involuntary sexual act in which a person is threatened, coerced, or forced to engage against their will, or any sexual touching of a person who has not consented. This includes rape (such as forced vaginal, anal, oral penetration), groping, forced kissing, child sexual abuse, or the torture of a victim in a sexual manner.

v. **Sexual Battery** shall be defined as an unwanted form of contact with an intimate part of the body that is made for purposes of sexual arousal, sexual gratification, or sexual abuse. Sexual battery may occur whether the victim is clothed or not.

vi. **Sexual Coercion** shall be defined as any act of persuading or coercing a person into engaging in an unwanted sexual activity through physical force, the threat of physical force, or emotional manipulation. It may also include substance coercion. Coercive situations may occur along a continuum and may not be obvious, even to the coerced individual.

vii. **Stalking** is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress. Please see section 14-277.3A of the General Statutes for North Carolina's definition of stalking.

c. **Consent** must be received prior to engaging in sexual activity and shall be defined as affirmative action through clear words or actions that creates the mutual understandable permission of all parties to willingly engage in sexual activity and the conditions of such activity. Consent can only be given by one who has the mental and physical capacity to make such a decision, and it must be clear, knowing, and voluntary. Consent to engage in one form of sexual activity cannot automatically imply to consent to engage is any other form of sexual activity. Previous relationships or prior consent cannot imply consent to future sex acts. Consent can be withdrawn at any time. Consent may not be granted by a person known to be, or by one who should be known to be, mentally or physically incapacitated. It should be recognized that the lack of protest or resistance is not, in and of itself, consent and

persons who are asleep, unconscious, or unable to communicate due to a mental or physical condition are not capable of granting consent.

5. Jurisdiction and Application of Policy:

The "Illegal Discrimination and Sexual Harassment/Violence Prevention Policy", which prohibits Illegal Discrimination, shall apply to all FTCC community members, including faculty, staff, students, potential students, volunteers, vendors, independent contractors, and visitors when the alleged activities giving rise to Illegal Discrimination occurring:

- On any campus or property controlled by FTCC;
- During any FTCC program or activity, including those programs or activities which occur on property owned or controlled by FTCC; and,
- Off-campus and the effects of the conduct could have a discriminatory effect on FTCC, its faculty, staff, employees, sub-contractors, vendors, visitors; additionally, in incidents where both the complainant and alleged violator are identified in one of the above roles, these procedures apply regardless of the location of the incident giving rise to the complaint. In particular, off-campus conduct that is likely to have a substantial adverse effect on, or poses a threat to, or could cause a detriment to the equal opportunity in work and learning is a violation of the policy and will be investigated for appropriate corrective action(s).

6. Responsible Employees:

Every member of the faculty and staff, including work-study students, of FTCC shall be required to notify their immediate supervisor and FTCC's Title IX Coordinator or Investigator of any illegal Discrimination of which they become aware, including, but not limited to, Sexual Harassment and Sexual Violence as defined above. Reasonable efforts shall be made to notify all faculty and staff, including work-study students, of this obligation. Failure to fulfill this obligation shall result in disciplinary action.

7. Title IX Coordinator(s) and/or Title IX Investigators:

The Vice President for HR/IE as the College's Title IX Coordinator and the Personnel Manager as the Deputy Title IX Coordinator or the Director of Public Safety and Security as the Title IX Investigator will receive complaints of illegal discrimination based upon race, color, religion, national origin, disability, age, political affiliation and sex, including sexual harassment and/or sexual violence, stalking, or intimate partner violence. In the event an allegation of Illegal Discrimination is made against the Title IX coordinators, the Vice President of

Administrative Services shall be designated as the alternate Title IX Coordinator for that complaint. Title IX Coordinators will be certified by a recognized certification agency.

The College's Title IX Coordinator's duties shall include the responsibility to:

(1) Inform faculty, staff, vendors, students and College visitors of the policy against Illegal Discrimination, Sexual Harassment and/or Violence and/or the grievance procedures for resolving complaints. In situations involving Sexual Violence, Stalking, or intimate partner violence, the Title IX Coordinator(s) will notify the Chief of Security Operations of the situation to ensure proper reporting of such claims via the Clery Act.

(2) Receive complaints related to Illegal Discrimination, including without limitation Sexual Harassment and Sexual Violence from students, staff, administrators, faculty, vendors, and College visitors. Note: Complaints involving allegations of illegal discrimination based upon race, color, religion, national origin, disability, and sex, including sexual harassment and/or sexual violence, stalking, or intimate partner should be submitted directly to the Office of Human Resources to maintain confidentiality related to the parties involved in the complaint. Should a complainant file a complaint or report with the office of Security Operations, in lieu of submitting the complaint directly to the Office of Human Resources, the Chief of Security will immediately forward the complaint and all supporting documentation to the VP of HR/IE for assignment of investigation responsibility or further inquiries.

(3) Determine whether a formal investigation of the allegations of Illegal Discrimination is required and if so, initiate a formal investigation of any allegations of Illegal Discrimination or Sexual Harassment and/or Sexual Violence. Title IX Coordinators will ensure a fair and impartial investigation of complaints of illegal discrimination is conducted and upon completion of such investigation render a decision in the matter. Generally, Title IX-related investigations will be conducted by the Director of Public Safety and Security and/or the Captain of Public Safety. Upon completion of such investigations, the Public Safety and Security Office will provide the completed reports to the Title IX Coordinators for rendering of the post-investigation decision, including remedies and sanctions. The completed investigation reports will be hand carried to the Title IX Coordinators and remain confidential in nature to protect all parties involved in the initial investigation. The Title IX Coordinators retain the right to personally conduct Title IX investigations in situations where it is collaboratively

agreed, before such investigation begins, that based upon the specific allegations and circumstances that it would be more appropriate for the Title IX Coordinators to personally conduct the investigation. The Director of Public Safety and Title IX Coordinators will meet and jointly discuss the allegation and special circumstances to render a decision of which office will be assigned the responsibility to conduct the investigation. Title IX Investigators will ensure all investigations are conducted in a fair and impartial manner and using appropriate methodology to ensure the reliability of the investigation. To the degree possible, the Title IX Investigator shall confer separately with the complaining person and the person against whom the complaint was made attempting to determine the facts and other circumstances leading to the complaint. However, with the consent of both parties, the Title IX Investigator may confer jointly with all parties involved.

(4) Maintain the confidentiality of all records of the allegations and subsequent investigations into the allegations to the fullest extent permitted under the law, but acknowledging that such protections of confidentiality may be incomplete.

(5) Inform all parties involved as to their rights in the matter.

(6) Based upon the information and conclusions resulting from the investigation; make a fair and equitable determination as to whether the allegations are true. For the purposes of this determination, the Title IX Coordinator shall use the Preponderance of the Evidence standard defined above. Determinations shall be made in a timely manner, and except in extreme cases, should be made within sixty (60) days of the allegation being reported to any Responsible Employee representing the College.

(7) Identify and make referrals to sources of support such as counseling, advocacy, and support groups that can assist the victim or alleged offender during and following the inquiry or investigation (i.e. Employee/Student Assistance Program Counseling, referral to public law enforcement agencies, etc.). Title IX Coordinators and/or Title IX Investigators are designated the authority to make such referrals and assist victims with scheduling of appointments to receive such support services. In situations where a student is being referred for these support services, the Director of Counseling will telephonically be notified that a Title IX-related referral is being made but details surrounding the allegation and specific reason(s) or need for such support will not provided in order to protect the confidentiality of the parties involved.

VI-9.3.3 Filing a Complaint

Complaints in violation of the Board of Trustee's non-discrimination policy should be directed to the Office of the Vice President for Human Resources and Institutional Effectiveness (VP of HR/IE). Those wishing to report a violation under the non-discrimination policy are encouraged, but not required, to do so by completing and submitting a Discrimination/Harassment Complaint Form D-3 (available in the fill-in forms) to the Personnel Manager (Deputy Title IX Coordinator) with a copy to the VP for HR/IE (Title IX Coordinator).

Those wishing to submit their complaint in person should do so by contacting the VP of HR/IE or the Personnel Manager at 910-678-8246 and/or report to either Room 162 in the Thomas R. McLean Administration Building on the Fayetteville Campus.

VI-9.3.4 Complaint Inquiry or Investigation Steps

An individual who believes that he or she has been subjected to Illegal Discrimination, including Sexual Harassment and Sexual Assault/Violence, in violation of the College's non-discrimination policy and the alleged offender must freely, openly, and honestly confer with the Title IX Coordinators and/or Title IX Investigators and cooperate with his or her efforts to determine the facts and circumstances leading to the complaint, to enable the Title IX Coordinators and/or Investigators to make a reasonable determination as to the merits of the complaint, and to reach, if possible, an informal resolution. If an informal resolution cannot be reached, the Title IX Coordinators will in collaboration with the Director of Public Safety and Security assign responsibility for the conduct a formal inquiry or investigation.

Decisions resulting from any inquiry or investigation shall be made by the Title IX Coordinators using the Preponderance of the Evidence standard defined above. The normal resolution steps are listed below.

Step 1: Initial meeting with the Deputy Title IX Coordinator, Title IX Coordinator, and/or Director or Captain of Public Safety and Security and the person(s) wishing to file a complaint. Information will be gathered during this meeting and immediately provided to the Deputy Title IX Coordinator who will develop a case file. Following that initial meeting, the Personnel Manager will provide such information to the Title IX Coordinator and

provide details surrounding the complaint. The Title IX Coordinator will, after reviewing the case file, hearing the details of the complaint from the Personnel Manager, and/or hearing directly from the person(s) filing the complaint will in collaboration with the Director of Public Safety and Security determine the most appropriate entity to conduct an investigation, including holding separate meetings of the parties of the complaint gathering evidence upon which the Title IX Coordinator will use to make an informal resolution decision that includes possible remedies and/or sanctions. Both the party(ies) making the complaint and the person(s) which were identified as possible violators of College policy will be advised of the informal decision and all remedies and sanctions associated with the decision. All meetings to gather additional evidence, if needed after the investigation is conducted, that may be necessary for the Title IX Coordinators to make an informal decision will be attended by the Personnel Manager, who will be authorized to actively participate in any of the fact-finding discussions. The Personnel Manager will also take minutes of the meeting. At the conclusion of the above meetings the Title IX Coordinator(s) will render his/her decision and provide such decision to the parties of the complaint. The initial investigation, subsequent fact-finding meetings and decision by the Title IX Coordinators will normally be completed with five (5) working days of the initial meeting with the Title IX Coordinators and/or Director (or Captain) of Public Safety and Security. If all parties to the complaint are satisfied with the informal decision and associated remedies/sanctions, the inquiry will be closed. If either party is not satisfied, the Title IX Coordinator(s) will determine the level of formal inquiry or investigation that is appropriate to the details of the complaint. Normally, the formal investigation will be assigned to the Director (or Captain) of Public Safety and Security with investigation reports being hand carried to the Title IX Coordinators upon completion of the investigation.

Both the victim(s) and offender(s) shall be given an equal opportunity to present information to the Title IX Investigators and/or Coordinators during informal inquires, formal investigations or fact-finding conferences at the various levels of inquiry or investigation. Both parties may invite other individuals to accompany them to any meetings, conferences, hearing, or appeals which may be held. The accompanying individuals shall not be permitted to represent the alleged victim(s) or alleged offender(s), but will be permitted to confer with the alleged victim(s) or alleged offender(s) so long as such is conducted in a manner so as not to disrupt the meeting, hearing, inquiry, investigation, or appeal.

Step 2: If an agreeable informal resolution cannot be reached from the above actions, the Title IX Coordinator will assign responsibility for the conduct of further inquiries and investigations, within ten (10) additional working days, as necessary to determine a formal proposed remedy (ies) or resolution(s). Normally, such investigation assignment will be to the Director (or Captain) of Public Safety and Security. If the offender is a member of the faculty or staff, the formal proposed resolution by the Title IX Coordinators shall be shared with the Vice President in the member's chain of command. After sharing such information with the appropriate Senior VP or VP, the Title IX Coordinator and the Deputy Coordinator shall render a final formal decision on the matter and impose remedies and/or sanctions as permitted by the Employment and Affirmative Action Manual and the Academic Procedures Manual. In the event the offender is not a faculty, staff, student, vendor, or contractor of the College, the College may bar the offender from FTCC property and notify the offender of the restriction using a second degree trespass notice issued by the Public Safety and Security Office.

Step 3: Should a party wish to appeal the formal decision of the Title IX Coordinator and Deputy Coordinator, either party may prepare and submit a written appeal to the appropriate Senior Vice President (or Vice President) requesting reconsideration of the previous decision. The appeal/reconsideration of decision request must be presented in writing within ten (10) working days after receipt of the Step 1 determination. The appropriate Senior Vice President (or Vice President) will render a decision on the reconsideration appeal within ten (10) working days following receipt of such appeal/reconsideration.

If either party is dissatisfied with the Senior Vice President's (or Vice President's) final resolution decision, he/she may submit a written appeal, within 10 days of their notification of the decision. The appeal should be addressed to the College President requesting reconsideration of both the Title IX Coordinator(s) findings and the appropriate Senior Vice President (or Vice President's) finding(s). The President may consider the evidence adduced during the previous inquiries and/or investigations, the Title IX Coordinator's recommendations, the decision(s) of the Senior Vice President (Vice President), and any other relevant evidence. The appellant may be asked to appear and present additional testimony or evidence in person to the President (at his/her discretion). Should the President seek additional information from any party, all parties shall have a right to provide oral testimony. The President will render a final decision on the matter within 20 days of

receipt of the appeal. No additional administrative remedy shall be granted after a decision is made by the President.

Miscellaneous Information: In compliance with Title IX requirements, the following additional information is provided related to filing of complaints:

- FTCC shall retain jurisdiction over Title IX complaints and subsequent inquiries and/or investigations. The evidentiary standard used during inquiries or investigations following a complaint shall be Preponderance of the Evidence.
- Victims may file confidential reports. The College will make all reasonable efforts to ensure confidentiality. However, if a report is made confidentially or anonymously, the ability of the College to fully explore the complaint may be substantially limited. While assuring rights and due processes of all parties involved in the complaint, FTCC shall attempt to make resolutions with limited access to reported information. The College's Title IX Coordinator (and/or the Deputy Coordinator) will determine the degree of confidentiality that can be allowed based upon the circumstances in the reported action. In situations where absolute confidentiality cannot be maintained to ensure due process of all parties of the complaint, each person given access to the information will be informed that retaliation is prohibited under Title IX.
- Those filing complaints under this procedure may also file a criminal complaint and a Title IX complaint simultaneously (at the discretion of the person making the complaint). Alleged victims shall be notified of this right by either the Title IX Coordinators or Director/Captain of Public Safety and Security at the time of the initial discussion and filing of the allegation/complaint.
- Interim measures approved the Title IX Coordinators may be taken to protect the person making the complaint and the person(s) against whom the complaint was made, including such actions as referrals to appropriate agencies who can provide support, misconduct counseling, victim counseling, performance improvement plans, changing course and/or work schedules of one or more of the parties to the complaint.
- Final remedies and/or sanctions include but are not limited to: Referrals to counseling, advocacy, and support agencies such as the Employee/Student Assistance Program coordinated on behalf of the student by either the Title IX Coordinators or the Director/Captain of PSASO, security escorts while on college properties, counseling, formal Performance Improvement Plans, probation with or without pay, immediate mandatory separation of the parties to the complaint, changing of course/work schedules, temporary or permanent suspensions, termination, or expulsions of those where the preponderance of the evidence indicates misconduct has likely occurred.

References:

- Section VI-1, Illegal Discrimination and Sexual Harassment/Violence Prevention Policy
- Title VI and VII of the Civil Rights Act of 1964 and 1991,
- Title IX of the Education Amendments of 1972
- Clery Act
- Violence against Women Act
- Sections 799A and 845 of the Public Health Service Act,
- Equal Pay Act of 1963,
- Age Discrimination Act of 1967 and later amendments,
- Vocational and Rehabilitation Act of 1973,
- Americans with Disabilities Act of 1990,
- Family and Medical Leave Act of 1993,
- Executive Orders 11246 and 11375

VI-10 STUDENT GRIEVANCE POLICY AND PROCEDURES

VI-10.1 Policy

Fayetteville Technical Community College encourages the prompt and fair settlement of student grievances. A student may present a grievance without fear of coercion, restraint, interference, penalty, reprisal, or retaliation.

The purpose of the student grievance policy and procedure is to provide a system to resolve student complaints against faculty, staff, or other students including alleged illegal discrimination on the basis of age, gender/sex, race, color, national origin, political affiliation, disability, or other conditions.

VI-10.2 Academic Appeals

Appeals of admissions decisions, individual grades, academic probation and/or suspension, attendance problems, disciplinary sanctions, and dismissal will not be considered under this policy, unless illegal discrimination is alleged. Such appeals will be considered according to the guidelines set forth in III-7, Appeals and Due Process.

VI-10.3 Illegal Discrimination Complaints

Complaints alleging illegal discrimination, as defined in VI-9.3.2, and including sexual harassment, violence, assault or stalking complaints will be directed to the Vice President for HR/IE who is designated as the Title IX Coordinator. In the absence of the Title IX Coordinator, students may submit their complaint to the Personnel Manager serving as the Deputy Title IX Coordinator. If the alleged harasser is the Vice President for HR/IE or members of his/her staff the complaint will be directed to the Vice President for Administrative Services who will conduct the inquiry or investigation following procedures outlined in section VI-9 of this manual.

Those wishing to submit their complaint in person should do so by contacting the VP of HR/IE or the Personnel Manager at 910-678-8246 and/or report to either Room 162 in the Thomas R. McLean Administration Building on the Fayetteville Campus.
Complaints may also be filed with the Director (or Captain) of Public Safety and Security in Room 102 of the General Classroom Building located on Fort Bragg Road at the Fayetteville Campus. Should a complaint need to be filed for immediate safety and security of the parties at off-campus locations, such complaints can be filed with the Security Officers located at the off-campus sites/locations.

VI-10.3.1 Grievance Procedures and Appeals (students):

Decisions resulting from any complaint investigation shall be made using the Preponderance of the Evidence standard using the following steps:

Step 1: Conference meeting with the Title IX Coordinator, Deputy Title IX Coordinator, and the Title IX Investigators (Director/Captain of Public Safety and Security) may also attended by the Personnel Manager, who will actively participate in the inquiry or investigation and take minutes of the conference session. If the complaint is filed with the Public Safety and Security Office (PSASO), the Personnel Manager may not be available and the PSASO will ensure an alternative method of the taking of minutes is used to document discussions. An individual who believes that he or she has been subjected to Illegal Discrimination, including Sexual Harassment and Sexual Assault/Violence, in violation of the College's non-discrimination policy and the alleged offender must confer with the Title IX Coordinators or the Director/Captain of the PSASO and cooperate with his or her efforts to determine facts and circumstances leading to the complaint, to enable the Title IX Coordinators/Investigators to make a reasonable determination as to the merits of the complaint, and to reach, if possible, an informal resolution that is approved by the Title IX Coordinator(s). Both the victim and offender shall be given an equal opportunity to present information to the Title IX Investigators and/or Coordinators and both may invite another individual to accompany them to any meeting, hearing, or appeal which may be held. The accompanying individual shall not be permitted to represent the alleged victim or alleged offender, but will be permitted to confer with the alleged victim or alleged offender so long as such is conducted in a manner so as not to disrupt the meeting, hearing, inquiry, investigation, or appeal. Every attempt will be made to determine an informed resolution. If such informed resolution is made and agreed to by both parties, the case will be closed.

If an agreeable informal resolution cannot be reached, the Title IX Coordinator(s) will assign responsibility to a Title IX Investigator to conduct further inquiries and investigations, within ten (10) additional working days, as necessary to determine the formal proposed remedy(ies) or resolution(s). If the offender is a member of the faculty or staff, the formal proposed resolution shall be shared with the Senior Vice President or Vice President in the member's chain of command. The Title IX Coordinator and the Deputy Coordinator shall personally render a final formal decision on the matter considering all information gathered by the Title IX Investigators, including the initial complaint, witness

statements and related documentation and impose sanctions as permitted by the Employment and Affirmative Action Manual and the Academic Procedures Manual. In the event the offender is not a faculty, staff, student, vendor, or contractor of the College, the College may bar the offender from FTCC property and notify the offender of the restriction using a second degree trespass notice issued by the PSASO.

Step 2: Should a party wish to appeal the formal decision of the Title IX Coordinator and Deputy Coordinator, either party may prepare and submit a written appeal to the appropriate Senior Vice President (or Vice President) requesting reconsideration of the previous decision. The appeal/reconsideration of decision request must be presented in writing within ten (10) working days after receipt of the Step 1 decision. The appropriate Senior Vice President (or Vice President) will render an appeal decision based on their reconsideration of the information and further inquiry into the matter within ten (10) working days following their initial receipt of such appeal/reconsideration.

Step 3: If either party is dissatisfied with the Senior Vice President's (or Vice President's) final resolution decision, he/she may submit a written appeal, within 10 days of their notification of the decision. The appeal should be addressed to the College President requesting reconsideration of both the Title IX Coordinator(s) findings and the appropriate Senior Vice President (or Vice President's) finding(s). The President may consider the evidence adduced during the previous inquiries and/or investigations, the Title IX Coordinator's recommendations, the decision(s) of the Senior Vice President (Vice President), and any other relevant evidence. The appellant may be asked to appear and present additional testimony or evidence in person to the President (at his/her discretion). Should the President seek additional information from any party, all parties shall have a right to provide oral testimony. The President will render a final decision on the matter within 20 days of receipt of the appeal. No additional administrative remedy shall be granted after a decision is made by the President.

VI-10.4 Miscellaneous Information: In compliance with Title IX requirements, the following additional information is provided related to the filing of complaints:

- FTCC shall retain jurisdiction over Title IX complaints and subsequent inquiries and/or investigations. The evidentiary standard used during inquiries or investigations following a complaint shall be Preponderance

of the Evidence. Normally, Title IX investigations will be assigned to the Director (or Captain) of Public Safety and Security with the final completed investigation report being hand carried to the Title IX Coordinators for a decision using the preponderance of evidence standard.

- Victims may file confidential reports and the College, will make all reasonable efforts to ensure confidentiality. However, if a report is made confidentially or anonymously, the ability of the College to fully explore the complaint may be substantially limited. While assuring rights and due processes of all parties involved in the complaint, FTCC shall attempt to make resolutions with limited access to reported information. The College's Title IX Coordinator (and/or the Deputy Coordinator) will determine the degree of confidentiality that can be allowed based upon the circumstances in the reported action. In situations where absolute confidentiality cannot be maintained to ensure due process of all parties of the complaint, each person given access to the information will be informed that retaliation is prohibited under Title IX.
- Those filing complaints under this procedure may also file a criminal complaint and a Title IX complaint simultaneously (at the discretion of the person making the complaint). Alleged victims shall be notified of this right by the person receiving the initial allegation or complaint.
- Interim measures, approved by the Title IX Coordinators, may be taken to protect the person making the complaint and the person(s) against whom the complaint was made, including such actions as referrals to appropriate agencies who can provide support, misconduct counseling, victim counseling, performance improvement plans, changing course and/or work schedules of one or more of the parties to the complaint.
- Final remedies and/or sanctions that may be included in the Title IX Coordinator(s) decision include but are not limited to: Referrals to counseling, advocacy, and support agencies such as the Employee/Student Assistance Program coordinated on behalf of the student by either the Title IX Coordinators or the Director/Captain of PSASO, security escorts while on college properties, counseling, formal Performance Improvement Plans, immediate mandatory separation of the parties to the complaint, changing of course/work schedules, temporary or permanent suspensions, termination, or expulsions of those where the preponderance of the evidence indicates misconduct has likely occurred.

References:

- Section VI-1, Illegal Discrimination and Sexual Harassment/Violence Prevention Policy
- Title VI and VII of the Civil Rights Act of 1964 and 1991,
- Title IX of the Education Amendments of 1972,
- Clery Act
- Violence against Women Act
- Sections 799A and 845 of the Public Health Service Act,
- Equal Pay Act of 1963,
- Age Discrimination Act of 1967 and later amendments,
- Vocational and Rehabilitation Act of 1973,
- Americans with Disabilities Act of 1990,
- Family and Medical Leave Act of 1993, Executive Orders 11246 and 11375

VI-11 PERFORMANCE APPRAISAL PROCEDURES

VI-11.1 Purpose

To ensure quality performance, retain qualified employees and facilitate the communication of expectations between supervisors and employees, job performance is reviewed regularly for all employees.

VI-11.2 Procedure

1. An Employee Performance Appraisal form (Form E-32) will be completed for each full-time employee once a year.

2. At the beginning of each annual review period, the employee and their supervisor must conduct an initial conference for the purpose of reviewing the employee's job description, establishing individual performance objectives and identifying critical performance dimensions. The supervisor will consider the employee's input in the process. Responsibility for identifying individual performance objectives and critical performance dimensions remains with the supervisor.

    a. The job description should be updated, as needed, by the supervisor with input from the employee. The appropriate senior administrator reviews and approves the updated job description and Human Resources receive the approved job description for any further review and for updating the records of the college.

    b. The supervisor, with input from the employee, will establish individual performance objectives for the employee.

        1. Three or more objectives will be established.

        2. One objective may be directed toward personal growth and/or individual work assignments.

        3. All should support College initiatives and institutional goals.

    c. The employee and supervisor will also review the performance attributes and dimensions found in the Employment and Affirmative Action Manual, VI-11.5: Definitions for Performance Attributes. At the time of the review, the supervisor, with input from the employee, will mark the employability skills and performance attributes that are most critical to the function of that position. In most cases, six or more skills and attributes will be identified

and should include supervisor expectations of employee compliance with the timeliness of work, attendance, and punctuality.

3. During the review period:

   a. The employee and supervisor will communicate formally and informally as needed. Supervisors should record, in writing, the topics discussed during such performance discussions as a memo of record.

   b. The employee and his/her supervisor should review the employee's performance objectives.

4. At the end of the review period, the employee receives an overall assessment on their performance.

   a. The employee may evaluate their own job performance and provide a copy to their supervisor for consideration in the performance appraisal.

   b. Supervisors must complete an Employee Performance Appraisal form (Form E-32) for each of their designated full-time employees.

   c. Prior to the discussion with the employee, the supervisor's supervisor should be briefed if the employee's overall rating is "Below Expectations".

   d. The supervisor conducts an appraisal review with the employee. Both the supervisor and the employee sign the form and may write comments.

   e. Both the employee and the supervisor retain a copy of the completed, signed appraisal.

   f. The supervisor forwards the completed original signed appraisal form through supervisory channels to the Human Resources office for filing.

5. If a full-time employee changes supervisors and has worked for the supervisor for at least ninety days (90) a performance appraisal will be completed according to the end of the review period procedures (See Item 4).

6. Full-time employees reporting to more than one supervisor should have an Employee Performance Appraisal (Form E-32) completed by each supervisor.

7. Full-time employees who separate from employment with the College will receive an end-of-service written performance appraisal if more than ninety days (90) have elapsed since their last appraisal.

a. The employee's supervisor will make all reasonable attempts to conduct a performance appraisal with the employee prior to the employee's last working day.

b. In the event it is not possible for the supervisor to conduct a performance appraisal prior to the employee's last working day, the supervisor will provide a written performance appraisal for inclusion in the employee's personnel file in the Human Resources Office. A copy of the performance appraisal will be mailed to the employee. The employee shall be allowed ten (10) working days to provide a written response to the performance appraisal.

8. Students will evaluate faculty at least once a year. Student evaluations will be taken into account by faculty supervisors when completing the Employee Performance Appraisal (Form E-32). Please refer to the Faculty Handbook and/or Standard Operating Procedures.

9. Supervisors or designees will conduct at least one classroom observation per year using the Faculty Teaching Observation form (Form F-17), per faculty member and include a copy of same with the annual performance appraisal. Classroom observations may be used to document performance appraisal requirements for part-time faculty instructors in lieu of using the full-time appraisal form. Such classroom observations used in lieu of a formal performance appraisal must be sent to HR for inclusion in the part-time instructor's personnel file. Part-time staff should be appraised using the full-time appraisal form (Form E-32).

10. If an employee receives an overall "Below Expectations" rating on their annual performance appraisal, a "Performance Improvement Plan" (PIP) (Form P-24) must be used to document the expected changes needed to improve their performance or behavior. The PIP may also be used any time an employee's performance or behavior fails to meet the supervisor's expectations. Employees on PIP may be considered ineligible for pay raises and/or favorable personnel actions. If the employee does not make the expected performance or behavior improvements within a specified time period, the employee may be disciplined in accordance with policies and procedures of the College.

11. Ninety-days (90) from hire date, a formal written performance appraisal will be conducted near the end of the ninety-day (90) probationary period for all new full-time employees. Supervisors are always responsible for the continuous appraisal of employees' performance, especially during the first year of employment.

12. Supervisors or designees will conduct at least one classroom observation, and at least one students' evaluation of each instructor for all part-time faculty each year.

13. Employees subject to administrative decisions affecting their employment are entitled to due process as outlined in previous sections of the FTCC Employment and Affirmative Action Manual.

14. All appraisals and observations shall be kept confidential.

15. The review period shall begin at the beginning of the fiscal year or at the time employment begins.

16. The review period shall end at the time the supervisor shares the Employee Performance Appraisal with the employee. However, the Employee Performance Appraisal must be received in the Human Resources office no later than the following dates:

    May 30 – Contract II Faculty (10-month Faculty)
    July 15 – Contact I & III Faculty (12-month Faculty)
    July 15 - Staff

    Additionally, supervisors may attach an addendum to the appraisal indicating outstanding or substandard performance by an employee during the remainder of the fiscal year. An addendum may be included for ten-month faculty contracted to work beyond the May 30th date.

VI-11.3 Appeals to Performance Appraisals

Supervisors are responsible for evaluating the performance of their faculty and staff and therefore such appraisals of performance are normally not subject to an appeal, except if such appeal is based upon allegations of improper consideration of the employee's race, national origin, color, religion, gender, disability, age or political affiliation. Evaluated employees who document such illegal considerations in their appraisal process may file such appeal using the grievance process prescribed in section VI-7.3 of this manual.

VI-11.4 *Definitions for Performance Dimensions*

Directions: These definitions are to be used with Section 2, Performance Dimensions, of the Employee Performance Appraisal form to determine the critical dimensions and to help assess/describe performance. For more information, see the Employee Performance Appraisal form (see Fill-in forms on IEA website).

Employability Skills	
Responsibility - Exhibiting individual behaviors that support the goals and objectives of the organization	Support the FTCC mission/purpose, goals and critical success factors
	Demonstrates a positive and supportive attitude
	Perform job to best of your abilities
	Demonstrate initiative
	Behave ethically
	Make decisions ethically
	Follow procedures
	Maintain a safe and clean work environment
	Adhere to company attendance policy/work hours
	Maintain professional appearance
	Accept accountability for actions and decisions
	Admit mistakes
	Utilize chain of command
	Challenge authority professionally
	Think cost effectively
	Meet deadlines
	Keep accurate records
Communication (Oral) - Exchanging ideas and information in oral, written, or visual form	Use correct grammar, appropriate vocabulary and proper etiquette face-to-face or on the telephone
	Use effective tone, pace and inflection in verbal exchanges
	Practice active listening
	Question effectively
	Maintain open communication
	Give and receive constructive feedback
	Negotiate win-win resolutions
	Deliver effective oral presentations(s)
	Understand body language
	Interact rationally with difficult people
Communication (Written) – Exchanging ideas and information in oral, written, or visual form	Demonstrate literacy
	Select appropriate format and style for written communications
	Use correct grammar, spelling, mechanics
	Organize written presentations effectively
	Summarize relevant and pertinent information
	Present information in visually appealing, understandable format
	Understand legal issues related to written communication
	Write business-appropriate correspondence (e-mails, letters, memos, etc.)
	Write legibly
Adaptability - Exhibiting flexibility and receptivity to changing technologies, methods, processes, work environments, and organizational structures and practices	Embrace change
	Seek learning and growth opportunities
	Adjust to physical changes in workplace
	Adjust to changes in work flow
	Manage multiple assignments
	Adapt to the environment
	Support new ideas openly
Adaptability - (Continued)	Complete a periodic self-assessment
	Adapt to changing technologies
	Be aware of global impact on the workplace
Teamwork - Working cooperatively with others to analyze a situation, establish priorities, and apply resources for solving a problem or accomplishing a task	Understand the importance of teamwork
	Commit to team cohesion
	Shares information and works cooperatively with others
	Embrace individual differences, including cultural, generational and global (diversity)

VI-11.4 *Definitions for Performance Dimensions*	
	Incorporate creativity
	Participate in team planning activities
	Evaluate objectively the ideas of team members to determine option(s)
	Carry out team assignments in a timely manner
	Communicate team results to appropriate people
	Evaluate team results
Problem Solving - Identifying problems, potential causes, and continuous improvement opportunities	Be proactive in preventing problem occurrences
	Define characteristics of situation or problem
	Gather essential information
	Determine root cause
	Recognize organizational and personal barriers
	Brainstorm possible solutions
	Utilize problem solving methods
	Use appropriate technology
	Establish decision criteria
	Interpret data
	Evaluate potential outcomes
	Prioritize best solutions
	Implement best solution(s)
	Monitor, evaluate, and share results with appropriate individuals
	Ensure proper follow up with internal and external customers
	Know when to seek help
	Approach problem as a learning opportunity
Information Processing – Finding, using, and sharing information	Determine information required
	Identify information resources
	Gather required information
	Modify search as required
	Compile information into appropriate format
	Understand sensitivity of data
	Ensure accuracy of sources
	Communicate with appropriate people
	Document action(s) taken
	Demonstrate math skills appropriate to workplace
	Demonstrate basic computer and associated application skills

VI-11.5 *Definitions for Performance Attributes*	
Classroom Instructional Skills/Knowledge	Staying current with new information and activities related to discipline. Demonstrating professional expertise in assigned subject matter and teaching methodology, including performance-based learning, alternative delivery methods, and instructional technology.
Classroom Management	Maintaining appropriate environment for learning. Using class time effectively. Conveying enthusiastic attitude toward subject and encouraging student participation in class. Presenting current concepts and skills in courses and updating syllabi as needed.
Classroom Presentation	Applying appropriate instructional strategies and adequately conveys content. Is flexible in responding to the learning needs of students and adapting lesson plans as needed to facilitate student achievement.
College Service	Participating in and supporting college initiatives and activities. Serving on committees as requested. Attending scheduled meetings.
Course Management	Reviewing and revising assigned course (s) to ensure current concepts, content, and learning experiences are current. Assessing assigned course (s) to ensure appropriate evaluation mechanisms are used to measure subject knowledge and performance. Demonstrating an ongoing review and analysis of course (s) retention and attrition.
Customer Service	Treating students, the general public, and co-workers with basic courtesy. Being helpful and responsive to the concerns of others and promoting the college in a positive light.
Employee Development	Providing career planning for direct reports through employee development opportunities including training and varied job assignments. Providing feedback to support employees' efforts to achieve established performance outcomes.
Facility, Equipment and Supply Management	Developing and managing budgets based on objectives of the unit in order to identify and utilize resources to provide successful outcomes.
Initiative	Starting assignments without prompting and independently contributing ideas and projects. Seeing and acting upon new opportunities.
Job Skills/Knowledge	Possessing the knowledge and job skills for the specific area of responsibility assigned. Demonstrating an understanding of the administrative and management procedures related to assigned responsibilities.
Leadership	Demonstrating initiative through encouragement of new ideas, innovation and creativity. Providing for continuous improvement of college programs and services through techniques of mentoring, coaching and problem solving. Setting a good example by displaying a positive approach and professional demeanor.
Personnel Management / Supervision	Managing and supervising assigned staff while consistently adhering to policies and procedures established by the institution. Is sensitive and supportive of the college's EEO/Affirmative Action guidelines.
Planning/Organization	Scheduling and planning most efficient use of time in order to accomplish a specific goal. Keeping accurate records.
Professional Development	Participating in staff development activities on and off campus to learn new ways to improve job skills and knowledge.
Program Administration	Managing program or service area through utilization of available resources, maintaining records, developing schedules and monitoring progress of established outcomes.
Quality of Work	Demonstrating neatness, thoroughness and accuracy in completing job assignments.

Student Advisement	Demonstrating a professional, student-oriented customer service attitude toward all students. Listening to student concerns, asking appropriate questions, providing program of study recommendations, and making applicable referrals. Maintaining currency in College policies in order to provide knowledgeable information to students. Ensuring advisee records are current and accurate. Maintaining contact with advisees on a consistent and systematic basis.
Timeliness of Work	Reporting to work on time at the designated workplace as prescribed by the supervisor or making contact with the supervisor prior to the beginning of the schedules shift if unable to arrive on time, be out sick, or an emergency situation arises. Completing assignments within established deadlines.

VI-12 DISABILITY AND REASONABLE ACCOMMODATION PROCEDURE (INTERACTIVE PROCESS)

Fayetteville Technical Community College (FTCC) is committed to assisting employees (and applicants) with medical impairments and/or disabilities as they seek accommodations when such accommodations can be identified allowing an employee to complete their essential job duties and functions. The College uses an interactive process to encourage ongoing dialogue between FTCC supervisors and the employee (or applicant) as it relates to medically prescribed work restrictions and/or essential job duties of the position. The interactive process is normally facilitated by the Vice President for Human Resources and Institutional Effectiveness(VP for HR/IE) with the following parties participating throughout the interactive process:

1. Employee (or applicant)
2. Senior Vice President or Vice President of the employee seeking accommodation assistance
3. Immediate FTCC Supervisor of the position and/or incumbent
4. FTCC Benefits Specialist
5. Human Resources Staff (for taking of meeting minutes)
6. FTCC Vice President for Legal and Risk Management
7. Other parties at request of employee (or applicant) or Immediate Supervisor

Generally, the employee (or applicant) will notify the Human Resources Personnel Manager of an accommodation need and submit medical documentation supporting the request for accommodation. A College fill-in form (# D-1) entitled “Individual Disability Disclosure” is available for use when requesting an accommodation. Within five (5) working days of receipt of the above disability disclosure and/or request for accommodation, the Office of Human Resources take the following actions:

1. Schedule a meeting of the above parties to begin an open dialogue and discussion of the requested accommodation(s). Notice of date, time and location will be provided to all meeting members.

2. Prepare file folders for each participant that includes copies of the Job Description, Organization Chart, and general information related to the requested accommodation. The VP for HR/IE will determine what items can be shared with meeting attendees prior to the meeting to protect the privacy of the employee's medical condition but yet allow members of the group to have a general understanding of the specific accommodations requested. Generally, medical documentation will not be shared with the interactive process group members unless the employee (or applicant) requests such documents to be shared.

Meeting attendees shall engage in open dialogue to address the specific work restrictions causing a need for accommodation(s) comparing those work restrictions to the essential job functions/duties of the position. The goal of the interactive process is to maintain an open dialogue leading to possible accommodations meeting both the employee's (or applicant's) needs while allowing the incumbent to fulfill their position's essential job duties. If reasonable accommodation(s) are identified preventing an undue hardship to the College or further injury or harm to the employee (or applicant), the accommodations will be implemented as quickly as possible (normally within 2 to 3 working days) following the meeting date. Should the first meeting fail to identify reasonable accommodation(s), a second meeting (normally, convened 2 to 3 working days after the first meeting) will be held with the same parties, and the Senior Vice President or Vice President of the employee (or applicant). The Senior Vice President or Vice President will be allowed to join the interactive process dialogue to assist in identifying possible accommodations. If no reasonable accommodations can be determined during the second meeting, the employee will be asked to discuss his/her work restrictions further with their physician to determine if work restriction modifications are possible and/or alternatively discuss the possibility of employment disability. The employee (or applicant) is encouraged to share their job description, organization chart and minutes of the previous meeting(s) with their physician as part of this ongoing dialogue and pursuit of reasonable accommodations.

If the physician modifies the work restrictions, another interactive process meeting will be scheduled by the College's Personnel Manager. The same parties at previous meetings will be scheduled to attend allowing for continuation of the interactive process.

Goals of the interactive process are to:

1. Engage in timely and open discussions, seeking possible accommodations for medically documented work restrictions allowing for continued completion of essential job duties and functions. In most cases, reasonable accommodations are likely to be identified. However, should such accommodations not be identified, the employee (or applicant) may be requested to revisit their physician seeking further guidance, assistance, and/or consideration of work restriction modifications or disability processing, as deemed appropriate by the physician. Employees are encouraged to share with their physician copies of their job description, organization chart, and

minutes of the interactive process meeting(s) which will be provided to the employee upon request.

2. Develop a timeline for implementation of reasonable accommodations identified in step 1 above, preventing further harm or injury to the employee (or applicant) and not creating an undue hardship for the College.
3. To continue such ongoing discussions as the employee's medical condition improves or declines to identify modifications that may be needed over time.

Questions concerning this procedure should be addressed to the Vice President for Human Resources and Institutional Effectiveness.